

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Driver Licenses

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PURPOSE AND EFFECT: This rule chapter sets forth the standards for the Florida Motorcycle Safety Education Program, hereafter referred to as the Florida Rider Training Program (FRTP) with organizations to provide motorcycle safety training, the certification of instructors hereafter referred to as RiderCoaches (RC), and regulating the conduct of these programs and courses by the Department of Highway Safety and Motor Vehicles (DHSMV)/Florida Rider Training Program (FRTP) pursuant to Sections 322.0255, 322.12(5)(a), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Compliance with these rules is required to obtain and to maintain licensure and certification by FRTP.

RULEMAKING AUTHORITY: 322.0255 FS.

LAW IMPLEMENTED: 322.0255, 322.12(5) 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, January 4, 2010, 10:30 a.m.

PLACE: Department of Highway Safety and Motor Vehicles, Auditorium, 2900 Apalachee Parkway, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Barbara Lauer, Bureau of

Driver Education and DUI Programs, 2900 Apalachee Parkway, Room B214, Tallahassee, FL 32399-0500, (850)617-2534

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

15A-12.001 Purpose.

This rule chapter sets forth the standards for the Florida Motorcycle Safety Education Program, hereafter referred to as the Florida Rider Training Program (FRTP) with organizations to provide motorcycle safety training, the certification of instructors hereafter referred to as RiderCoaches (RC), and regulating the conduct of these programs and courses by the Department of Highway Safety and Motor Vehicles (DHSMV)/Florida Rider Training Program (FRTP) pursuant to Sections 322.0255, 322.12(5)(a), Florida Statutes. Compliance with these rules is required to obtain and to maintain licensure and certification by FRTP.

Rulemaking Authority 322.0255 FS. Law Implemented 322.0255, 322.12(5)(a) FS. History--New _____.

15A-12.002 Definitions.

(1) Curriculum – the Basic Rider Course (BRC) or Experienced Rider Course (ERC) curriculum from the Motorcycle Safety Foundation (MSF), Sidecar/Trice Education Program (S/TEP) curriculum from the Evergreen Safety Council (ESC) or a standardized course authorized by FRTP.

(2) Department – The Department of Highway Safety and Motor Vehicles (DHSMV).

(3) Manager – any individual who oversees the day-to-day operation of the state motorcycle safety program.

(4) Motorcycle Safety Foundation – “A not for profit foundation, supported by motorcycle manufacturers, that provides leadership to the motorcycle safety community.” They developed various courses approved for use in Florida.

(5) Program Fee – the fee charged by the motorcycle training program for providing education on motorcycle safety.

(6) Sponsor – an entity which provides or intends to provide motorcycle safety training program services and functions in the State of Florida, hereinafter identified as “the Sponsor.”

Rulemaking Authority 322.0255 FS. Law Implemented 322.0255, 322.12(5)(a) FS. History--New _____.

15A-12.003 Reciprocity.

Motorcycle training programs recognized, approved, licensed, or certified by another state or country’s driver license authority, that are recognized by FRTP as being similar to the motorcycle safety training program in this State.

Rulemaking Authority 322.0255 FS. Law Implemented 322.0255, 322.12(5)(a) FS. History--New _____.

15A-12.004 Application for Authority to Conduct a Motorcycle Safety Training Program.

(1) Locate a suitable area for a range. An unobstructed area of 200' x 300' is recommended. Potential alternatives can be found on the MSF website. A request for any range approval shall be made electronically or in writing to FRTP to secure a letter of authorization with FRTP.

(2) Obtain a letter of understanding from the property owner stating you have permission to use the property for motorcycle safety courses.

(3) Complete the forms listed below which are available from MSF website, www.msf-usa.org, Training Site Support, Rider Education Recognition Program (RERP) Forms:

(a) Rider Education Recognition Program (RERP) Agreement.

(b) Rider Education Recognition Program (RERP) Application.

(c) Rider Education Recognition Program (RERP) Range Application.

(4) The regional coordinator will verify the range area and all forms will be sent to the FRTP Program Manager who will sign and forward them to MSF for approval.

(5) MSF will send a letter of approval to the applicant with a copy to the FRTP Program Manager.

(6) Once FRTP receives clearance from MSF, FRTP will initiate the letter of authorization process.

(7) The letter of authorization will be signed by the Director of the Division of Driver License or her designee and provided to the Sponsor.

(8) Only when the applicant receives both official documents, will they be able to start classes.

(9) Non-transferability. Any change in the information provided by the applicant must be approved by FRTP. A letter of authorization shall not be transferable. The program shall notify FRTP at least 90 days prior to the effective date of a proposed change in the program's corporate structure. FRTP shall review the proposed changes and may request additional information from the program.

(10) The Sponsor shall be given Primary and Secondary signatory forms designed to designate approval authority for the motorcycle safety course classes. The Sponsor shall keep record of Online Data Exchange System signatories, signatory ID's and clerical additions.

(11) Program Title.

(a) No program shall use, adopt, or conduct any business under a name that is like or deceptively similar to a name used by another program.

(b) A program shall not use the word "State" in any part of the program name.

(12) A copy of the program's certificate of occupancy or documentation reflecting compliance with local, state, and federal fire, sanitation and building requirements shall be made available upon request by FRTP.

(13) The program shall permit FRTP and its representatives upon request to inspect the program, its public facilities, equipment and records that are required by these administrative rules to be maintained in the operation of the program.

(14) The procedure followed for processing the application will be pursuant to Section 120.60, F.S.

Rulemaking Authority 322.0255 FS. Law Implemented 322.0255, 322.12(5)(a) FS. History--New _____.

15A-12.005 Authorized Program: Requirements and Limitations.

(1) An organization authorized to conduct motorcycle safety education program

(a) All RiderCoaches must abide by the FRTP and MSF Rules of Professional Conduct;

(b) Sponsors must attend required meetings, advise FRTP of organizational changes, location of services, schedules of classes and provide copies of incident reports and legal actions.

(c) Sponsors must submit reports on student completion in the format required by the FRTP. All completions will be entered within three days of the conclusion of the class into the Online Data Exchange System;

(d) RiderCoaches must meet all requirements regarding certification, continuing recertification, conduct, background, administrative rule requirements, and customer testing of students;

(e) Sponsors must provide proper insurance coverage with FRTP listed as a Certificate holder or co-insured on the policy and any changes to that policy must be provided to FRTP;

(f) Sponsors and RiderCoaches will cooperate with FRTP staff or their consultants on quality assurance site visits;

(g) Sponsors must maintain training materials and equipment; all cosmetic damage to state loaned motorcycles must be repaired at least annually; any motorcycle that has been involved in a crash will be immediately removed from service; the Sponsor must ensure that it is inspected and ridden by a RiderCoach to ensure proper repair prior to student use;

(h) Sponsors must maintain all ranges and meet safety codes;

(2) The Sponsor is solely responsible for the performance of all aspects of these administrative rules. The Sponsor may subcontract aspects of these requirements but assumes full responsibility for the performance of that subcontractor.

(3) A program shall not use any name other than its registered name with the Secretary of State, for advertising or publicity purposes, nor shall a program advertise or imply that it is "recommended," or "endorsed" by FRTP.

(4) No program, RiderCoach or employee shall advertise or represent themselves to be an agent or employee of FRTP or allow the use of any advertisement which would reasonably have the effect of leading the public to believe that they are or were an employee or representative of FRTP.

(5) No program, RiderCoach or employee shall solicit business on the premises rented, leased or owned by FRTP including parking lots adjoining driver license examining offices or parking lots used by driver license applicants.

(6) No program shall make a false or misleading claim in any of its advertisements.

(7) Obscene Advertising. No program shall use any form of advertising which is obscene, lewd, or pornographic. Upon a finding by FRTP that a program has used any obscene advertising in any medium, the program's license will be suspended upon a first offense, and a mandatory license revocation for a second offense.

(8) The Sponsor must notify FRTP in writing of any legal action filed against the Sponsor, its officers or the RiderCoaches within 10 days of receiving notice of such action.

(9) With the implementation of the electronic Online Data Exchange System, reports must be submitted within three days of course completion. If any portion of the documentation is incorrect or incomplete, it may be addressed via email to the Sponsor or the documentation will be returned to the Sponsor for correction and must be resubmitted by the Sponsor within 3 working days of receipt.

(10) By submission of the online reports, the Sponsor certifies their correctness. All such reports are subject to audit by the State or its designee.

(11) The Sponsor shall direct all required correspondence and reports to the Department which shall bear an original signature. Of the Sponsors designated representative.

(12) The Sponsor shall provide a completion card to each student who successfully completes a department approved Rider Course but this does not negate the requirement to enter all information in the online system.

(13) The Sponsor shall provide a properly equipped classroom conducive to learning as outlined in the RiderCoach Guide. There shall be sufficient classroom space to comfortably accommodate all students with a minimum of twenty (20) square feet of space per student.

(14) The Sponsor shall issue each student a current original edition of the BRC Rider Handbook, S/TEP Student Book or supply each a set of ERC Suite Classroom cards to be used during the class when applicable. Handbooks cannot be photocopied.

(15) Sponsor schools must order and pay for all Rider Course completion cards, as well as MSF and ESC workbooks directly through MSF and ESC.

(16) A student who fails either the Rider Course knowledge test or skills test shall be allowed one retest. The retest shall not be on the same day as the failure. The retest shall be at no cost to the student and shall occur within 60 days of the date of the failure.

Rulemaking Authority 322.0255 FS. Law Implemented 322.0255, 322.12(5)(a) FS. History--New _____.

15A-12.006 Quality Assurance.

FRTP will process quality assurance at each program site to ensure compliance with these administrative rules, Florida Statutes, and the Florida Administrative Code. The FRTP staff and consultants under these administrative rules shall:

(1) Conduct unannounced site visits.

(2) Check the range for size and safety compliance; if there is an immediate safety issue the range shall be shut down; a report shall be made on the Quality Assurance Audit Form.

(3) During a site visit, all representatives of the program shall cooperate with FRTP's representative(s), and, upon request, shall exhibit all records, instructional aids, manuals, or such other materials as necessary for the review.

(4) The person completing the quality assurance will produce a report on the Quality Assurance Audit Form which shall be provided to the Sponsor.

(5) Sponsors shall be responsible for ensuring any deficiencies noted in the report are remedied in the time allotted. Failure to do so shall be considered administrative rule violations which are cause for termination of authorization to provide motorcycle safety education.

(a) The Quality Assurance Audit Form, HSMV..... outlines the steps that will be taken by the Florida Rider Training Program (FRTP), when the Code of Conduct and / or the Florida "Letter of understanding", are not adhered to.

(b) On the first observation the State representative documents in a comprehensive report what they saw and why it was viewed as a problem. This report is submitted to FRTP for review. A notice will be provided to the Rider Coach and Sponsor. The Rider Coach and Sponsor will be allowed to explain why they do it that way or did it that way. If it makes sense and is just different then ok, if not advise Rider Coach and Sponsor of corrective measure(s) to be taken by them to correct it.

(6) In order to better facilitate site visits, the shall provide the Department a quarterly Rider Course schedule no later than the 15th of the month preceding the new quarter. The course schedule shall be sent to FRTP-Schedules@flhsmv.gov. The Sponsor shall notify the Department of any changes in course schedules.

(7) The steps for non-compliance issues are as follows:

(a) 1st Time Observed: The State representative shall explain in a comprehensive report what they viewed and why it was considered a problem. This report shall be submitted to the

Quality Assurance Coordinator for review. A notice shall be sent electronically to the RiderCoach and Sponsor who must respond to this report.

(b) 2nd Time Observed: The State representative shall explain in a comprehensive report what they observed and why it was considered a problem. This report will be submitted to the Quality Assurance Coordinator for review. A notice shall be sent electronically to the Rider Coach and Sponsor advising them that a second written complaint has been received by QA – FRTP. A written warning to be issued by an FRTP member to the Rider Coach and Sponsor and the Sponsor will receive notice of the action. The Rider Coach and Sponsor will be placed on notice for a period of 6 months.

(c) 3rd. Time Observed: The State representative shall explain in a comprehensive report what they observed and why it was considered a problem. This report shall be submitted to the Quality Assurance Coordinator for review. A notice shall be sent electronically to the Rider Coach and Sponsor advising them that a third written complaint has been received. After a review by the QA Coordinator and the FRTP Manager a letter of suspension shall be sent to the Rider Coach and Sponsor of their FRTP recognition for a period of 90 days, this letter will be forwarded to the Sponsor. The Rider Coach and Sponsor may address complaint if desired. During this time the RiderCoach must attend an RCP or clinic to observe or participate in and must be observed on the first class he/she is teaching following this suspension. The Sponsor must correct the issues noted in the audit report prior to the end of the suspension.

(d) 4th. Time observed: The State representative shall explain in a comprehensive report what they saw, and why it was seen as a problem. This report shall be submitted to the Quality Assurance Coordinator for review. A notice shall be sent electronically to the Rider Coach and Sponsor advising them that a fourth written complaint has been received by QA – FRTP. After a review by the Quality Assurance Coordinator and the FRTP Manager, FRTP shall issue a letter of suspension of their FRTP recognition for one year to the Rider Coach. The Sponsor's authorization to conduct rider education shall be suspended. The RiderCoach, along with the Sponsor, if they choose, can address the complaint, pursuant to Chapter 120, Florida Statutes, prior to the full suspension being enacted. Prior to returning to any program in the State of Florida as a Rider Coach they must complete a pre-approved educational plan and apply as a new coach. The Sponsor must reapply with the state for a Letter of Understanding to conduct Rider Training in the State of Florida.

Rulemaking Authority 322.0255 FS. Law Implemented 322.0255, 322.12(5)(a) FS. History–New _____.

15A-12.007 Student and Program Records.

The program Sponsor shall produce and maintain specific records as identified below:

(1) Student Observation/Incident Report. HSMV Form 77008, where applicable. The Sponsor shall submit copies of all incident reports to the Department within 30 days of occurrence.

(2) The student has one year from the date the BRC was completed to secure the endorsement on their driver license.

Rulemaking Authority 322.0255 FS. Law Implemented 322.0255, 322.12(5)(a) FS. History–New _____.

15A-12.008 Personnel Certification.

(1) The Sponsors shall employ only RiderCoaches who are recognized by FRTP and certified by MSF.

(2) RiderCoaches and Sponsors must adhere to the professional standards adopted by FRTP as established by the MSF and the ESC.

(3) RiderCoaches trained in another state, must, prior to teaching in Florida, complete a BRC RiderCoach Information Sheet; submit a driver's record and criminal history background and a copy of their MSF RiderCoach card to the area Regional Coordinator. Then they will be evaluated by FRTP staff or their designee. They must also attend a RiderCoach update within six months of evaluation.

(4) RiderCoaches must maintain their certification and a valid driver license with a motorcycle endorsement.

(5) RiderCoaches must sign and abide by the FRTP's RiderCoach Rules of Professional Conduct, teach or team teach a minimum of one complete BRC or S/TEP annually, attend one FRTP RiderCoach Update and one professional development activity in their certification period (two years).

(6) RiderCoaches must recertify with MSF on-line and must forward recertification surveys to Sponsors.

(7) RiderCoaches must refrain from conduct that would constitute conduct unbecoming a public employee, defined by Rule 15-3 of the Florida Administrative Code on the job and off.

(8) RiderCoaches shall ensure that no assistance is given any student in a manner that provides unfair advantage in passing the skills and/or knowledge tests. RiderCoaches cannot conduct tests for their relatives as defined in Section 112.3135, Florida Statutes.

(9) RiderCoaches cannot be employed if they engage in behavior which constitutes sexual harassment, discrimination or behavior which endangers the health, safety and welfare of any person or the general public. They cannot be convicted of or placed on probation for any felony within a time period to be determined on a case by case basis by FRTP, any offense involving alcohol, drugs, violence, dishonesty, deceit, fraud or indecency within a time period determined on a case by case basis by FRTP.

Rulemaking Authority 322.0255 FS. Law Implemented 322.0255, 322.12(5)(a) FS. History–New _____.

Rulemaking Authority 322.0255 FS. Law Implemented 322.0255, 322.12(5)(a) FS. History–New _____.

15A-12.009 Complaints.

Any complaint against the Florida Rider Training Program must be submitted to the Florida Department of Highway Safety and Motor Vehicles, Bureau of Driver Education and DUI Programs, 2900 Apalachee Parkway, MS 88, Room B214, Tallahassee, Florida, in writing. The complaint can also be submitted electronically by contacting (850)617-3815 for the specific email address.

Rulemaking Authority 322.0255 FS. Law Implemented 322.0255, 322.12(5)(a) FS. History–New _____.

15A-12.010 Compliance and Termination of RiderCoach Recognition or Sponsor Authorization to Conduct Motorcycle Safety Education Courses.

(1) Administrative non-compliance is the failure to meet requirements for reporting, notifications, record keeping and similar acts that do not compromise testing integrity or public safety. The first occurrence requires a written reprimand and a repeated one requires a 30 day suspension of the authorization to provide motorcycle safety education.

(2) Discrepancy in test procedure is the failure to properly administer a required portion of a test procedure, such as the omission of a required maneuver. The first occurrence is a ten day suspension of the administrative rule agreement and a repeated occurrence requires the termination thereof.

(3) A major discrepancy in testing procedures is a failure to include all required parts, use of an unsafe vehicle for testing, or other action that significantly compromises the integrity of the testing process. This requires a 45 day suspension for the first occurrence and the termination if it is repeated.

(4) Fraud is defined as the abuse of authorities granted under these administrative rules to gain profit through the issuance of test waivers for students who have not passed a complete test.

(5) The authorization to conduct motorcycle safety education may be cancelled if a Sponsor refused to allow public access to all documents subject to Chapter 119, F.S., failed to comply with any part of these administrative rules, commits an act that compromises the integrity of the program, uses a RiderCoach who is not Florida recognized.

(6) Upon termination of the authorization, all loaned equipment and program materials must be returned to FRTP within 10 calendar days of the termination.

Rulemaking Authority 322.0255 FS. Law Implemented 322.0255, 322.12(5)(a) FS. History–New _____.

15A-12.011 Forms.

The forms listed below are incorporated by reference for administration of the FRTP program. Copies of the forms may be obtained from the FRTP website, under forms or by contacting the Department, Neil Kirkman Building, MS 88, Room B211, Tallahassee, Florida 32399-0571.

- (1) Form 77108, “BRC Skill Evaluation Score Sheet.”
- (2) Form 77110, “ERC Skill Evaluation Score Sheet.”
- (3) Quality Assurance Form.

Rulemaking Authority 322.0255 FS. Law Implemented 322.0255, 322.12(5)(a) FS. History–New _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.217
RULE TITLE: Elderly Offender Housing

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to remove reference to the Correctional Privatization Commission, as the commission no longer exists.
SUBJECT AREA TO BE ADDRESSED: Elderly offender housing.

RULEMAKING AUTHORITY: 944.09, 944.804 FS.

LAW IMPLEMENTED: 944.09, 944.804 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.217 Elderly Offender Housing.

(1) Definitions.

(a) Institutional Classification Team (ICT) – refers to the team consisting of the warden or assistant warden, classification supervisor, a correctional officer chief, and other members as necessary when appointed by the warden or designated by rule. The ICT is responsible for making work, program, housing and inmate status decisions at a facility and for making other recommendations to the State Classification Office (SCO).

(b) State Classification Office (SCO) – refers to a staff member at the central office level who is responsible for the review of inmate classification decisions. Duties include approving or rejecting ICT recommendations.

(c) Elderly Offender – an inmate age 50 or older in a state correctional institution ~~or facility~~ operated by the Department of Corrections ~~or a private facility operated by the Department of Management Services or the Correctional Privatization Commission.~~

(d) River Junction Work Camp – a geriatric facility designated by Section 944.804, F.S., for generally healthy elderly offenders who can perform general work appropriate for their physical and mental condition.

(e) Inmate Support Group – a group of inmates under the age of 50 who are needed to supplement the elderly inmate work assignments.

(2) Placement criteria. Inmates shall be recommended for placement at River Junction Work Camp through routine classification assignment.

(a) Inmates shall meet the following criteria for housing at RJCI:

1. Age 50 or older (other than inmate support group inmates);
2. Medium, minimum, or community custody;
3. Have not received three or more major disciplinary reports within the last six months;
4. Are not otherwise deemed to be a security risk for placement; and
5. Medical profile that will allow the inmate to perform meaningful work activities.

(b) ~~An inmate~~ ~~The following inmates~~ shall not be eligible for housing at RJCI ~~if he~~:

1. ~~Is close~~ ~~Close~~ or maximum custody;
2. ~~Has~~ ~~Have~~ a current or prior conviction for any sex offense;
3. ~~Has~~ ~~Have~~ a current or prior conviction for first degree murder;
4. ~~Has~~ ~~Have~~ an escape history or escape arrest with unknown disposition;
5. ~~Has~~ ~~Have~~ a violent felony or INS detainer;
6. ~~Has~~ ~~Have~~ an ex-death sentence;
7. ~~Has~~ ~~Have~~ a life sentence without parole eligibility;
8. ~~Has~~ ~~Have~~ been released from close management status within the last six months; or
9. ~~Has~~ ~~Have~~ a special medical need ~~that which~~ cannot be accommodated in the work camp setting.

Rulemaking Specific Authority 944.09, 944.804 FS. Law Implemented 944.09, 944.804 FS. History–New 9-15-02, Amended 4-1-04, _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.603
 RULE TITLE: Furloughs

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify that inmates on community custody status are eligible to be considered for furlough, to update form names and numbers, and to amend for grammatical accuracy.

SUBJECT AREA TO BE ADDRESSED: Furloughs.

RULEMAKING AUTHORITY: 945.091 FS.

LAW IMPLEMENTED: 945.091 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.603 Furloughs.

(1) Purpose. This rule sets forth guidelines for the utilization of type A and B furloughs.

(2) Definitions.

(a) Furlough – The program ~~that which~~ allows inmates to visit in the community for specified purposes and under certain conditions.

(b) Correctional Officer Major – The chief correctional officer who is charged with the responsibility of the daily operation of a community correctional center.

(c) Approving Authority – For purposes of this rule, the term “approving authority” refers to the Secretary of the Department of Corrections or his designee who shall be the warden of a major institution or the select exempt service status employee who has oversight responsibility of a community correctional center.

(d) Relative – Relative is defined as a member of the inmate’s immediate family, i.e., parent, grandparent, brother, sister, spouse, child, grandchild, or legal guardian.

(e) Non-relative sponsor – A person approved through the furlough sponsor process ~~who that~~ is not ~~a relative~~ ~~an immediate family member~~ of the inmate.

(f) Family Visitation – A visit with a relative for the purpose of re-establishing family ties.

(g) Non-Advanceable Release Date – A release date ~~that which~~ cannot be reduced by the application of discretionary gain time.

(3) Policy Statement.

(a) Except as limited in this rule, the limits of confinement for inmates participating in the furlough program will be ~~relaxed~~ ~~extended~~ in area and in time to the degree necessary to allow the inmate to travel to the furlough destination, accomplish the purpose for which the furlough was authorized, and return to the facility. The limits will be specified in writing and the inmate will be advised of the limits prior to the issuance of a furlough.

(b) The department will allow inmates to leave the principal places of their confinement unaccompanied by a custodial agent for a prescribed period of time ~~not accompanied by a custodial agent~~.

(c) The department shall have the authority to remove an inmate from the furlough program when the department determines that removal is in the best interest of the security and safety of the public, the department, or the inmate.

(d) The decision as to which inmates shall be allowed to leave the principal places of their confinement shall be based upon criteria set forth in subsection (6) of this rule 33-601.603(6), F.A.C.

(e) Inmate participation in the furlough programs shall be voluntary.

(f) Inmates who participate in the furlough programs shall at all times be considered in the custody of the department.

(4) Requirements and General Considerations.

(a) Participation in the furlough program is not a right, but a privilege that which must be earned by the inmate.

(b) Federal inmates housed in state facilities, inmates placed with the department pursuant to interstate compact agreements, and inmates within the custody of the department shall be eligible for consideration for furlough privileges.

(c) The objectives of the furlough program ~~is are~~ to contribute to the total rehabilitation of the inmate by any of the following means:

1. Easing ~~Ease~~ the transition from prison back to the community.

2. Seeking ~~Seek~~ employment that which may be retained after the inmate is released from the facility.

3. Helping ~~Help~~ determine the inmate's readiness for release.

4. Preserving ~~Preserve~~ family and community ties.

5. Permitting ~~Permit~~ the inmate to develop or maintain occupational skills.

(d) General conditions applicable to participation in the furlough program are as follows:

1. An inmate who is furloughed to a sponsor shall remain in the company of that sponsor during the entire period of the furlough.

2. No inmate participating in the on-a furlough program shall be allowed to operate any type of motor vehicle. Transportation shall be provided by the furlough sponsor or the facility. Public transportation shall be authorized when a

furlough sponsor does not possess private means of transportation or when such transportation is required due to time or distance limitations. If public transportation is used, the cost of such transportation shall be paid by the inmate or sponsor.

3. Inmates who have contact with the community shall be subject to periodic drug testing. All inmates considered for furlough participation shall be subject to drug testing as a condition of their participation or consideration for the furlough.

(e) Clothing Requirements.

1. Inmates shall wear clothing suitable for the furlough program in which they are engaged.

2. In the event that suitable clothing is not available at the institution, the inmate's family shall be required to furnish such clothing to the inmate. The control of civilian clothing for inmates on furlough will be covered by an institutional or center operating procedure.

(f) Upon request of the inmate, community and minimum custody inmates will be considered for furlough providing:

1. Objectives and goals specified in this rule will be met;

2. If a detainer exists from an outside agency, the detaining authority has, in writing, not objected to for the inmate's participation ~~inmate to participate~~ in the furlough program;

3. The purpose for the furlough is legitimate and within a recognized reason for granting furlough, as specified in this rule;

4. The interests of the safety and security of the community and department will be served;

5. Any additional requirements or conditions imposed for the particular type of furlough requested are met; and

6. There is cause to believe that the inmate will honor the trust bestowed upon him or her. All furloughs shall be verified by the approving authority for the legitimacy and authenticity of the furlough requested ~~by the approving authority~~.

(5) Furlough Sponsors.

(a) All furlough sponsors must be at least 18 years of age and must produce identification to verify age and identity.

(b) Factors used in assessing the appropriateness of an applicant to serve as a furlough sponsor are:

1. The nature of the relationship between the inmate and the prospective sponsor;

2. Institutional security concerns;

3. The arrest record, if any, of the prospective sponsor. In the event that the prospective sponsor has a criminal record, the nature and extent of that record and the date of the offenses shall be weighed against the value of the relationship;

4. Any other factor that which impacts the safety and security of the public, institution, or inmate;

5. Whether the potential sponsor is ~~Must be~~ a relative of the inmate, unless no such relative is available. In that event, a non-relative furlough sponsor shall be utilized.

(c) A furlough sponsor will not be approved if:

1. ~~The applicant Applicant~~ is under any active felony supervision;
2. ~~The applicant Applicant~~ has introduced or attempted to introduce contraband into any correctional facility within the last 10 years as documented by an incident report; or evidenced by a finding of guilt by a court or administrative body;
3. ~~The applicant Applicant~~ has assisted or attempted to assist an escape or escape attempt from any correctional facility;
4. ~~The applicant Applicant~~ or inmate has committed a violation of department regulations during furlough activities in which the applicant has served as a sponsor; within the last five years;
5. ~~The applicant Applicant~~ or inmate has given false information at any point during the application process, unless it is reasonably determinable that the incorrect information was provided as a result of an inadvertant or good faith mistake, omission, or clerical error.

(d) Approval to serve as furlough sponsor is subject to termination at any time for the reasons stated below:

1. Failure to disclose criminal activity;
2. Current criminal activity;
3. Violation of any rule set forth in Form DC6-152, Type A/B Furlough Sponsor Agreement, if the person is serving as sponsor for a type B furlough. Form DC6-152 is incorporated by reference in subsection (11) of this rule;
4. Infraction of furlough procedures;
5. Information acquired by the department that supports reasonable belief that the sponsor's conduct or behavior does not promote the goals and objectives of the furlough;
6. Any other Sponsor is deemed to present a threat to the security, order, or rehabilitative objectives of the correctional system, or to the safety of any person posed by continued participation by the sponsor.

(6) Type A Furloughs.

(a) Type A furloughs are granted for the following purposes:

1. To visit a dying relative.
2. To attend the funeral of a relative.
3. For any other reasons deemed consistent with the public interest, including medical or mental health treatment, attendance at civil hearings, or to otherwise aid in the rehabilitation of the inmate.

(b) Other conditions that which apply to type A furloughs are:

1. Inmates must be community or minimum custody;
2. Inmates must complete Form DC6-178, Type A Furlough Agreement. Form DC6-178 is incorporated by reference in subsection (11) of this rule;
3. The sponsor must complete and agree to abide by all conditions of Form DC6-152, Type A/B Furlough Sponsor Agreement;

4. Inmates must agree to any time or distance limitations placed on them and the imposition of special conditions as determined by the approving authority. The inmate will be advised of these conditions and must abide by these conditions until released from them by the approving authority;

5. An inmate shall abide by all conditions in Form DC6-178 ~~DC6-152~~, the Type A Furlough Agreement;

6. There are no limitations on the number of Type A furloughs that which may be granted;

7. Inmates furloughed for a hospital stay may not require sponsorship;

8. Only one inmate will be released to a sponsor at a given time period for Type A furloughs.

(c) The type A furlough recommendation shall be forwarded to the appropriate approving authority who shall ensure that the criteria, requirements, and considerations outlined in this rule are met, and who shall issue a final determination.

(7) Community Supervision Type A Furloughs.

(a) Pregnancy Furloughs.

1. Female inmates in the last trimester of pregnancy shall be considered for a Type A furlough if:

a. ~~The inmate Inmate~~ meets all criteria outlined in this rule;

b. The inmate is within 36 months of release unless; serving a sentence with a non-advanceable release date or a current commitment of 1st, 2nd, or 3rd degree murder or attempt, in which case the inmate shall be within 15 months of her release date;

c. The chief health officer verifies that the level of medical care that which will be rendered to the inmate outside the institution is comparable to or greater than that which could be rendered to the inmate within the institution.

2. A plan of community supervision shall be developed by the classification specialist and approved by the approving authority of the inmate's facility, and arrangements shall be made for monitoring the inmate's activities while on furlough.

a. The plan of community supervision shall include supervision contact by probation and parole services while the inmate is on furlough status. The furloughing facility shall contact probation and parole services in the city where the inmate will be residing during the furlough period; and develop community control supervision contact standards. The developed plan will be attached to the furlough request.

b. The furloughing facility is responsible for the monitoring of the inmate's progress while on the furlough. Monitoring shall include any changes in the inmate's medical condition or any violations of the rules concerning the furlough. Any changes or violations detected shall be reported immediately to the appropriate authority of the furloughing facility.

c. Any violation of the conditions of the furlough shall be immediately reported to the approving authority.

d. The approving authority is authorized to terminate a pregnancy furlough any time during the furlough period for noncompliance with the conditions of the furlough. The pregnancy furlough shall be terminated within 1 week after a satisfactory 6 week postpartum examination.

3. The pregnancy furlough recommendation shall be forwarded to the approving authority who shall issue a final determination.

4. An inmate ~~Inmates~~ shall be considered for placement at the a community correctional center nearest to ~~her~~ ~~their~~ residence upon satisfactory completion of the pregnancy furlough.

(b) Medical Furloughs.

1. An inmate who in all medical probability is not expected to live more than 6 months from the date of the furlough request or is permanently incapacitated to such an extent that it is not reasonably foreseeable that he or she will be able to perpetrate a crime shall be considered for a Type A medical furlough. The inmate must meet all criteria outlined in this rule.

2. In order to be eligible for a medical furlough, the inmate must be recommended by the Chief Health Officer, Regional Health Services Director, and classification team, and the recommendation must be endorsed by the Assistant Secretary for Health Services. After the assistant secretary has endorsed the medical furlough based on all pertinent medical information and the above criteria, he shall forward the recommendation to the approving authority for review of security issues and for final determination. If approved, a plan of community supervision shall be developed by the classification specialist and approved by the approving authority of the inmate's facility, and arrangements shall be made for monitoring the inmate's progress.

(c) The plan of community supervision shall include supervision contact by probation and parole services while the inmate is on furlough status. The furloughing facility shall contact probation and parole services in the city where the inmate will be residing during the furlough period; and develop community control supervision contact standards. The developed plan will be attached to the furlough request.

(d) The furloughing facility is responsible for the monitoring of the inmate's progress while on the furlough. Monitoring shall include any changes in the inmate's medical condition or any violations of the rules concerning the furlough. Any changes or violations detected shall be reported immediately to the appropriate authority of the furloughing facility.

(e) Any violation of the conditions of the furlough shall be immediately reported to the approving authority.

(f) The approving authority is authorized to terminate a medical furlough at any time during the furlough period for noncompliance with the conditions of the furlough; or changes in the inmate's medical condition.

(g) Upon the death of the inmate on furlough, staff performing community supervision shall contact the institution from which the inmate was released on furlough. The institution shall be responsible for providing notice of the death, the custody and disposition of the body, the distribution of the certificate of death, and the coroner's report pursuant to Rule 33-602.112, F.A.C., Inmate Deaths.

(8) Type B Furlough Sponsors. In addition to the criteria outlined in subsection ~~(5) of this rule 33-601.603(5), F.A.C., Furlough Sponsors,~~ the following criteria ~~apply~~ ~~applies~~ to Type B furlough sponsors:

(a) A Type B furlough sponsor shall be a relative; unless a relative is not available to serve as a sponsor or no relative meets ~~fails to meet~~ the criteria to serve as a sponsor, ~~then a non-relative furlough sponsor may be utilized.~~

(b) The inmate who requests an applicant to become a type B furlough sponsor shall submit the appropriate request to his assigned center officer. The assigned center officer shall obtain an FCIC/NCIC criminal history background inquiry on the prospective furlough sponsor. The Correctional Officer Major ~~correctional officer major~~ of the community correctional center shall review the request and approve or disapprove the request based on criteria provided in subsection ~~(5) of this rule 33-601.603(5), F.A.C.~~ If disapproved, the correctional officer major shall provide the furlough sponsor applicant written notification of the decision and reasons why, a copy of which shall be included in the inmate's record.

(c) Applicants approved to serve as type B furlough sponsors shall be added to an approved list for a period of six months. Pertinent information concerning the sponsor will be updated and approval to continue to serve as a sponsor will be reassessed every six months. If removed as a furlough sponsor, the sponsor shall be notified of the reasons for such a removal and reasons for removal shall be documented in the inmate's record.

(d) In the event that any incident occurs involving the inmate or furlough sponsor while on type B furlough, the inmate's assigned center officer shall prepare a report of the facts and a recommendation for review by the correctional officer major. The correctional officer major shall decide, based on the severity of the circumstances, whether approval should be withdrawn, and if withdrawn, shall provide the furlough sponsor with written notification of the decision, a copy of which shall also be included in the inmate's file.

(9) Type B Furloughs.

(a) The goals of the type B furlough program are to motivate the inmate towards self-improvement, gradually reintegrate the inmate back into the community, strengthen family ties, and expose the inmate to beneficial programs.

(b) Prior to participation in the type B furlough program, the inmate and sponsor must participate in furlough orientation sessions.

(c) Type B furloughs aid in the rehabilitation of the inmate, and are granted for family visitation, routine medical or dental appointments, community volunteer projects, employment interviews, mental health counseling, haircut appointments, church services, or substance abuse treatment meetings.

(d) Restrictions on ~~the number of~~ type B furloughs, ~~and time and distance limitations are as follows:~~

1. Type B furlough destinations are limited to the state of Florida.

2. Other than family visitation and time constraints, there are no limitations on the number of type B furloughs which may be granted. Only one type B furlough for family visitation will be issued to an inmate within a given week, which, for the purpose of this rule, encompasses Monday through Sunday.

3. Type B furloughs will be authorized only for the period of time needed to travel to and from the furlough destination and to accomplish the purpose of the furlough. Time extensions on approved type B furloughs shall be granted by the approving authority or the center's officer-in-charge in cases of emergencies which arise while the inmate is on furlough.

4. Except as noted in subparagraph ~~(9)(d)3. of this rule 33-601.603(9)(d)3., F.A.C.~~, a type B furlough for purposes other than family visitation shall not exceed three hours. For family visitation an inmate shall not be granted more than a maximum of eight daylight hours. Factors ~~that which~~ will be considered in determining the maximum number of hours granted an inmate for a family visitation furlough shall include the inmate's need for furlough, degree of participation in programs, adjustment to the facility, and willingness to abide by the furlough conditions.

(e) Inmates who demonstrate satisfactory facility adjustment and program participation, meet all eligibility criteria, and have either served 5 calendar years or have completed one third of the sentence to be served, which ever is less, shall be eligible for consideration for a furlough for family visitation purposes. "Sentence to be served" is interpreted as being from the imposed date of sentence to the earliest release date. The following special conditions apply to family visitation furloughs:

1. The furlough must occur in a residential type facility ~~that which~~ has telephone access. Hotel or motel rooms will suffice if a residential type facility is not available given the particular circumstances of the visitation;

2. Inmates will be required to call the facility when they arrive at their furlough destination and when they are departing from their furlough destination to return to the facility. In addition, at least one telephone contact with the inmate by facility staff shall be made to the location of the furlough to verify the inmate's presence. The contact shall be documented

on Form DC6-180, Sign-Out Sheet for Community Activity or Furlough. Form DC6-180 is incorporated by reference in subsection (11) of this rule;

3. Only one inmate will be released to a sponsor during a given time period for family visitation purposes.

(f) The approving authority for community correctional centers shall have the authority to approve participation in the type B furlough family visitation program for all inmates assigned to community correctional centers, contract work release, and contract community substance abuse treatment facilities. Once approval has been granted, the Correctional Officer Major or the program director at contract facilities shall have the authority to approve ~~the taking of~~ type B family furlough privileges on a case by case basis, while ensuring that the criteria requirements and considerations outlined in this rule are met.

(g) An inmate granted type B furlough privileges must:

1. Agree to the conditions as outlined in Form DC6-179, Type B Furlough ~~Request Agreement~~. Form DC6-179 is incorporated by reference in subsection (11) of this rule;

2. Be accompanied throughout the furlough period by the approved furlough sponsor; and

3. Adhere to the following procedures:

a. Inmates who reside in community correctional centers, contract work release facilities, or a community contract substance abuse treatment facility, upon approval by the Correctional Officer Major or program director, shall be permitted to leave the center on a sign-out basis not requiring a type B family visitation furlough approval for the following activities: routine medical, mental health, or dental appointments; community volunteer projects; employment interviews; haircuts; church services; substance abuse counseling; or seeking suitable residence.

b. All inmates to whom a type B furlough privilege has been granted must be signed out of and into the facility by an officer prior to departure from and upon their return from the furlough activity utilizing Form DC6-180, Sign-Out Sheet for Community Activity or Furlough.

c. A furlough sponsor must accompany an inmate to attend church services, substance abuse treatment meetings, hair appointments, or to participate in volunteer community projects. A furlough sponsor is not required to accompany an inmate when seeking employment, routine medical or dental treatment, or suitable residence.

(h) An inmate who is on a type B furlough for any activity except family visitation or church services shall call the community correctional center, contract work release facility, or community Tier IV drug treatment center in which the inmate resides at least once per hour during the furlough period. In the event more than one inmate is attending a function with a particular sponsor, that sponsor, rather than the inmate, is authorized to make the required call at least once per hour during the furlough period.

(i) Should an inmate’s arrest history, assessed needs, and public safety considerations necessitate imposition of special conditions as determined by the approving authority, the inmate will be advised of the conditions and must abide by them until released from the conditions by the approving authority.

(10) Removal From the Type B Furlough Program.

(a) The approving authority of a community correctional centers shall remove an inmate from the furlough program if:

1. The approving authority, following placement of the inmate in the type B furlough program, receives any information concerning the inmate ~~that which~~ would adversely impact the safety and security of the community;

2. The inmate engages in any conduct ~~that which~~ causes the approving authority to believe that the inmate will not honor the trust bestowed upon ~~him them~~;

3. The approving authority determines that it is not in the best interest of the safety and security of the community, the department, or the inmate to continue the inmate in the type B furlough program.

(b) If an inmate is removed from the furlough program, the reasons for such removal shall be documented in the inmate’s file.

(11) Forms. The following forms are hereby incorporated by reference.

(a) DC6-178, “Type A Furlough Agreement”, effective 4-13-98.

(b) DC6-179, “Type B Furlough Request Agreement”, effective ~~_____ 12-8-97~~.

(c) DC6-152, “Type A/B Furlough Sponsor Agreement”, effective 12-25-08.

(d) DC6-180, “Sign-Out Sheet for Community Activity or Furlough” ~~“Community Correctional Sign Out Sheet for Community Activities”~~, effective ~~_____ 12-8-97~~.

Rulemaking Specific Authority 945.091 FS. Law Implemented 945.091 FS. History–New 12-8-97, Amended 4-13-98, 10-20-98, Formerly 33-9.024, Amended 10-9-07, 12-25-08, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to include in the list of all forms adopted by the District as rule, an emergency field authorization form in conjunction with concurrent amendment to Rule 40D-1.1021, F.A.C., revising the requirements for obtaining emergency authorizations to conduct activities regulated under Part IV, Chapter 373, Florida Statutes (F.S.). The form is adopted by reference in Rule 40D-1.1021, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Forms and Instructions.

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

LAW IMPLEMENTED: 373.0831(3), 373.116, 373.196(1), 373.1961(3), 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.416, 373.419, 373.421, 668.50 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Barbara Martinez, Sr. Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660 (OGC #2009056)

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:
40D-1.1021 Emergency Authorization of Permits for Activities Regulated Under Part IV of Chapter 373, F.S.

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to revise the requirements for obtaining emergency authorizations to conduct activities regulated under Part IV, Chapter 373, Florida Statutes (F.S.), and to adopt an emergency field authorization form. These amendments are proposed to provide a more effective and efficient process for obtaining emergency authorizations.

SUBJECT AREA TO BE ADDRESSED: Emergency Authorization of Permits for Activities Regulated Under Part IV of Chapter 373, F.S.

RULEMAKING AUTHORITY: 120.54(5), 373.044, 373.113, 373.149 FS.

LAW IMPLEMENTED: 120.54(5), 120.569(2)(n), 373.119, 373.413, 373.416, 373.426, 373.439 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Barbara Martinez, Sr. Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660 (OGC #2009056)

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NOS.:	RULE TITLES:
59A-8.002	Definitions
59A-8.003	Licensure Requirements
59A-8.004	Licensure Procedure
59A-8.008	Scope of Services
59A-8.0086	Denial, Suspension, Revocation of License and Imposition of Fines
59A-8.0095	Personnel
59A-8.0185	Personnel Policies
59A-8.020	Acceptance of Patients or Clients
59A-8.0215	Plan of Care
59A-8.022	Clinical Records
59A-8.0245	Advance Directives

PURPOSE AND EFFECT: The purpose of this rule development is to prepare the rules required in Section 400.497(5) and (6), F.S., on the oversight by the director of nursing and the use of an unannounced licensure survey related to a licensure application for a change of ownership; to prepare rules on the submission of the quarterly report required in Section 400.474(6)(f), F.S.; to update the health statement required of personnel; to update rules to conform to updated state practice act rules for included professions; to update the statutory references in the rule and forms referenced to conform to current statutes, and remove items that are now in statutes.

SUBJECT AREA TO BE ADDRESSED: oversight by the director of nursing, change of ownership license, submission of the quarterly report, and updating the rules to conform to current statutes

RULEMAKING AUTHORITY: 400.497 FS.

LAW IMPLEMENTED: 400.497, 400.474(6)(f) FS.

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

DATE AND TIME: Thursday, January 14, 2010, 1:00 p.m. – 4:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT: Anne Menard, Home Care Unit, Bureau of Health Facility Regulation, HQAHOMEHEALTH@ahca.myflorida.com or (850)414-6010

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE AT THE AGENCY WEBSITE: http://ahca.myflorida.com/licensing_cert.shtml, select “home health agency”. Text will be available January 1, 2010.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-4.300	State Mental Health Hospital Services

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.300, F.A.C., is to: update fiscal agent contact information and websites; update and clarify services included in the per diem rates; update and clarify non-institutional services and excluded services; adopt new AHCA-Med Serv Form 034, Jan 2008; and update references to Medicaid claim form UB 04.

SUBJECT AREA TO BE ADDRESSED: State Mental Health Hospital Services.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 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: January 12, 2010, 10:00 a.m. – 12:00 Noon

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, Florida 32308-5407

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 days before the workshop/meeting by contacting: Patrick Rhodes at the Bureau of Medicaid Services, (850)414-6249. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Patrick Rhodes, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)414-6249, e-mail: rhodesp@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.300 State Mental Health Hospital Services.

(1) No change.

(2) All state mental hospitals that provide long term inpatient mental health services to Medicaid recipients age 65 and older who meet the Medicaid Institutional Care Program eligibility requirements must be in compliance with the provisions of the Florida Medicaid State Mental Health Hospital Services Coverage and Limitations Handbook, January 2010, September 2005, incorporated by reference, AHCA-Med Serv Form 034, January 2008, incorporated by

reference, and the ~~and the~~ Florida Medicaid Provider Reimbursement Handbook, UB 04, July 2008, Institutional 021, which is incorporated in Rule 59G-4.200, F.A.C. Both handbooks are available from the Medicaid fiscal agent's Web Portal website at <http://mymedicaid-florida.com> ~~http://floridamedicaid.aes-inc.com~~. Click on Public Information for Providers, then on Provider Support, and then on Provider Handbooks. Paper copies of the handbooks may be obtained by calling the Medicaid fiscal agent at (800)289-7799 and selecting Option 7 Provider Inquiry at (800)377-8216.

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.905, 409.908 FS. History—New 5-29-06, Amended.

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NOS.:	RULE TITLES:
60BB-8.300	Provider and Class Registration Procedures; Application; Eligibility Determination
60BB-8.301	Statewide Provider Agreement for the VPK Program

PURPOSE AND EFFECT: The purpose of the proposed rule is to amend the current rules to incorporate updated forms by reference in order to reduce administrative burdens on early learning coalitions and Voluntary Prekindergarten Education Program providers.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments incorporate by reference the revised form AWI-VPK 20 (Statewide Provider Agreement), form AWI-VPK 10 (Statewide Provider Registration Application), and form AWI-VPK 11 (Class Registration Application). The proposed amendments also incorporate recommendations made by the Florida Auditor General.

RULEMAKING AUTHORITY: 1002.79(2) FS.
LAW IMPLEMENTED: 1002.55(3), (4), 1002.61(4), (8)(a), 1002.63(3)-(6), (9)(a), 1002.75 FS.

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

DATE AND TIME: Friday, January 8, 2010, 1:00 p.m. – 5:00 p.m. or until business is concluded

PLACE: Agency for Workforce Innovation, 107 East Madison St., Tallahassee, Florida 32399-4128 or via conference call at (888)808-6959, conference code 921-3193.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Audrey Gaten at (850)245-7160. If you are 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: Kristin Harden, Assistant General Counsel, Agency for Workforce Innovation, Office of General Counsel, 107 East Madison Street, MSC #110, Tallahassee, Florida 32399-4128, (850)245-7150

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS: Available online at the website: http://www.floridajobs.org/earlylearning/oel_state_fed.html#proposedrules

DEPARTMENT OF MANAGEMENT SERVICES

Public Employees Relations Commission

RULE NO.: 60CC-2.002
RULE TITLE: Election Eligibility List
PURPOSE AND EFFECT: Section 119.071(4)(d), F.S., exempts home addresses of certain personnel from inspection or copying. The proposed rule amendment instructs a public employer to provide the work addresses rather than home addresses for the personnel listed in Section 119.071(4)(d), F.S., on an election eligibility list.

SUBJECT AREA TO BE ADDRESSED: Election eligibility list.

RULEMAKING AUTHORITY: 447.207(1) FS.
LAW IMPLEMENTED: 119.071, 447.207(6), 447.307(3)(a), 447.308 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: January 6, 2010, 10:00 a.m.
PLACE: Conference Room (check in with receptionist), State of Florida Capital Circle Office Center, Building 4050, Esplanade Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Stephen A. Meck, General Counsel, Public Employees Relations Commission, 4050 Esplanade Way, Tallahassee, Florida 32399-0950

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60CC-2.002 Election Eligibility List.

(1) The public employer shall file with the Commission and deliver to each party to the election an election eligibility list containing the names and addresses of all eligible voters not later than fifteen (15) days after the date of approval of a Consent Election Agreement, or the date of the Commission order ordering an election, except that such a list shall provide the work addresses rather than the home addresses of ~~law enforcement~~ personnel covered by Section 119.071(4)(d)

~~119.07(3)(c)~~, Florida Statutes. Unless otherwise ordered by the Commission, the list shall include all employees employed in the unit as of the date of approval of the Consent Election Agreement, or the date of the Commission order directing an election, whichever date is applicable.

(2) through (4) No change.

Rulemaking Specific Authority 447.207(1) FS. Law Implemented ~~119.071~~ ~~119.07(2)(n)~~, 447.207(6), 447.307(3)(a)3., 447.308 FS. History--New 5-6-79, Amended 1-17-80, Formerly 38D-18-02, 38D-18.002, Amended.

DEPARTMENT OF MANAGEMENT SERVICES

Public Employees Relations Commission

RULE NO.: 60CC-3.004
 RULE TITLE: Appointment of Magistrate
 PURPOSE AND EFFECT: Rule 60CC-3.003, F.A.C., sets forth the criteria for the selection of special magistrates. The proposed rule amendment corrects a scrivener’s error to refer to the proper rule regarding the selection of special magistrates.
 SUBJECT AREA TO BE ADDRESSED: Special magistrates.
 RULEMAKING AUTHORITY: 447.207 FS.
 LAW IMPLEMENTED: 447.207, 447.403 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: January 6, 2010, 10:00 a.m.
 PLACE: Conference Room (check in with receptionist), State of Florida Capital Circle Office Center, Building 4050, Esplanade Way, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Stephen A. Meck, General Counsel, Public Employees Relations Commission, 4050 Esplanade Way, Tallahassee, Florida 32399-0950

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 60CC-3.004 Appointment of Magistrate.
- (1) No change.
- (2) The parties may agree to the appointment of an individual who will be appointed by the Chairman if the Chairman finds that such individual is qualified pursuant to Rule ~~60CC-3.003, F.A.C.~~ ~~60CC-3.004, F.A.C.~~
- (3) through (4) No change.

Rulemaking Specific Authority 447.207 FS. Law Implemented 447.207, 447.403, FS. History--New 5-6-79, Formerly 38D-19.05, Amended 11-26-86, Formerly 38D-19.005, Amended.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NOS.:	RULE TITLES:
61A-10.100	Reduced Cigarette Ignition Propensity Standard
61A-10.101	Testing and Certification
61A-10.102	Recertification and Product Change
61A-10.103	Markings

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to set forth procedures to be followed by manufacturers and importers to obtain certification for the sale of cigarettes that comply with Section 633.042, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is the method by which certification is obtained by manufacturers and importers to sell cigarettes that comply with Section 633.042, Florida Statutes.

RULEMAKING AUTHORITY: 633.042(8)(a) FS.

LAW IMPLEMENTED: 633.042 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ben Pridgeon at (850)414-6172. If you are 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: Ben Pridgeon at (850)414-6172

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.:	RULE TITLE:
61G5-18.0055	Supervised Cosmetology Practice Exception

PURPOSE AND EFFECT: The purpose of the rule amendment to delete unnecessary language to clarify the circumstances under which an applicant may practice with supervision.

SUBJECT AREA TO BE ADDRESSED: Supervised Cosmetology Practice Exception.

RULEMAKING AUTHORITY: 477.016, 477.019(4) FS.

LAW IMPLEMENTED: 477.019(4)(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: Robyn Barineau, Executive Director, Board of Cosmetology, P. O. Box 5377, Tallahassee, Florida 32314-5377

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.:	RULE TITLE:
61G5-22.017	Minimum Curriculum for Facial Specialty Training

PURPOSE AND EFFECT: The proposed rule amendment will clarify what is required for a stand-alone facial specialty program compared to the facial and skin care requirements within the cosmetology curriculum.

SUBJECT AREA TO BE ADDRESSED: Minimum Curriculum for Facial Specialty Training.

RULEMAKING AUTHORITY: 477.016 FS.

LAW IMPLEMENTED: 477.0201, 477.023(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Board of Cosmetology, P. O. Box 5377, Tallahassee, Florida 32314-5377

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 Hearing Aid Specialists

RULE NO.:	RULE TITLE:
64B6-2.003	Licensure by Examination

PURPOSE AND EFFECT: To update Form 1155 to accommodate licensing changes in Section 456.0635(2), F.S.

SUBJECT AREA TO BE ADDRESSED: Changes to Form 1155, which will be adopted and incorporated by reference.

RULEMAKING AUTHORITY: 456.017(1)(c), (6), 484.004, 484.0445(1) FS.

LAW IMPLEMENTED: 456.017(1)(c), 456.0635(2), 484.045, 484.0445(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE NO.:	RULE TITLE:
64B6-7.002	Guidelines for Disposition of Disciplinary Cases

PURPOSE AND EFFECT: To update the guidelines to accommodate new disciplinary violations contained in Section 456.072, F.S.

SUBJECT AREA TO BE ADDRESSED: New disciplinary ranges for new violations contained within Section 456.072, F.S.

RULEMAKING AUTHORITY: 456.079 FS.

LAW IMPLEMENTED: 456.072, 456.079 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Athletic Training

RULE NO.:	RULE TITLE:
64B33-2.001	Licensure Requirements

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address incorporation of the revised application for licensure.

SUBJECT AREA TO BE ADDRESSED: The revised application for licensure as an athletic trainer.

RULEMAKING AUTHORITY: 456.013, 468.705, 468.707, 468.711 FS.

LAW IMPLEMENTED: 456.013, 468.707, 468.711 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: Susan Foster, Executive Director, Board of Athletic Training/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Athletic Training

RULE NO.: 64B33-5.001 **RULE TITLE:** Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address changes and additions to the disciplinary guidelines.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines.

RULEMAKING AUTHORITY: 456.072, 468.705, 468.719 FS.

LAW IMPLEMENTED: 456.072, 456.079, 468.719 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: Susan Foster, Executive Director, Board of Athletic Training/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

RULE NO.: 65-2.042 **RULE TITLE:** Applicant/Recipient Fair Hearings

PURPOSE AND EFFECT: The proposed rule amendment addresses procedural guidelines for administrative hearings that are conducted within the Department of Children and Family Services for federally funded public assistance programs.

SUBJECT AREA TO BE ADDRESSED: The rule amendment is to include an acknowledgement of the Administration Commission's granting of an exemption to the Department's following the Uniform Rule 28-106.213, F.A.C.

RULEMAKING AUTHORITY: 409.285 FS.

LAW IMPLEMENTED: 409.285 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: January 7, 2010, 10:00 a.m.

PLACE: Department Of Children and Families, Office of Appeal Hearings Conference Room, Building 5, Room 259, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: John Pritchard, Chief of Appeal Hearings, Building 5, Room 255, 1317 Winewood Blvd., Tallahassee, FL, telephone (850)488-1429. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Pritchard, Chief of Appeal Hearings, Building 5, Room 255, 1317 Winewood Blvd., Tallahassee, FL, telephone (850)488-1429

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

RULE NO.: 65-2.057 **RULE TITLE:** Conduct of Hearing

PURPOSE AND EFFECT: The proposed rule amendment addresses procedural guidelines for administrative hearings that are conducted within the Department of Children and Family Services for federally funded public assistance programs.

SUBJECT AREA TO BE ADDRESSED: The rule amendment is to clarify the rule text as a part of implementing the Administration Commission's granting of an exemption to the Department's following the Uniform Rule 28-106.213, F.A.C.

RULEMAKING AUTHORITY: 409.285 FS.

LAW IMPLEMENTED: 409.285 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: January 7, 2010, 10:00 a.m.
 PLACE: Department Of Children and Families, Office of Appeal Hearings Conference Room, Building 5, Room 259, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: John Pritchard, Chief of Appeal Hearings, Building 5, Room 255, 1317 Winewood Blvd., Tallahassee, FL, telephone (850)488-1429. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Substance Abuse Program

RULE NOS.:	RULE TITLES:
65D-30.001	Title
65D-30.002	Definitions
65D-30.003	Department Licensing and Regulatory Standards
65D-30.004	Common Licensing Standards
65D-30.005	Standards for Addictions Receiving Facilities
65D-30.006	Standards for Detoxification
65D-30.0061	Standards for Intensive Inpatient Treatment
65D-30.007	Standards for Residential Treatment
65D-30.008	Standards for Day or Night Treatment with Host Homes
65D-30.0081	Standards for Day or Night Treatment with Community Housing
65D-30.009	Standards for Day or Night Treatment

65D-30.0091	Standards for Intensive Outpatient Treatment
65D-30.010	Standards for Outpatient Treatment
65D-30.011	Standards for Aftercare
65D-30.012	Standards for Intervention
65D-30.013	Standards for Prevention
65D-30.014	Standards for Medication and Methadone Maintenance Treatment

PURPOSE AND EFFECT: Chapter 65D-30, F.A.C. will be substantially revised to comply with statutory revisions in Chapter 397, F.S., effected by Chapter 2009-132, Laws of Florida. The rule amendments will include but not be limited to, updating rule language to reflect current practice in the field of addictions, modifying substance abuse program licensure requirements, and adding new language to address and regulate e-counseling services.

SUBJECT AREA TO BE ADDRESSED: Proposed changes to Substance Abuse Licensure

RULEMAKING AUTHORITY: 397.321(5), 397.407(1), 397.427(2) FS.

LAW IMPLEMENTED: Chapter 397, Parts I, II, and III, as amended by Chapter 2009-132, Laws of Florida.

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

DATE AND TIME: Tuesday, January 19, 2010, 10:00 a.m. – 3:00 p.m.

PLACE: Department of Children and Family Services, Substance Abuse Program Office, 1317 Winewood Boulevard, Building 6, 3rd Floor, Conference Room 335, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Herman McBride, Department of Children and Family Services, Substance Abuse Program Office, 1317 Winewood Boulevard, Building 6, 3rd Floor, Room 304, Tallahassee, Florida 32399 or by calling (850)413-6708

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.:	RULE TITLE:
68A-1.004	Definitions

PURPOSE AND EFFECT: The purpose and effect of this rule development is to provide definitions for language in rules of the Fish and Wildlife Conservation Commission, during calendar year 2010.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rule include rule language definitions.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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: Michael Yaun, Deputy General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-4.001	General Prohibitions
68A-4.002	Possession of Gun While Using a Light Prohibited
68A-4.007	Exclusion of Certain Areas from Open Season

PURPOSE AND EFFECT: The purposes and effects of this rule development effort are to establish or revise rule provisions, during calendar year 2010, associated with general prohibitions pertaining to wildlife and freshwater fish resources, possession of a gun while using a light, and exclusion of certain areas from open season.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rule include general prohibitions pertaining to wildlife and freshwater fish, possession of a gun while using a light, and exclusion of certain areas from open season.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution; 379.1025 FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; 379.2223, 379.3015, 379.404 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: Michael Yaun, Deputy General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.:	RULE TITLE:
68A-4.004	Possession of Wildlife or Freshwater Fish or the Carcasses Thereof

PURPOSE AND EFFECT: The purpose of the proposed rule change is to revise the current rule to allow the possession of deer (carcasses) resulting from the accidental collision with a vehicle. The effect of the proposed rule change will accommodate possession of incidentally taken deer to prevent the waste of said animal.

SUBJECT AREA TO BE ADDRESSED: The proposed rule change would allow for the possession of deer accidentally killed by the collision with a vehicle, thereby preventing the waste of said deer.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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: Michael Yaun, Deputy General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68A-4.004 Possession of Wildlife or Freshwater Fish or the Carcasses Thereof.

(1) Whenever the taking or possession of wildlife or freshwater fish is prohibited, the possession of any carcass or portion of the carcass of such wildlife or freshwater fish showing evidence of being taken by any unlawful method is prohibited. Wildlife or freshwater fish lawfully taken during the open season and properly identified may be possessed and stored in freezers or freezer lockers except when otherwise provided in Rule 68A-12.004 or 68A-23.006, F.A.C.

(2) through (3) No change.

(4) The prohibition in subsection (1) does not apply to deer carcass or parts thereof from a deer that was killed by accidental collision with a vehicle.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 8-1-79, Amended 6-4-81, 6-21-82, Formerly 39-4.04, Amended 5-10-87, 7-1-89, 7-1-96, Formerly 39-4.004, Amended 7-1-00,_____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-9.002	Permits to Take Wildlife or Freshwater Fish for Justifiable Purposes
68A-9.004	Permits for Hunting or Other Recreational Use on Wildlife Management Areas
68A-9.005	Falconry
68A-9.007	Special-use Permits; Short-term Use Permits; Fees; Special-Opportunity Hunting and Fishing
68A-9.008	Permits for Physically Disabled
68A-9.010	Taking Nuisance Wildlife

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2010, associated with wildlife management area permits, recreational use permits and related fees on Wildlife Management Areas; falconry; special-use permits, short-term use permits, special-opportunity hunting and fishing permits, and any related fees; permits for the physically disabled; and to clarify and simplify regulations relating to nuisance wildlife.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include recreational use permits; falconry; special-use permits, short-term use permits, special-opportunity hunting and fishing, and related fees; and permits for the physically disabled.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution; 379.1025, 379.354 FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; 375.313, 379.1025, 379.2223, 379.354 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: Michael Yaun, Deputy General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.:	RULE TITLE:
68A-11.003	Use of Motorboats on Certain Waters; Permits

PURPOSE AND EFFECT: The purpose and effect of this rule development is to establish or revise rule provisions, during calendar year 2010, associated with the use of motorboats on certain waters.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include use of motorboats on certain waters.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution; 375.313 FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; 375.313 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: Michael Yaun, Deputy General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-12.002	General Methods of Taking Game; Prohibitions
68A-12.007	Hunting Dogs; Molesting Game in Closed Season; Training; Field Trials; Prohibited for Certain Hunting

PURPOSE AND EFFECT: The purposes and effects of the proposed rule development are to establish or revise rule provisions, during calendar year 2010, associated with general methods of taking game, and the use of dogs for taking game.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rule include general methods of taking game, and the use of dogs for taking game.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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: Michael Yaun, Deputy General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-13.001	Open Season for Taking Game; Bag and Possession Limits
68A-13.003	Hunting Regulations for Ducks, Geese, and Coots
68A-13.004	Open Season for Taking and Bag Limits for Non-Migratory Game and Issuance of Antlerless Deer Permits
68A-13.006	Hunting on National Wildlife Refuges
68A-13.007	Hunting Regulations on Public Small-Game Hunting Areas
68A-13.008	Hunting Regulations for Migratory Birds Other than Ducks and Coots

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is, during calendar year 2010, to (1) establish open seasons, statewide management zones, bag limits and possession limits for taking game; (2) establish hunting regulations for ducks, geese, coots, and other migratory birds; (3) provide for adoption of Federal statutes and regulations pertaining to migratory birds and hunting on National Wildlife Refuges; (4) update taxonomic changes; (5) establish hunting regulations for public small-game hunting areas; and (6) provide for the issuance of antlerless deer permits to private landowners.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include regulations for taking game including waterfowl and other migratory birds, issuance of antlerless deer permits to private landowners, public small-game hunting area regulations, adoption of Federal statutes and regulations, and hunting on National Wildlife Refuges.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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: Michael Yaun, Deputy General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-14.001	Establishment Orders
68A-14.0011	Opening or Closing Areas Other Than Restricted Hunting Areas, Bird Sanctuaries or Critical Wildlife Areas; General

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2010, associated with the establishment of areas as wildlife management areas, wildlife and environmental areas, refuges, bird sanctuaries, restricted hunting areas, critical wildlife areas, fish management areas, miscellaneous areas, or wild hog areas; and the opening or closing of areas other than restricted hunting areas, bird sanctuaries or critical wildlife areas.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include the establishment of areas as wildlife management areas, wildlife and environmental areas, refuges, bird sanctuaries, restricted hunting areas, critical wildlife areas, fish management areas, miscellaneous areas, or wild hog areas; and the opening or closing of areas other than restricted hunting areas, bird sanctuaries or critical wildlife areas.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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: Michael Yaun, Deputy General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-15.004	General Regulations Relating to Wildlife Management Areas
68A-15.005	Quota Permits; Antlerless Deer Permits; Special-Opportunity Permits
68A-15.006	Regulations Relating to Miscellaneous Areas
68A-15.061	Specific Regulations for Wildlife Management Areas – Southwest Region
68A-15.062	Specific Regulations for Wildlife Management Areas – North Central Region
68A-15.063	Specific Regulations for Wildlife Management Areas – Northwest Region
68A-15.064	Specific Regulations for Wildlife Management Areas – South Region
68A-15.065	Specific Regulations for Wildlife Management Areas – Northeast Region

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2010, to (1) establish or revise general regulations relating to Wildlife Management Areas (WMAs) and specific regulations related to Miscellaneous Areas (MAs); (2) establish or adjust hunter quotas for WMAs; (3) establish or modify specific area regulations for WMAs and MAs; and (4) adjust hunting season dates on WMAs and MAs to conform with proposed 2010-2011 hunting season dates for the appropriate management zone.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include general regulations, quota hunt permits, hunting season dates and specific area regulations pertaining to WMAs.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution; 375.313, 379.2223 FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; 375.313, 379.2223, 379.354 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: Michael Yaun, Deputy General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-17.004	General Regulations Relating to Wildlife and Environmental Areas
68A-17.005	Specific Regulations for Wildlife and Environmental Areas

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2010, to (1) establish general regulations relating to Wildlife and Environmental Areas (WEAs); (2) establish or modify specific area regulations for WEAs; and (3) adjust hunting season dates on WEAs to conform with proposed 2010-2011 hunting season dates for the appropriate management zone.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include hunting season dates, general regulations and specific area regulations pertaining to WEAs.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution; 375.313, 379.2223 FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; 375.313, 379.2223, 379.354 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: Michael Yaun, Deputy General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-18.004
RULE TITLE: Regulations in Wildlife Refuges
PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2010, associated with wildlife refuges.
SUBJECT AREA TO BE ADDRESSED: Subject area covered in the proposed rules include regulations in wildlife refuges.
RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution.
LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; 379.2223 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: Michael Yaun, Deputy General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-19.005
RULE TITLE: Establishment and Protection of Critical Wildlife Areas
PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions related to the establishment and protection of critical wildlife areas (CWAs) during calendar year 2010.
SUBJECT AREA TO BE ADDRESSED: Proposed changes would clarify existing rule language; require CWA boundaries to be posted; prohibit public access in areas posted "Closed to Public Access"; prohibit dogs in area posted as "Closed to Dogs"; and allow permits to be issued by the Executive Director for scientific or conservation purposes on CWAs closed to public access.
RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution.
LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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: Michael Yaun, Deputy General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-20.004
RULE TITLE: Regulations in Fish Management Areas
PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2010, for regulations in Fish Management Areas (FMA).
SUBJECT AREA TO BE ADDRESSED: Subject areas covered in proposed rules include regulations in Fish Management Areas.
RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution.
LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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: Michael Yaun, Deputy General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-20.005
RULE TITLE: Specific Fish Management Area Regulations

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2010, specific to Fish Management Area (FMA) regulations.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in proposed rules include specific area regulations pertaining to individual FMAs.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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: Michael Yaun, Deputy General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.:	RULE TITLE:
68A-23.002	General Methods of Taking Freshwater Fish

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2010, for the general methods of taking of freshwater fish.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in proposed rules include general methods of taking freshwater fish.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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: Michael Yaun, Deputy General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-24.002	Methods of Taking Fur-Bearing Animals; Possession; Open Season
68A-24.005	Transporting and Shipping Live Raccoons

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2010, associated with methods of taking, possession of, and open season for furbearing animals; and transporting and shipping live raccoons.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include methods of taking, possession of, and open season for furbearing animals; and transporting and shipping live raccoons.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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: Michael Yaun, Deputy General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-25.002	General Provisions for Taking Possession and Sale of Reptiles
68A-25.003	Taking and Disposal of Nuisance-Alligators Statewide
68A-25.004	Regulations Governing the Operation of Alligator Farms

- 68A-25.031 Regulations Governing Alligator Egg and Hatchling Collections on Lands Not Included in Alligator Management Programs
- 68A-25.032 Regulations Governing the Establishment of Alligator Management Programs
- 68A-25.042 Regulations Governing Statewide Alligator Trapping, Permitting, Taking and Sale
- 68A-25.052 Regulations Governing the Processing of Alligators and the Sale of Alligator Meat and Parts

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2010, to establish regulations for taking and possessing alligators and other reptiles that will ensure conservation of alligator populations and other reptiles while providing for realization of their potential aesthetic, recreational, and economic values.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include requirements for taking and possessing alligators and other reptiles.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; 379.26, 379.3012, 379.303, 379.304, 379.305, 379.372, 379.373, 379.374, 379.3751, 379.3752, 379.3761, 379.3762 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: Michael Yaun, Deputy General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

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| RULE NOS.: | RULE TITLES: |
| 68A-27.0011 | Killing Endangered Species |

- 68A-27.0012 Procedures for Listing, Delisting and Reclassifying Endangered, Threatened and Species of Special Concern
- 68A-27.002 Provision for Harassment of Endangered, Threatened and Species of Special Concern on Airport Property
- 68A-27.0021 Designation of Candidate Species; Prohibitions; Permits
- 68A-27.003 Designation of Endangered Species; Prohibitions; Permits
- 68A-27.004 Designation of Threatened Species; Prohibitions; Permits
- 68A-27.005 Designation of Species of Special Concern; Prohibitions; Permits
- 68A-27.006 Reward Program

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to establish or revise rule provisions, during calendar year 2010, associated with species classified as Candidate Species, Endangered Species, Threatened Species and Species of Special Concern, reward programs, and additional rules related to endangered and threatened species as part of the ongoing effort to develop a new imperiled species listing process.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include listing, delisting, and reclassifying procedures; designation of species in categories; and prohibitions, permits, and rewards associated with such species.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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: Michael Yaun, Deputy General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

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| RULE NO.: | RULE TITLE: |
| 68A-31.001 | Regulations Related to Commission Managed Shooting Ranges |

PURPOSE AND EFFECT: The purpose of the proposed rule development effort is to establish regulations for Commission managed shooting ranges in calendar year 2010 that would address public safety, access, and activities. The effect of the proposed rule will be to enable the agency to better manage public use of Commission managed shooting ranges.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rule include requirements for access, activities, and public safety on Commission managed shooting ranges.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution; 375.313, 379.2223 FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; 375.313, 379.2223 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: Michael Yaun, Deputy General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.:	RULE TITLE:
69A-62.004	Uniform Minimum Firefighter Employment Standards: Presence of Toxic Substances; Notice to Fire Departments

PURPOSE AND EFFECT: The purpose of the rule amendment is to allow flexibility in maintaining current notices of toxic substances in the workplace, without the need for constant rule amendment.

SUBJECT AREA TO BE ADDRESSED: Toxic substances in firefighter workplace.

RULEMAKING AUTHORITY: 633.01(1), 633.808 FS.

LAW IMPLEMENTED: 633.45(1)(a), 633.807, 633.821 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, January 21, 2010, 10:00 a.m., or as soon thereafter as the Florida Fire Standards and Training Council meeting is adjourned

PLACE: Ocean Center in Daytona Beach, 101 North Atlantic Ave., Daytona Beach, FL 32118

Pursuant to the provisions of 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: Charles Brush, (352)369-2836. If you are 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: Charles Brush, Safety Program Manager, Bureau of Fire Standards and Training, Division of State Fire Marshal; phone: (352)369-2836

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

**Section II
Proposed Rules**

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Driver Licenses

RULE NOS.:	RULE TITLES:
15A-11.001	Definitions
15A-11.002	General Regulations
15A-11.003	CDS License Application and Renewal
15A-11.004	Offices and Instruction Facilities
15A-11.0045	Program of Instruction and Requirements
15A-11.005	CDS Records Retention
15A-11.006	Driving Instruction Contracts
15A-11.007	CDS Instruction Vehicles
15A-11.008	Soliciting and Advertising
15A-11.009	CDS Instructor Certificate Application and Renewal
15A-11.0095	Agent Identification Cards
15A-11.010	Commercial Truck Driver Schools
15A-11.011	CTDS Instructor Certificate Application and Renewal
15A-11.012	CTDS Instruction Vehicles
15A-11.013	Cancellation or Suspension of CDS License, CDS, CTDS Instructor's Certification or Agent's Card
15A-11.014	Grounds for Cancellation and Suspension Matrix
15A-11.015	Forms

PURPOSE AND EFFECT: A new rule is proposed to regulate business and their instructors that teach people to drive motor vehicles. Truck driving schools are regulated elsewhere;

however, the rule also provides guidance for truck instructor certification and for registering vehicles used in truck driving schools.

SUMMARY: The rule provides guidance for licensure of a business (school) and their instructors, including registration of vehicles used to teach students how to drive behind-the-wheel. Similar provisions apply to truck driving schools instructors and the vehicles those schools use.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will have an impact on small business. A SERC has been prepared by the agency.

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: 488.02 FS.

LAW IMPLEMENTED: 488 FS.

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

DATE AND TIME: Monday, January 4, 2010, 9:00 a.m.

PLACE: Department of Highway Safety and Motor Vehicles, Auditorium, 2900 Apalachee Parkway, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mike McGlockton, Bureau of Driver Education and DUI Programs, 2900 Apalachee Parkway, Room B-214, Tallahassee, FL 32399-0500, (850)617-2534

THE FULL TEXT OF THE PROPOSED RULES IS:

15A-11.001 Definitions.

(1) Agent – A person who holds a valid identification card issued by the Department, pursuant to Chapter 488, Florida Statutes, indicating the individual is an agent for the CDS, or CTDS, and is authorized by the school to solicit on its behalf.

(2) Commercial Driving School (CDS) – A school licensed by the Department pursuant to Chapter 488, Florida Statutes, which is authorized to engage in driving instruction.

(3) Commercial Driving School License – A license issued to a school by the Department pursuant to Chapter 488, Florida Statutes, indicating that the school is authorized to engage in driving instruction.

(4) Commercial Motor Vehicle Driver Instructor Training Course (CMV-DITC) – A 32-hour Teaching Commercial Motor Vehicle Driver and Traffic Safety Education Course.

(5) Commercial Truck Driving School (CTDS) – A school licensed by the CIE pursuant to Chapter 1005, Florida Statutes, which is authorized to engage in commercial motor vehicle driving instruction.

(6) Commission for Independent Education (CIE) – The Commission for Independent Education established by Chapter 1005, F.S.

(7) Department – The Department of Highway Safety and Motor Vehicles.

(8) Driver Instructor Training Course (DITC) – A 32-hour Teaching Motor Vehicle Driver and Traffic Safety Education Course.

(9) Driver Performance Analysis System (DPAS) – The driver performance test that a potential instructor must pass to be temporarily certified to instruct commercial motor vehicle or motor vehicle driving instructions.

(10) Driving Instruction – Any activity for compensation related to on the road or classroom driving education.

(11) Driving Instruction Contract – A written agreement between a CDS and each of its students to provide driving instruction.

(12) Driver License Office – A driver licensing facility operated by or under the authority of the Division of Driver Licenses or local Tax Collector.

(13) Immediate Family Member – A person's spouse, parents, grandparents, brothers, sisters and children, and parents, grandparents, brothers, sisters and children of the spouse.

(14) Instructor – A person who holds a valid instructor certificate and engages in driving instruction on behalf of a commercial driving school licensed by the Department or the CIE.

(15) Instructor Certificate – An instructor certificate issued to an individual instructor by the Department, pursuant to Chapter 488, Florida Statutes, indicating the individual is an instructor for a specific commercial driving school or commercial truck driving school.

(16) Owner – The person or corporation who has the controlling financial interest of the CDS.

(17) School Vehicle – A motor vehicle used by the CDS or CTDS to engage in driving instruction

(18) Solicitation – A request or offer directly or indirectly, to a person for driving instruction services or enrollment of a student in a CDS or CTDS.

(19) Student – A person who receives driving instruction from a CDS or CTDS.

(20) Temporary Instructor Certificate – A temporary certificate issued by the Department based on satisfactory completion of the DPAS test.

(21) Vehicle Registration – A vehicle owned or leased by the CDS or CTDS that is registered with the department to provide driving instructions.

Rulemaking Authority 488.02 FS. Law Implemented 488.01 FS. History—New _____.

15A-11.002 General Regulations.

(1) No employee of the Department or immediate family member of a Department employee shall be connected in any capacity with any CDS or CTDS in accordance with Section 112.313(7), Florida Statutes.

(2) A CDS shall not indicate that its program is in any way endorsed by the Department, except to say that it is "licensed."

(3) A CDS shall not utilize advertising that indicates, in any way, the school can issue or guarantee the issuance of a driver license or imply that the CDS can in any way influence the Department in the issuance of a driver license, or imply preferential or advantageous treatment from the Department can be obtained.

(4) The CDS must notify the Department in writing within ten (10) days of any change in the school owner's name, the school owner's address, the school's name, or the school's principal place of business address or telephone number.

(5) A duplicate school license or vehicle registration may be issued to a school by submitting a request to the Department on a completed form HSMV 77074S, which is available as provided in Rule 15A-11.014, F.A.C. An affidavit stating that the original document was physically destroyed or lost must accompany the form HSMV 77074S. The fee for issuance of a duplicate certificate shall be two dollars (\$2).

(6) A CDS shall sufficiently train its students that do not have a Class "E" driver license to better enable students to safely operate a motor vehicle. The Department may require performance evaluations of a CDS, if the Department determines the school's driving instruction does not meet this standard.

Rulemaking Authority 488.02 FS. Law Implemented 488.01 FS. History--New _____.

15A-11.003 CDS License Application and Renewal.

(1) The Department oversees and licenses all CDS, except CTDS licensed by the CIE. All private (non-public) CTDS are required to be licensed pursuant to chapter 1005. No person, group, organization, institution, business entity, or corporate entity may engage in the business of operating a driver's school without first obtaining a license from the Department or from CIE pursuant to Chapter 1005, F.S.

(2) All owners or all officers or partners, desiring to engage in the business of conducting a CDS shall, prior to engaging in such business, secure a License from the Department in the manner prescribed by these rules. Prior to the license being issued, all driving instructors employed by the school must be at least 21 years of age and have successfully completed one of the following:

(a) A Department approved 32 hour DITC in driver education, or the equivalent.

(b) A Department approved DPAS examination for a temporary instructor certificate.

(3) Before any license is issued, an application shall be made in writing on form HSMV77074S, which is available as provided in Rule 15A-11.014, F.A.C., and provide the following:

(a) A driving record from previous state of residence, if a Florida resident for less than one (1) year.

(b) A complete Florida Department of Law Enforcement (FDLE) background check on each owner, partner or officer of the school. Each FDLE background check must have been issued within one year of the date of the school application.

(c) If the applicant has been a Florida resident for less than one (1) year, in addition to the FDLE background check, a complete criminal background check from the previous state of residence must accompany the application and must be issued within one year of the date of the school application.

(d) Conviction of a crime within the last 7 years shall not automatically bar any applicant or licensee from obtaining or continuing a certification. The Department shall consider the type of crime committed, the relevancy to the driver training industry, and the length of time since the conviction, in accordance with Section 112.01(1)(b), F.S.

(4) Every application for a license must be accompanied by a non-refundable application fee of fifty dollars (\$50) along with a license fee of two hundred dollars (\$200) and shall be paid by money order, certified check or company check, to the Department.

(5) Each original license shall be valid for a period of one year from the date of issuance.

(6) The license shall not be transferable in the event of a change of school ownership. Application for a new license shall be made by the new owner and the old license and all instructor certificates previously issued shall be surrendered to the Department before a license will be issued to the new owner. Additionally, if the school is a previously licensed CTDS, a copy of the new CIE license must be furnished to the Department.

(7) Before granting approval, the Department may conduct an investigation of the applicant. As a part of its investigation, the Department shall determine if there are any complaints pending against the company being purchased or the owner or owners proposed to operate the purchased driver school.

(8) The license must be conspicuously displayed in the Licensee's principal, and each additional, place of business at all times.

(9) The CDS or CTDS shall agree to permit the Department and its representatives to inspect the school, its public facilities, equipment and records that are required to be maintained in the operation of the school.

(10) The CDS or CTDS shall notify the Department in writing within ten (10) days of any change in the address or employment of the owner, partner, officer, or driving instructor of any CDS or CTDS. Failure to inform the Department of any

changes shall be grounds for the Department to issue an order to suspend or cancel the school's license. In cases involving a CTDS the Department shall notify CIE of the change.

(11) Application for renewal of a CDS license shall be made at least forty-five (45) days prior to the certificate's expiration date on form number HSMV 77074S, which is available as provided in Rule 15A-11.014, F.A.C., and accompanied by a fee of one hundred dollars (\$100) payable to the Department by money order, personal check, certified check or company check. The renewal period for a CDS license is one year. Owners who permit their license to expire shall not be permitted to operate their school and shall have to apply for a new license as set forth above.

Rulemaking Authority 488.02 FS. Law Implemented 488.01 FS. History—New _____.

15A-11.004 Offices and Instruction Facilities.

(1) A CDS shall operate from an office in the following manner:

(a) It must establish and maintain a principal place of business in the State of Florida which shall not be connected to any residence. A CDS must establish and maintain a permanent mailing address.

(b) It shall ensure that its principal place of business is safe and meets all requirements of state and federal law and local ordinances.

(c) No CDS facility shall be established within 300 feet of any government building or portion thereof used for the purpose of conducting driver license examinations.

(d) It must permit the Department to inspect its meeting facilities upon reasonable notice. A CDS must permit the Department to inspect its classrooms, offices, vehicles, and records at the discretion of the Department.

(e) All classroom facilities must have a minimum of 200 square feet of space or 20 feet of space per student, whichever is greater.

(f) When a CDS advertises or lists a different phone or address, other than the main office, it shall be necessary to establish an additional office in this location.

(2) No CDS shall use, or conduct any business under a name without the approval of the Department. The school shall not use the word "State" in any part of the school name.

(3) Additional offices.

(a) A CDS desiring to open an additional office shall notify the Department in writing and provide proof of ownership, occupancy, or lease of such location. The Department shall be notified and the new location must be approved. The license must be conspicuously displayed in each additional place of business at all times.

(b) Each additional office shall be equipped to and shall perform substantially the same services as the principal place of business. If an additional office is discontinued, the additional office license shall be surrendered to the Department.

(c) Where the owner of a CDS desires to conduct business in an additional office under an adopted name and the additional office is to be located a county other than that in which the principal place of business is located, the owner must submit with his application, a certificate of adopted business name registered with the Department of State.

Rulemaking Authority 488.02 FS. Law Implemented 488.01 FS. History—New _____.

15A-11.045 Program of Instruction and Requirements.

(1) A CDS shall make available theoretical or practical instruction.

(2) Theoretical instruction shall include subject matter relating to rules and regulations of the road, safe driving practices, pedestrian safety and the driver's responsibility.

(3) Practical instruction shall include a minimum of two hours of driving providing demonstration of and actual instruction in stopping, starting, shifting, turning, backing, parking and steering in a dual controlled vehicle which meets the Department's requirements.

(4) No CDS or CTDS instructor, employee or agent shall be permitted to use the driving route, on or off the premises of any driver license examining office during the hours when driving tests are being conducted. Violation of this section may be grounds for cancellation or suspension.

(5) No CDS or CTDS instructor, employee or agent shall accompany any student into a driver license examining office to assist the student during the actual taking of a driver's license examination. Violation of this section may be grounds for cancellation or suspension.

(6) All instructors shall ascertain, before giving driving instruction, that the student possesses a valid learner's permit issued by the Department or another jurisdiction for the purpose of learning to drive.

Rulemaking Authority 488.02 FS. Law Implemented 488.01 FS. History—New _____.

15A-11.005 CDS Records Retention.

(1) Every CDS shall maintain a permanent file, or computerized database setting forth the name, address, contract number and terms of payment, with respect to every person giving lessons, lectures, tutoring, instruction of any kind, or any other services relating to instructions in the operation of a motor vehicle. The file shall also contain records showing the date, type, and duration of all lessons, lectures, tutoring and instructions including the name of the instructor giving such lessons and the tag number, make and model of vehicle used to conduct the road test.

(2) A record of all receipts and disbursements for the last three (3) years.

(3) A duplicate copy of every contract entered between the school and every person taking lessons, lectures, tutoring and instructions relating to the operation of a motor vehicle. The original contract shall be given to the student taking instructions and a duplicate thereof shall be retained by the school.

Rulemaking Authority 488.02 FS. Law Implemented 488.01 FS. History–New _____.

15A-11.006 Driving Instruction Contracts.

(1) Contracts between the school and students shall be executed in duplicate with the student receiving the original.

(2) A standard contract is hereby adopted including the terminology to be used with a space provided for the advertisement of the school. All driving instruction contracts issued by a CDS shall use the terminology outlined on form HSMV77072S, which is available as provided in Rule 15A-11.014, F.A.C.

Rulemaking Authority 488.02 FS. Law Implemented 488.01 FS. History–New _____.

15A-11.007 CDS Instruction Vehicles.

(1) No vehicle shall be used for instruction unless it has been registered with the Department. The registration shall be carried in the vehicle at all times while driving instructions are being given. When a vehicle is no longer being used by a school, the school shall notify the Department in writing within ten (10) days.

(2) The school must complete the vehicle section of the school application form HSMV77074S or the vehicle registration form HSMV77071S, which are available as provided in Rule 15A-11.014, F.A.C.

The owner shall file with the Department evidence of insurance with a company authorized to do business in this state. The driving school shall furnish evidence of such insurance coverage in the form of a certificate from the carrier, which shall stipulate that the Department shall be notified when the policy expires or if it is cancelled, and shall include make, model, and vehicle identification number. This insurance certificate must reflect the school name as the insured. The insurance certificate must list the Department as the certificate holder.

(3) A CDS must exhibit, on all motor vehicles registered by the Department, a sign identifying the name of the school. This identification may be painted on the front, side or rear of the motor vehicle in at least 2 inch letters. If the identification is not painted on the rear of the motor vehicle, a portable sign with at least 2 inch letters shall be attached securely to the rear bumper or to the top of the motor vehicle so as to be visible from the rear.

(4) Every motor vehicle used for practical driver training shall be registered by the Department unless the student has signed a waiver to use their personal vehicle.

(5) A CDS may provide the option for a student to use their personal vehicle for driving instruction. The Instructor must conduct an inspection of the vehicle and verify that the vehicle has valid registration and insurance coverage. The inspection of the vehicle includes verification that the following items are operable: windshield wipers, glass (clear view from the front, sides and back), horn, rearview mirror, directional signals, head lights, tail lights, brakes lights, brakes, valid license plate, emergency brake, steering wheel (no more than 3” play), tires (that are not bald), and muffler exhaust system firmly attached to the vehicle.

(6) Each school shall be required to pay a non-refundable fee of fifteen dollars (\$15) payable to the Department by money order, company check or certified check for each motor vehicle being registered. The vehicle registration shall be valid for one year from the date of approval.

(7) Each school must pay the Department a non-refundable fee of ten dollars (\$10) for each motor vehicle registration being renewed. The vehicle registration shall be valid for one year from the date of approval.

Rulemaking Authority 488.02 FS. Law Implemented 488.05 FS. History–New _____.

15A-11.008 Soliciting and Advertising.

(1) A school shall not use any name other than its licensed name for advertising or publicity purposes, nor shall a school advertise or imply that it is “supervised”, “recommended” or “endorsed” by the Department. The CDS shall not use the word “STATE” in any part of the school name. Violation of this section may be grounds for cancellation or suspension.

(2) An owner, instructor, agent or employee of a driving school shall not give the impression to a student that upon completion of their course, they will guarantee the securing of a driver license to operate a motor vehicle.

(3) No CDS or CTDS instructor, agent or employee shall solicit business on the premises rented, leased or owned by the Department, including parking lots adjoining driver license examining offices or parking lots used by driver license applicants.

(4) No person shall solicit or act in behalf of any CDS or CTDS without displaying upon request, a valid agent’s identification card or instructor certification issued to such agent by the Department.

(5) School advertisements appearing in publications published outside the county in which the school is located shall specify the address of the school. Violation of this section may be grounds for cancellation or suspension.

Rulemaking Authority 488.02 FS. Law Implemented 488.02 FS. History–New _____.

15A-11.009 CDS Instructor Certificate Application and Renewal.

(1) No person shall perform any instructional duties for any CDS or CDTS unless such person meets the qualifications for instructors as herein provided. All instructional personnel must submit an application and possess a valid instructor's certificate issued by the Department, which shall be carried in the instructional vehicle at all times while driving instructions are being given.

(2) Instructor qualifications.

(a) Every instructor in a school shall be at least twenty-one (21) years of age.

(b) Every instructor shall have a valid Class E driver license before making application for an instructor's certificate.

(c) Every instructor must maintain, during any consecutive three year period, a driving record which does not include more than three (3) chargeable motor vehicle crashes or violations as defined in Chapter 316, F.S. Any traffic or other violation resulting in suspension or revocation of the driving privilege will automatically cause the suspension of the instructor's certificate.

(d) An instructor shall not have any physical or mental impediments that prohibit the instructor from satisfactorily providing driving instruction.

(3) All applications for an instructor's certificate must be answered completely on form number HSMV 77073S, which is available as provided in Rule 15A-11.014, F.A.C., and accompanied by a notarized statement from the owner (unless the owner is making application) of the school listing the person's name in full, his address, and that said person is or will be employed by the school.

(4) A CDS Instructor must submit a driving record from previous state of residence, if Florida resident for less than one (1) year.

(5) If the applicant has been a Florida resident for less than one (1) year, in addition to the FDLE background check, a complete criminal background check from the previous state of residence must accompany the application and must have been issued within one year of the date of the instructor application. Conviction of a crime within the last 7 years shall not automatically bar any applicant or licensee from obtaining or continuing a certification. The Department shall consider the type of crime committed, the relevancy to the driver training industry, and the length of time since the conviction in accordance with Section 112.01(1)(b), F.S.

(6) All instructors shall have successfully completed a 32 hour DITC in driver education or the equivalent approved by the Department prior to the instructor's certificate being issued. Documentation of such training shall accompany the application.

(7) Temporary Instructor's Certificate.

(a) In the event no 32 hour DITC is available, the Department shall issue the instructor a temporary certificate based on satisfactory completion of the DPAS test. The temporary certificate shall be valid until the next 32 hour DITC is offered and shall authorize the instructor to perform practical instructional duties only during this period for a school licensed by the Department. The temporary certificate shall be valid for a maximum of six (6) months from the date of issuance. The Department shall not issue any extensions of the six month term limit, unless written proof of the extenuating circumstance is provided and approved by the Department. The Department shall issue only one, six-month temporary certificate per instructor candidate.

(b) Temporary certificate holders shall be required to take a 32 hour DITC in driver education approved by the Department. Upon successful completion of this course and upon meeting all other instructor qualifications set out by these rules and by Chapter 488, F.S., the Department shall issue to the applicant a regular instructor's certificate. Failure to complete the required 32 hour DITC will result in the cancellation of the temporary instructor's certificate.

(8) CDS instructor's certificates shall be valid for a period of one year from their date of issuance and shall be renewed yearly by applying to the Department on form HSMV77073S at least forty-five (45) days prior to the certificate's expiration date.

(9) Each original instructor application shall be accompanied by a non-refundable fee of twenty-five dollars (\$25) payable to the Department by money order, certified check or company check. The renewal application shall be accompanied by a non-refundable fee of ten dollars (\$10) payable to the Department.

(10) All instructors shall be required to attend an eight (8) hour Driver Instructor Refresher Course every five (5) years.

Rulemaking Authority 488.02 FS. Law Implemented 488.04 FS. History—New _____.

15A-11.0095 Agent Identification Cards.

Upon application to the Department, an agent shall be issued a card identifying him as an agent of a particular driving school to be used while acting on behalf of the school, if he is otherwise in compliance with these rules. Each original application shall be accompanied by a non-refundable fee of twenty-five dollars (\$25) payable to the Department by money order, certified check, or company check. The fee for the renewal application shall be accompanied by a fee of ten dollars (\$10) payable to the Department as set forth above. The card shall be valid for a period of one year from its date of issuance and shall be renewed by applying to the Department upon the proper form not later than 45 days prior to the expiration date of the card.

Rulemaking Authority 488.02 FS. Law Implemented 488.04 FS. History—New _____.

15A-11.010 Commercial Truck Driver Schools.

All CTDS shall be required to be licensed pursuant to chapter 1005 F.S., and additionally shall be subject to the provisions of Sections 488.04 and 488.05, F.S. No person, group, organization, institution, business entity, or corporate entity may engage in the business of operating a CTDS without first obtaining a license thereof from the Commission for Independent Education pursuant to Chapter 1005, F.S.

Rulemaking Authority 488.02 FS. Law Implemented 488.01 FS. History--New _____.

15A-11.011 CTDS Instructor Certificate Application and Renewal.

(1) No person shall perform any instructional duties for any CTDS licensed under section 1005 F.S. unless such person shall meet the qualifications for instructors as herein provided. All instructional personnel must submit an application and possess a valid instructor's certificate issued by the Department, which shall be carried with the instructor at all times while driving instructions are being given.

(2) Instructor qualifications:

(a) Every instructor in a CTDS shall be at least twenty-one (21) years of age.

(b) Every instructor shall have a valid Class A CDL license before making application for an instructor's certificate.

(c) Every instructor must maintain, during the most recent consecutive three year period, a driving record which does not include more than three (3) chargeable motor vehicle crashes or violations as defined in Chapter 316, F.S. Any violation, resulting in suspension or revocation of the driving privilege will automatically cause the suspension of the instructor's certificate.

(d) Every instructor shall have a minimum of three years of driving experience as a Class A CDL driver prior to application for an instructor's license.

(e) An instructor shall not have any physical or mental impediments that prohibit the instructor from satisfactorily providing driving instruction.

(3) All applications for a CTDS instructor's certificate must be answered completely on form number HSMV 77073S, which is available as provided in Rule 15A-11.014, F.A.C., and meet all the above qualifications and provide a notarized statement from the owner (unless the owner is making application) of the school listing the person's name in full, his address, and that said person is or will be employed by the school.

(4) A CTDS Instructor must submit a driving record from previous state of residence, if Florida resident for less than one (1) year.

(5) If the applicant has been a Florida resident for less than one (1) year, in addition to the FDLE background check, a complete criminal background check from the previous state of residence must accompany the application and must have been

issued within one year of the date of the instructor application. Conviction of a crime within the last 7 years shall not automatically bar any applicant or licensee from obtaining or continuing a certification. The Department shall consider the type of crime committed, the relevancy to the driver training industry, and the length of time since the conviction in accordance with Section 112.01(1)(b), F.S.

(6) All CTDS instructors shall have successfully completed a 32 hour CMV-DITC in driver education or the equivalent approved by the Department prior to the instructor's certificate being issued. Documentation of such training shall accompany the application.

(7) Temporary Instructor's Certificate.

Prior to acceptance of a Temporary Instructors Certificate the school must verify that the instructor meets the qualification of an instructor as indicated above.

(a) In the event, no 32 hour CMV-DITC is available, the Department shall issue the instructor a temporary certificate based on satisfactory completion of the DPAS test. The temporary certificate shall be valid until the next 32 hour CMV-DITC is offered and shall authorize the instructor to perform practical instructional duties only during this period for a school licensed by the Department. The temporary certificate shall be valid for a maximum of six (6) months from the date of issuance. The Department shall not issue any extensions of the six month term limit, unless written proof of the extenuating circumstance is provided and approved by the Department. The Department shall issue only one, six-month temporary certificate per instructor candidate.

(b) Temporary certificate holders shall be required to take a 32 hour CMV-DITC in driver education approved by the Department. Upon successful completion of this course and upon meeting all other instructor qualifications set out by Chapter 488 or 1005, F.S., the Department shall issue to the applicant a regular instructor's certificate. Failure to complete the required 32 hour CMV-DITC will result in the cancellation of the temporary instructor's certificate.

(8) CTDS instructor's certificates shall be valid for a period of one year from their date of issuance and shall be renewed yearly by applying to the Department on the prescribed form at least forty-five (45) days prior to the certificate's expiration date.

(9) Each original instructor application shall be accompanied by a non-refundable fee of twenty-five (\$25) dollars payable to the Department by money order, or certified check. The renewal application shall be accompanied by a non-refundable fee of ten dollars (\$10) payable to the Department as set forth above.

(10) All instructors shall be required to attend an eight (8) hour CMV-Driver Instructor Refresher Course every five (5) years.

Rulemaking Authority 488.02 FS. Law Implemented 488.04 FS. History--New _____.

15A-11.012 CTDS Instruction Vehicles.

(1) No vehicle shall be used for instruction unless it has been issued a federally approved safety inspection and a motor vehicle registration by the Department. The safety inspection and vehicle registration must be carried in the vehicle at all times while driving instructions are being given. When a vehicle is no longer being used by a school, the school shall give the Department written notice of this fact.

(2) To be issued a motor vehicle registration, the school must submit the vehicle registration form HSMV77071S, which is available as provided in Rule 15A-11.014, F.A.C., and comply with the following:

(a) The owner shall file with the Department evidence of insurance with a company authorized to do business in this state. The driving school shall furnish evidence of such insurance coverage in the form of a certificate from the carrier, which shall stipulate that the Department shall be notified when the policy expires or if it is cancelled, and shall include make, model, and vehicle identification number. This insurance certificate must reflect the school name as the insured. The insurance certificate must list the Department as the certificate holder.

(b) Every motor vehicle used for truck driver training shall be owned or leased by the school.

(c) Every motor vehicle used for truck driver training shall be registered by the Department.

(3) The driving school must exhibit, on all motor vehicles registered by the Department, a sign identifying the name of the school licensed by the Commission for Independent Education. This identification may be painted on the front, side or rear of the truck and/or trailer in at least 2 inch letters. If the identification is not painted on the rear of the motor vehicle, a portable sign with at least 2 inch letters shall be attached securely to the rear bumper or to the top of the motor vehicle so as to be visible from the rear.

(4) Each school shall be required to pay a non-refundable fee of fifteen dollars (\$15) payable to the Department by money order, or certified check for each motor vehicle being registered. The vehicle registration shall be valid for one year from the date of approval.

(5) Each school must pay to the Department, a non-refundable fee of ten dollars (\$10) for each motor vehicle registration being renewed. The vehicle registration shall be valid for one year from the date of approval.

Rulemaking Authority 488.02 FS. Law Implemented 488.05 FS. History—New _____.

15A-11.013 Cancellation or Suspension of CDS License, CDS, CTDS Instructor's Certificate or Agent's Card.

(1) Any license, certificate or agents identification card may be cancelled, or suspended by the Department for the purpose of enforcing the safety requirements essential to the purpose of Chapter 488, F.S. The Department shall determine whether to cancel, or suspend based on the severity and

frequency of the act or acts committed. Such acts or conditions that warrant cancellation or include, but are not limited to, the following:

(a) The violation of any provision of Chapter 488, F.S., or of any of the rules and regulations of the Department.

(b) The conviction of a felony, or any crime involving violence, dishonesty, deceit, indecency, or immoral conduct. The conviction of such a crime shall result in the permanent cancellation of the license, certificate, or identification card.

(c) The conviction of possession or distribution of illegal alcohol or a Chapter 893, F.S., controlled substance.

(d) The use of alcoholic liquors, morphine, cocaine, or other drugs having similar effects, on the premises of the driver training school or driver license office.

(e) Mental incompetence.

(f) The failure or refusal of a certified instructor, agent or licensed owner or the officers or partners thereof to produce his license, certificate or identification card when requested to do so either by prospective students, student or official of the Department.

(g) The employment of instructors, teachers or agents who have not been approved and certified or issued identification cards by the Department, or giving driving instruction without being certified by the Department.

(h) The instruction of students contrary to the restrictions imposed on the students' driver's licenses.

(i) The unauthorized possession of application forms or questionnaires used by the Department or its agents in conducting driver's license examinations.

(j) Driver License suspended twice (2) for violating Section 324, 318.18, or 322.27(3)(a)-(c), F.S.

(k) Agreeing to fraudulently supply or aid in supplying any person with a driver's license or identification card.

(1) CDS or CTDS instructor's driver license revoked for DUI or suspended for habitual traffic offender.

(2) Acts or conditions that warrant suspension include, but are not limited to, the following:

(a) The failure or refusal of the owner or the officers or partners thereof to permit the Department or its representatives to inspect the school or class, or the motor vehicles used to teach its students or to give full information pertaining to any or all items contained in an application form or to its program.

(b) The failure of the owner or the officers or partners thereof to maintain adequate standards of instruction or to secure the services of qualified instructors or to secure the use of equipment sufficient to maintain the school or classes.

(c) The failure to immediately advise the Department of a change in the school's ownership.

(d) Solicitation of business within 300 feet of the property rented, leased or owned by the Department, including parking lots adjoining driver license examining offices or parking lots used by driver license applicants.

(3) The Department may take emergency suspension or revocation action, without preliminary hearing whenever any school or instructor has knowingly been involved in assisting anyone to obtain a driver’s license fraudulently or otherwise acted in a manner whereby an immediate danger to the public safety would result by delaying such suspension or revocation action as outlined in Section 120.60, F.S.

(4) Prior to any Departmental action against a driver training school license, instructors certificate or agent’s identification card, an administrative hearing shall be offered by the Department and held by the Bureau of Administrative Reviews office to allow the school owner or instructor to show cause why action should not be taken, except as provided in emergency suspension action as outlined in Section 120.60, F.S.

(5) Any applicant for a license, certificate or agents identification card who is denied, suspended or revoked by the Department in accordance with this rule may re-apply for consideration three years after the date of such denial, suspension or revocation.

(6) The Department shall notify CIE if negative action is taken against a truck driver training school or its instructors. If any of the above acts or conditions involve the owner, or any stockholder, officer or partner thereof the school’s license may be cancelled or suspended. If they involve an instructor, the certification may be cancelled or suspended.

Rulemaking Authority 488.02 FS. Law Implemented 488.06 FS. History–New _____.

15A-11.014 Grounds for Cancellation or Suspension Matrix.

<u>Violation</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd or Subsequent Offense</u>
<u>Wrongful solicitation</u> <u>15A-11.013(2)(d)</u>	<u>Warning Letter to School & Instructor.</u>	<u>90 Day Suspension to Certificate Cancellation</u>	<u>Cancellation letter to school & Instructor. BDE records offense. 21 Day appeal process starts</u>
<u>Giving instructions without proper license or certification</u> <u>15A-11.013(1)(g)</u>	<u>Certificate Cancellation. Letter sent to School and Instructor. 21 Day appeal process starts</u>	<u>If no appeal, memo sent to DL offices notifying of cancellation</u>	<u>N/A</u>
<u>Use of alcohol or controlled substance on CDS or DL property</u> <u>15A-11.013(1)(d)</u>	<u>Certificate Cancellation. Letter sent to School and Instructor. 21 Day appeal process starts</u>	<u>If no appeal, memo sent to DL offices notifying of cancellation</u>	<u>N/A</u>
<u>Driver license suspended twice for violating F.S. 324, 318.18, 322.27(3)(a)-(c)</u> <u>15A-11.013(1)(j)</u>	<u>Certificate Cancellation. Letter sent to School and Instructor. 21 Day appeal process starts</u>	<u>If no appeal, memo sent to DL offices notifying of cancellation</u>	<u>N/A</u>
<u>Conviction of Felony or Misdemeanor</u> <u>15A-11.013(1)(b)</u>	<u>Certificate Cancellation. Letter sent to School and Instructor. 21 Day appeal process starts</u>	<u>If no appeal, memo sent to DL offices notifying of cancellation</u>	<u>N/A</u>
<u>Fraudulently assisting or supplying a person with a driver license</u> <u>15A-11.013(1)(k)</u>	<u>Certificate Cancellation. Letter sent to School and Instructor. 21 Day appeal process starts</u>	<u>If no appeal, memo sent to DL offices notifying of cancellation</u>	<u>N/A</u>
<u>Driver license revoked for DUI or suspended for habitual traffic offender</u> <u>15A-11.013(1)(l)</u>	<u>Certificate Cancellation. Letter sent to School and Instructor. 21 Day appeal process starts</u>	<u>If no appeal, memo sent to DL offices notifying of cancellation</u>	<u>N/A</u>
<u>CDS giving instruction on DL exam route during business hours</u> <u>15A-11.045(4)</u>	<u>Warning letter to School & Instructor.</u>	<u>30 Day suspension</u>	<u>90 Day Suspension to Certificate Cancellation</u>
<u>CDS instructor assisting a student taking an actual driver license examination</u> <u>15A-11.045(5)</u>	<u>Warning letter to School & Instructor.</u>	<u>Certificate Cancellation. Letter sent to School and Instructor. 21 Day appeal process starts</u>	<u>N/A</u>

Rulemaking Authority 488.02 FS. Law Implemented 488.01 FS. History–New _____.

15A-11.015 Forms.

The forms identified by this rule are listed below by number, title, and effective date. Each form is incorporated by reference. Copies may be obtained by contacting the DUI Programs Section, Neil Kirkman Building, Tallahassee, Florida 32399-0571. The following forms are available via our website at <http://www.flhsmv.gov/ddl/comschool.html>.

(1) Driver Training School Application Form, HSMV Form 77074S (Rev. 11/08).

(2) Instructor/Agent Application Form, HSMV Form 77073S (Rev. 11/08).

(3) Vehicle Registration Application Form, HSMV Form 77071S (Rev. 11/08).

(4) Student Contract Form, HSMV Form 77072S (Rev. 11/08).

Rulemaking Authority 488.02 FS. Law Implemented 488.01 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mike McGlockton

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Julie Jones, Executive Director

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

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

FLORIDA PAROLE COMMISSION

RULE NO.: 23-15.015
 RULE TITLE: Indexing of Orders
 PURPOSE AND EFFECT: The Commission proposes to amend a current rule to update it to conform to current practices and procedures.

SUMMARY: The change updates the list of orders which are indexed by the Commission. Additionally, an obsolete position is removed and updated with the current office title.

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: 120.533(2), 947.07 FS.
 LAW IMPLEMENTED: 120.53(1)(a), 947.071 FS.
 A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: January 7, 2010, 9:00 a.m.
 PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg C., Hearing Room A, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Sarah J. Rumph, General Counsel, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sarah J. Rumph, General Counsel, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

- 23-15.015 Indexing of Orders.
- (1) through (3) No change.
- (4) Numbering of Final Orders.
 - (a) No change.
 - (b) The applicable order category shall be added as a suffix succeeding the agency designation prefix and two-part number. The order categories are as follows:
 - PG – Parole Granted
 - PR – Parole Revoked
 - PSR – Parole Supervision Revoked
 - PST – Parole Supervision Terminated
 - PTE – Parole Terminated Early
 - PER – Parole Extraordinary Review
 - CRR – Conditional Release Revoked
 - CRSR – Conditional Release Supervision Restored
 - CRST – Conditional Release Supervision Terminated
 - CRSE – Conditional Release Supervision Terminated

Early

- CTRLR – Control Release Revoked
- CTRLSR – Control Release Restored
- CTRLST – Control Release Supervision Terminated
- CTRLTE – Control Release Supervision Terminated Early
- ARR – Addiction Recovery Supervision Revoked
- ARSR – Addiction Recovery Supervision Restored
- ARST – Addiction Recovery Supervision Terminated
- ARSTE – Addiction Recovery Supervision Terminated

Early

- CMRI – Conditional Medical Release Imposed
- CMRR – Conditional Medical Release Revoked
- CMRSR – Conditional Medical Release Restored

CMRST – Conditional Medical Release Terminated

- (c) No change.
- (5) System for Indexing Final Orders.
- (a) through (b) No change.

(c) ~~Release Services The Agency Planning and Information Officer~~ shall index all final orders. On a weekly basis, staff designated by the ~~Release Services Parole Grant Section and Revocation Sections~~ shall provide ~~the Agency Planning and Information Officer with~~ a copy of each final order to be indexed, relevant to their particular functional area. In addition, ~~staff designated by the General Counsel shall retain~~ provide the ~~Agency Planning and Information Officer with~~ a copy of all stipulations, agreed settlements and consent orders, which are required to be listed, but not indexed.

- (6) No change.
- (7) Plan and Procedures for Public Access.
- (a) No change.

(b) ~~Release Services The Agency Planning and Information Officer~~ shall assist the public in obtaining information and access to agency final orders.

(c) ~~Release Services The Agency Planning and Information Officer~~ shall maintain a file of indexed final orders, the subject-matter index and a list of non-indexed final orders. Upon request, ~~Release Services the Agency Planning and Information Officer~~ shall retrieve the final order(s) requested and make the order(s) available for public inspection or copying, at no more than cost.

- (d) No change.

Rulemaking Specific Authority 120.533, 947.07 FS. Law Implemented 120.53(2)(a)1.-5., 947.071 FS., Chapter 91-30, S10, Laws of Florida. History–New 1-26-93, Amended 1-5-94,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sarah Rumph, General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Chairman Frederick Dunphy

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 2, 2009

FLORIDA PAROLE COMMISSION

RULE NOS.:	RULE TITLES:
23-20.002	Scope of Responsibility
23-20.007	Procedures

PURPOSE AND EFFECT: The Commission proposes to amend a current rule to remove obsolete position titles.

SUMMARY: The change clarifies that only parole-eligible inmates are eligible for the mutual participation program as well as update position titles, replacing obsolete titles with correct title.

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: 947.07, 947.135, 947.20 FS.
LAW IMPLEMENTED: 947.135 FS.

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

DATE AND TIME: January 7, 2010, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg C., Hearing Room A, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Sarah J. Rumph, General Counsel, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sarah J. Rumph, General Counsel, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

23-20.002 Scope of Responsibility.

- (1) through (3) No change.

(4) The ~~Release Services Mutual Participation Program~~ Administrator will be provided with an opportunity to review the agreement and may provide input prior to the agendaed action by the Commission.

- (5) through (8) No change.

Rulemaking Specific Authority 947.07, 947.135, 947.20 FS. Law Implemented 947.135 FS. History–New 9-10-81, Formerly 23-20.02, Amended 1-26-93,_____.

23-20.007 Procedures.

- (1) through (3) No change.

(4) Once the conditions are agreed upon by the representatives of the Department, the Commission, and the inmate, the agreement should be prepared at the institution, if possible, signed by all participants, subject to review and approval by the ~~Warden Superintendent~~; and if approved, forwarded by the Commission representative to the Commission with notification to the ~~Release Services Mutual Participation Program~~ Administrator.

(5) The ~~Release Services Mutual Participation Program~~ Administrator will be provided with an opportunity to review all agreements at the same time they are submitted to the Commission and may provide input prior to the agendaed action by the Commission.

(6) Upon approval by the Commission, the representative of the Commission and the Department and the inmate shall be informed in writing and the agreement shall be in force. The original copy of the agreement shall be retained and placed in the Department's Offender Record with copies to the Commission representative, the Department representative, the ~~Release Services Mutual Participation Program~~ Administrator, and the inmate.

(7) Renegotiation or Cancellation: Should the negotiated agreement not be approved by the Commission, the inmate, Commission's representative, the ~~Release Services Mutual Participation Program~~ Administrator shall be notified in writing of the reasons for rejection. A proposed agreement may be returned to the negotiating team for possible renegotiation. Agreements may also be cancelled and submitted to the negotiation team for new negotiations when:

(a) through (b) No change.

(8) Monitoring:

(a) through (b) No change.

(c) If the agreement conditions have not been satisfactorily met, the inmate or the Department or Commission representatives may recommend continuance, cancellation or renegotiation of the agreement. Recommendations made by the representatives should be prepared at the institution, if possible, signed by all participants subject to review and approval by the ~~Warden Superintendent~~; and if approved, then forwarded to the Commission with notification to the ~~Release Services Mutual Participation Program~~ Administrator. The ~~Release Services Mutual Participation Program~~ Administrator will be provided with an opportunity to review all recommendations at the same time they are submitted to the Commission and may provide input prior to the agendaed action by the Commission. The Commission shall make the final decision on the agreement and notify the representative of the Commission, the Department, the inmate, and ~~Release Services Mutual Participation Program~~ Administrator of the final action. Final Commission action shall take place prior to the proposed parole date. Review of the conditions under parole supervision will be the responsibility of the parole supervisor in accordance with Statutes. Additionally, the Commission and the Department shall jointly monitor the total program in order to prepare yearly reports as well as provide evaluation for future program direction.

(9) through (11) No change.

Rulemaking Specific Authority 947.07, 947.135, 947.20 FS. Law Implemented 947.135 FS. History—New 9-10-81, Amended 10-1-82, Formerly 23-20.07, Amended 1-26-93,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sarah Rumph, General Counsel
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Chairman Frederick Dunphy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 18, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 23, 2009

FLORIDA PAROLE COMMISSION

RULE NO.: 23-20.003
RULE TITLE: Criteria for Program Eligibility
PURPOSE AND EFFECT: The Commission proposes to amend a current rule to clarify eligibility requirements for the mutual participation program.

SUMMARY: The change clarifies that only parole-eligible inmates are eligible for the mutual participation program.

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: 947.07, 947.135(3)(b), 947.20 FS.

LAW IMPLEMENTED: 947.135 FS.

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

DATE AND TIME: January 7, 2010, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg C., Hearing Room A, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Sarah J. Rumph, General Counsel, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sarah J. Rumph, General Counsel, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

23-20.003 Criteria for Program Eligibility.

All parole eligible inmates within the Department shall be eligible for consideration for participation in the Mutual Participation Program provided:

(1) through (3) No change.

Rulemaking Specific Authority 947.07, 947.135, 947.20 FS. Law Implemented 947.135 FS. History–New 9-10-81, Amended 10-1-82, 8-1-83, Formerly 23-20.03, Amended 1-26-93,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sarah Rumph, General Counsel
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Chairman Frederick Dunphy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 18, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 23, 2009

FLORIDA PAROLE COMMISSION

RULE NO.: 23-21.001
RULE TITLE: General
PURPOSE AND EFFECT: The Commission proposes to delete reference a non-existent type of supervision.
SUMMARY: The proposed change deletes reference to a form of supervision that does not exist by statute.
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: 120.53, 947.1405, 947.06, 947.07, 947.20 FS.

LAW IMPLEMENTED: 947.06 FS.

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

DATE AND TIME: January 7, 2010, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg C., Hearing Room A, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Sarah J. Rumph, General Counsel, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sarah J. Rumph, General Counsel, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

23-21.001 General.

(1) The Commission shall be known as the Florida Parole Commission and Control Release Authority. There is no right to parole or control release in the State of Florida. Pursuant to

Article IV, Section 8, Florida Constitution, the Commission may grant paroles or conditional releases to persons under sentence for crimes who are eligible for consideration. The Commission can also, as the Control Release Authority, establish control release dates for statutorily eligible inmates. The Commission can also require periods of supervision in conjunction with any release ordered by the Commission including Conditional Medical Release. The Commission may rescind an unexecuted order granting parole, and may revoke paroles, conditional releases, control releases, ~~compulsory conditional releases~~, addiction recovery or conditional medical releases based upon violation of any of the specified conditions of release.

(2) No change.

Rulemaking Specific Authority 120.53, 947.06, 947.07, 947.20, 960.001(1)(d)3. FS. Law Implemented 120.53, 947.23, 947.06, 960.001 FS. History–New 9-10-81, Formerly 23-21.01, Amended 1-26-93, 1-5-94, 8-16-94, 8-17-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sarah Rumph, General Counsel
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Chairman Frederick Dunphy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 18, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 30, 2009

FLORIDA PAROLE COMMISSION

RULE NOS.:	RULE TITLES:
23-21.006	Initial Interview Procedure
23-21.007	Salient Factor Scoring
23-21.0165	Conditions of Parole
23-21.019	Parole Rescission
23-21.021	Warrant and Arrest
23-21.022	Revocation of Parole; Preliminary Hearings; Final Hearings

PURPOSE AND EFFECT: The Commission proposes to update rules to conform to current practices and procedures, deleting obsolete practices and procedures and standardizing to conform to other types of Commission supervision.

SUMMARY: The proposed changes clarify current practices and procedures in regards to determining eligibility for parole and scoring for parole eligibility. It also conforms the standard conditions of parole supervision to other forms of supervision. The hearing and revocation procedures are also updated to clarify current practice and conform to other forms of supervision.

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: 947.07, 947.071, 947.165, 947.20 FS.

LAW IMPLEMENTED: 947.04, 947.06, 947.071; 947.13, 947.16, 947.165, 947.168, 947.172, 947.173, 947.174, 947.1745, 947.1746, 947.1747, 947.18, 947.19, 947.21, 947.22, 947.23, 947.24 FS.

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

DATE AND TIME: January 7, 2010, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg C., Hearing Room A, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Sarah J. Rumph, General Counsel, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sarah J. Rumph, General Counsel, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

23-21.006 Initial Interview Procedure.

(1) through (2) No change.

(a) through (b) No change.

(c) In the event an inmate is scheduled for an initial or subsequent interview and is not in the Department's custody at that time, the examiner shall prepare a transaction sheet reflecting same and the case shall be rescheduled for the appropriate interview within 90 days. If the inmate is in another jurisdiction (state or federal) and is not serving a Florida sentence, the interview shall be conducted upon the inmate's return to the Department's custody.

(d) No change.

(3) through (8) No change.

(9) No change.

(a) No change.

(b) For inmates subject to incarceration as a condition of probation, the following matters shall be determined:

1. Is the inmate confined solely as the result of a commitment where his incarceration is a condition of probation? If the answer is yes, the inmate shall be advised that he is not eligible for consideration for parole. If the answer is no, then

2. Where the inmate has multiple commitments, at least one of which is a concurrent commitment where his current incarceration is a condition of probation, and at least one of which is a non-probationary commitment which will expire subsequent to the expiration of the condition of incarceration, the inmate shall not be ineligible for parole on that account, but shall have a presumptive parole release date established beyond the expiration date of the condition of probation.

3. Where the inmate has multiple commitments, at least one of which is a consecutive commitment where his incarceration is a condition of probation, the inmate shall be eligible ~~shall not be ineligible~~ for parole to the incarceration portion of his probation on that account.

(c) No change.

(10) through (15) No change.

Rulemaking Specific Authority 947.07 FS. Law Implemented 947.002, 947.16, 947.165, 947.172 FS. History—New 9-10-81, Amended 10-1-82, 8-1-83, Formerly 23-21.06, Amended 1-26-93, 1-5-94, 8-17-06, _____.

23-21.007 Salient Factor Scoring.

Salient factors (1) through (6) shall be calculated on the inmate's entire criminal record, including the present offense of conviction.

(1) through (3) No change.

(4) AGE AT OFFENSE WHICH LED TO THE FIRST INCARCERATION:

	17 Years or younger	=	2 Points
	18-25 Years	=	1 Point
	26 Years or older	=	0 Points

(a) through (d) No change.

(e) For the purposes of this item, if the inmate was placed on probation which later was revoked, use the age of the inmate on the date of the behavior leading to revocation. Do not use the age of the defendant at the time of the offense which led to the probation or the date of the revocation.

(f) through (g) No change.

(5) No change.

(6) NUMBER OF PRIOR ESCAPE CONVICTIONS:

	One or more prior escape conviction(s)	=	1 Point
	No prior escape conviction	=	0 Points

(a) No change.

(b) Score 0 if the inmate has no prior escape conviction.

(c) More than one escape conviction shall be considered a negative indicant of parole prognosis and may be used as an aggravating factor.

(7) BURGLARY OR BREAKING AND ENTERING AS THE PRESENT OFFENSE OF CONVICTION:

	Present Offense of Conviction	=	1 Point
	includes a conviction for burglary or breaking and entering		
	Otherwise	=	0 Points

(a) No change.

(b) Score 0 if the present offense of conviction ~~does is~~ not include a burglary or breaking and entering. Do not point convictions for entering without breaking, attempted burglary, attempted breaking and entering or possession of burglary tools.

(c) through (d) No change.

Rulemaking Specific Authority 947.07, 947.165 FS. Law Implemented 947.002, 947.13, 947.165 FS. History–New 9-10-81, Amended 10-1-82, 8-1-83, 7-1-84, Formerly 23-21.07, Amended 1-26-93, 1-5-94, 8-17-06, 12-30-08,_____.

23-21.0165 Conditions of Parole.

(1) The following are the Standard Conditions of Parole:

(a) Condition 1 – Promptly upon being released on parole, I shall proceed to my planned place of residence, _____, where I shall reside. Immediately upon my arrival, I shall report in person to the probation and parole office in _____ County, Florida, as instructed by the release officer, on _____ at _____. If no specific date/time is given, I shall report within 72 hours of my release by personal visit to the parole supervisor under whose supervision I am to be paroled. The parole supervisor’s address is: _____.

(b) No change.

(c) Condition 3 – I shall submit a full and truthful report to my parole officer ~~before the fifth day~~ of each month in writing on the forms provided ~~or~~ in person as directed by my parole supervisor.

(d) Condition 4 – I shall not:

1. Use or possess alcohol or intoxicants of any kind.
2. Use or possess narcotics, drugs, or marijuana unless prescribed by a physician.
3. Enter any business establishment whose primary purpose is the sale/consumption of alcoholic beverages.

(e) Condition 5 – I shall not knowingly associate with any person(s) who is engaging in any criminal activity, a criminal gang member, or person(s) associated with criminal gang members.

(f) through (k) No change.

(l) Condition 12 – I shall execute and provide authorizations to release records to my parole supervisor and the Commission so my progress and participation in required programs can be monitored and documented.

(2) through (4) No change.

(5) A panel of no fewer than two Commissioners has authority to cause a review of the progress of a parolee, or the Department of Corrections may make recommendations to the Commission whether to modify the reporting schedule or further modify the terms and conditions of parole. A panel of no fewer than two Commissioners shall discharge from parole, relieve from making further reports or permit the parolee to leave the country upon determining that such action is in the best interest of the parolee and of society. Such cases shall be docketed before the panel of commissioners, if available, that initially set the terms and conditions of conditional release.

(6) A panel of no fewer than two (2) commissioners shall review the progress of each person who has been placed on parole after two years of supervision in the community and not less often than biennially thereafter. Such reviews must include consideration of whether to modify the reporting schedule, thereby authorizing the person under supervision to submit reports quarterly, semi-annually, or annually. In the event the Commission elects to place a parolee on quarterly, semi-annually or annual reporting, the following definitions will be applicable:

(a) Quarterly reporting – one personal contact required every three (3) months.

(b) Semi-annual reporting – one personal contact required every six (6) months.

(c) Annual reporting – one personal contact required every twelve (12) months.

(7) The panel may give specific instructions reflecting whether the personal contact is to take place in a formal setting or in the setting to be determined by the parole supervisor.

(8) Such modification shall not impose new or different terms or conditions of parole more restrictive than was stated in the original certificate.

Rulemaking Specific Authority 947.07, 947.20 FS. Law Implemented 947.1747, 947.20, 947.23 FS. History–New 8-1-83, Formerly 23-21.165, Amended 1-26-93, 1-5-94, 8-17-06,_____.

23-21.019 Parole Rescission.

(1) Any Commissioner has authority to postpone any inmate’s effective parole release date based on the criteria set forth in subsections 23-21.015(12) ~~and 23-21.016(2)~~, F.A.C.

(a) through (b) No change.

(2) through (5) No change.

Rulemaking Specific Authority 947.07 FS. Law Implemented 947.13, 947.1745 FS. History–New 9-10-81, Amended 10-1-82, 8-1-83, Formerly 23-21.19, Amended 1-26-93, 1-5-94, 8-17-06,_____.

23-21.021 Warrant and Arrest.

(1) through (3) No change.

(4) Should a warrant be issued, such will be transmitted to the requesting agency for appropriate service or filing. The warrant information will be entered into the Florida Crime Information Center and National Crime Information Center

databases, unless the alleged parole violator is in custody in Florida. The Commission has the authority to pursue extradition of alleged violators from other jurisdictions.

(5) Should a warrant be issued, and a dismissal of the warrant is requested, the signing Commissioner or Chair is authorized to dismiss the warrant for good cause or a Commissioner may docket the warrant dismissal request for consideration by the full Commission.

(6) Emergency Warrants.

(a) An emergency warrant can be issued by a Commissioner or any Commission representative duly authorized by the Chair when the Commission receives notification from an arresting agency that a parolee has been arrested and charged with a new felony offense and there is no outstanding Commission warrant for the parolee.

(b) The decision to issue an emergency warrant shall be based on evidence which indicates reasonable grounds to believe a parolee violated the conditions of parole. The issuance of an emergency warrant is discretionary.

(c) Should an emergency warrant be issued, such will be transmitted to the detaining agency for appropriate service or filing. Alleged violators of parole will be entered into the Florida Crime Information Center and National Crime Information Center, unless in custody. The Commission has authority to pursue extradition of alleged violators from other jurisdictions.

(d) Should an emergency warrant be issued and a dismissal of the emergency warrant is requested by the revocations administrator or his designee, the signing Commissioner, without the approval of the Chair, or Commission representative authorized to execute warrants, with the approval of the Chair, is authorized to dismiss the warrant for good cause.

Rulemaking Specific Authority 947.07, 947.22 FS. Law Implemented 947.22, 947.23 FS. History—New 9-10-81, Amended 7-1-84, Formerly 23-21.21, Amended 1-26-93, 1-5-94, 8-17-06,_____.

23-21.022 Revocation of Parole; Preliminary Hearings; Final Hearings.

(1) Preliminary Hearing. Within 30 days of service ~~or filing~~ of the Commission's warrant in this State, an alleged parole violator will be provided a preliminary hearing. The purpose of the preliminary hearing is to determine if there is probable cause that a violation of parole has occurred.

(2) through (4) No change.

(5) Prior to the preliminary hearing, the parolee may elect to waive such hearing, provided such waiver is executed in writing before a Commissioner or duly authorized representative of the Commission, and follows a full explanation of all rights, procedures, and possible consequences. The parolee may withdraw the waiver by submitting a written request which waives all time constraints. The waiver withdrawal request must be appropriately witnessed, and postmarked within 14 days after the execution

of the waiver. Upon receipt of a timely waiver withdrawal request, a preliminary hearing shall be convened after appropriate notice.

(6) The parolee may ~~also~~ request postponement of the preliminary hearing, until such time as any pending criminal charges that are listed on the Commission's warrant or notice of hearing have been resolved. The granting of a postponement on behalf of the parolee shall waive all time constraints and shall postpone disposition of all violations until notification is received by the Commission that the pending criminal charges have been resolved or the parolee elects to proceed with or waive the preliminary hearing such postponement and the reasons thereof being reflected in the record. Should the parolee fail to contact the Commission and request a hearing upon the disposition of local charges resulting in a sentence to incarceration, the parolee has waived his right to a preliminary hearing.

(7) The parolee may request that the preliminary hearing be continued upon showing of cause. The request for continuance shall be submitted to the person conducting the hearing in writing prior to convening the hearing, provided that the reasons for the request are outlined with specificity. The granting of a continuance on behalf of the parolee shall waive all time constraints. If a preliminary hearing has been convened, such may be continued on the motion of the parolee, the Commission or duly authorized representative of the Commission, provided the record reflects a good cause for such continuance.

(8) If there is a judicial order of incompetency, a written psychiatric or psychological determination of incompetency, or a commitment to a mental institution in the 90 days prior to the violation then an attorney shall be appointed. Once an attorney is appointed for questions of competency or if a previously appointed/retained attorney raises competency issues, then evidence of mental competency/incompetency shall be gathered and forwarded to the Commission for review. Once received by the Commission, the case shall be docketed. At the Commission meeting, the Commission may either order the violation process proceed, that the violation process be placed in abeyance, or such other order as it considers proper.

(9)(6) At least 7 days prior to the preliminary hearing, the parolee shall be informed in writing of the date, time, and location of the hearing. The parolee shall also be informed in this notice of the charges which are to be considered at the hearing and the notice shall contain all rights regarding the hearing as heretofore stated.

(10)(7) The Commission representative who is responsible for holding the preliminary hearing shall have the authority to administer oaths to all witnesses. The Commission representative is responsible for the conduct of the hearing, evaluation of evidence presented and shall make findings based on such evidence with respect to the issue of probable cause. Following all testimony, the Commission representatives shall announce, verbally, the findings regarding

probable cause issues and shall promptly provide a written statement of the findings to the parolee within 30 days following the hearing.

~~(11)(8)~~ Following the hearing, the Commission representative shall prepare a written summary of the hearing. The written summary, which will include recommendations for further Commission action, shall be transmitted to the Commission for action. The written summary shall also contain any mitigating circumstances which are brought to light as a result of the proceeding and a statement on realistic alternatives to further incarceration, if any.

~~(12)(9)~~ Upon receipt of the preliminary hearing summary, the Commission shall review same and make a further decision with respect to possible restoration to parole or discharge from further supervision or the return of the parolee for a final revocation hearing.

~~(13)(10)~~ Any parolee who has been arrested pursuant to a Commission warrant may request and shall be provided a hearing on the matter of release on recognizance regarding the Commission warrant. Such hearing may be held by a Commission representative, who shall provide the Commission with a written report regarding the hearing after which the Commission shall make a decision and inform the parolee. A Commissioner is authorized to order a parolee released on his recognizance. However, the parolee must sign a written statement agreeing:

(a) through (c) No change.

(d) That his release on recognizance is subject to review and approval by the Commission or the Commissioner who executed the warrant, or the Chair in his absence, ~~and that should his release on recognizance be disapproved, the parolee must surrender himself for return to custody pending disposition of the alleged violation. Failure to surrender shall result in the rearrest of the parolee.~~

~~(14)(11)~~ If the Commission decides to conduct a final revocation hearing, ~~an order shall be entered to that effect. A notice of that order shall be served upon the sheriff of the county in which the alleged parole violator is being detained.~~ The Commission or a Commission representative may request the immediate transfer of the alleged violator to an appropriate Department facility. The final revocation hearing shall be noticed and convened within 60 days of receipt of written notification from the Department of the return of the alleged violator to the custody of the Department. If the alleged violator is already in the custody of the Department from another jurisdiction, or has been released on recognition, or the Commission has elected not to have the violator transferred to the Department, the final revocation hearing shall be noticed and convened within 60 days of the preliminary hearing, or the waiver of that hearing.

~~(15)(12)~~ Final Hearing. The parolee shall be informed, in writing, at least 14 days prior to the final revocation hearing of the date, time and location of such hearing. The notice of the

hearing shall contain the charges of violation and shall contain a list of the rights the parolee shall be afforded for such hearing as follows:

(a) through (e) No change.

~~(16)(13)~~ Any final hearing can be waived by the parolee after an explanation of all rights and possible consequences of waiver. The waiver shall be in writing and shall ~~can~~ be executed before a member of the Commission or the Commission's designated representative. The parolee may withdraw the waiver by submitting a written request which waives all time constraints ~~executing a withdrawal of waiver form and forwarding to the Commission headquarters. The waiver withdrawal request must be appropriately witnessed and postmarked~~ within 14 days after the execution of the waiver. ~~The withdrawal of waiver form and instructions regarding its use shall be provided to the parolee at the time of the execution of the waiver.~~ Upon receipt of a timely ~~the~~ withdrawal of waiver form, a final revocation hearing shall be convened after appropriate notice. ~~Such hearing shall be conducted in accordance with these rules.~~

~~(17)(14)~~ The parolee is entitled to request that his final revocation hearing be postponed or continued, upon a showing of good cause. The request for postponement or continuance may be submitted to the Parole Examiner or Commission, in writing, prior to the convening of the hearing, provided that the reasons for the request are outlined with specificity. In the event that the final hearing has been convened, such may be postponed or continued beyond 60 days provided the record reflects good cause for such continuance.

~~(18)(15)~~ The final revocation hearing is a two-part hearing with the first emphasis being placed on the factual determination as to whether or not violations have occurred. The second part of the final revocation hearing is the determination of whether or not the parole should be revoked. In reaching such a determination, the Commission shall consider all mitigating circumstances which were made known at the time of the hearing and shall consider alternatives other than reincarceration prior to making a final determination.

~~(19)(16)~~ During the course of a final revocation hearing, the person or persons conducting the hearing may entertain any arguments of counsel or the parolee, or other such matters. The person or persons conducting the hearing may elect to rule on such matters during the course of the hearing or may elect to withhold ruling pending consultation with Commission counsel or individual staff members. Arguments of counsel of a legal nature must be reduced to writing. If possible, written legal arguments should be presented prior to final revocation hearings. If the person conducting the hearing elects not to address arguments of counsel or the parolee during the course of the hearing, such shall be made known to the interested parties. In the event a decision is made during the course of the final revocation hearing, such decision shall be reflected in the record, and then reviewed by the Commission. Pursuant to the

United States Supreme Court's decision in *Pennsylvania Board of Probation & Parole v. Scott*, 524 U.S. 357 (1998), the Commission may consider evidence that has been excluded in a criminal proceeding as the result of the application of the federal exclusionary rule.

~~(20)(17)~~ Subpoenas and subpoenas duces tecum for the parolee and State shall be issued by the Commission's duly authorized representative on behalf of the State or the parolee for both the preliminary and final revocation hearings. The Commission, a Commissioner or a duly authorized representative of the Commission may decline a request to subpoena a witness whose testimony is found to be cumulative, irrelevant or nonprobative. The party requesting the subpoenas shall furnish to the Commission, a Commissioner or a duly authorized representative of the Commission the names and addresses of his proposed witnesses at least 14 days prior to the hearing date.

~~(21)(18)~~ At both the preliminary and final revocation hearing, the accused violator may waive representation by an attorney, provided the waiver is reflected clearly in writing or in the record of the proceeding. Should the accused desire, retained counsel may represent the parolee at both hearings. In the event the parolee desires counsel and has not retained such, the following procedure shall apply:

(a) No change.

(b) If it is concluded that the parolee is unable to secure retained counsel by reason of indigency or other valid reasons, then the Commission shall proceed to determine if the parolee is eligible for appointed ~~attempt to secure~~ counsel pursuant to the guidelines of *Gagnon v. Scarpelli*, 411 U.S. 778 (1973) at 790. If a request for counsel is denied ~~refused~~, the grounds for ~~refusal~~ denial shall be stated succinctly in the record. *Gagnon, supra*, at 790-791.

~~(22)(19)~~ The person or persons conducting the hearing may elect to receive information following the revocation hearing provided the parolee agrees to the receipt of such information outside of the context of the hearing and that such agreement is reflected clearly in the record.

~~(23)(20)~~ Based on evidence presented at the hearing, the person or persons conducting the hearing shall make findings of fact regarding the alleged violations, and report that to the Commission. The Commission may enter an order revoking the parole, reinstating the parolee to supervision, or enter such other order as deemed appropriate by the Commission. When, based on the findings of the person or persons conducting the hearing, the Commission finds that the parolee has committed one or more violations, the Commission may elect to order the parolee returned to supervision with a new term not to exceed statutorily prescribed limits and may elect to establish new conditions of the parole provided the parolee agrees to each term and condition. In any event, the Commission shall make a decision in an open meeting within 45 days following the revocation hearing. Prompt notification of the decision shall be

provided to the parolee and his defense attorney, unless such notification is waived by the parolee. If the decision of the Commission is to revoke, the order entered shall contain the evidence relied upon and the reasons for the revocation.

~~(24)(21)~~ Upon a finding that the parolee did commit one or more violations, the Commission may order the parolee placed in a community control program. Placement in community control shall be utilized by the Commission, in its judgment, for parole violators who are not suitable for restoration to standard supervision and would, therefore, be revoked if not for the alternative of community control placement. When ordering such placement in community control, the Commission shall specify:

(a) through (f) No change.

~~(25)(22)~~ Release on Own Recognizance:

(a) At a scheduled final revocation hearing, a Commissioner can place an alleged parole violator on ROR when the final hearing is postponed or continued.

(b) During the final revocation hearing, a Commissioner may place the parolee charged with violation on ROR when:

1. The parolee was on ROR prior to the convening of the final revocation hearing.

2. Insufficient evidence is produced to sustain any violation of parole.

3. Upon finding that the parolee did violate one or more conditions of parole, the hearing officer announces his intention to recommend action other than revocation of parole.

(c) Subsequent to the final revocation hearing in which there was a finding that the parolee did violate one or more conditions of parole, the hearing officer can recommend the parole violator be placed on ROR upon receipt of pertinent favorable information. Violations of the conditions of release can cause an order to revoke the ROR to be executed by a Commissioner when reliable information is received of violation of release on recognizance. Such order shall be sufficient to cause the arrest and return of the parolee to custody.

~~(26)(23)~~ Violation of the conditions of parole for grounds other than for a new conviction: An inmate who is found guilty for a violation of the conditions of his parole on grounds other than for the commission of a new felony or misdemeanor offense may be reinstated to parole, discharged from parole or revoked. The following information should be considered in making that determination:

(a) through (b) No change.

(c) The parolee's behavior demonstrates the inability or unwillingness of the parolee to conform to minimum parole restraints so as to prevent successful completion of the Court imposed sentence outside of actual confinement. Any parole violation leading to revocation is the manifestation that the parolee's record during confinement was NOT good. These

inmates will be scheduled for interview to determine whether or not they are eligible for consideration for parole within 6 months of the revocation.

(27)(24) Should the Commission decide to revoke the parole, the parolee shall be entitled to all credit for time spent in custody prior to the revocation hearing for all charges that appear on the warrant and/or notice of hearing. Time spent in other jurisdictions as a result of intervening sentences shall be considered by the Commission. The Commission shall consider the credit for time served on parole in each case. The actual award of such credit is discretionary with the Commission. Credit for time served on parole shall be reflected in the Commission's order.

(28)(25) If the Commission's decision is to revoke the parole, the parolee ~~or release~~ shall be scheduled for an interview by a Commission representative within six months from the date the Commission's order revoking parole. The purpose of this interview shall be to formulate a recommendation to the Commission for the setting of a presumptive parole release date consistent with appropriate statutory requirements and Commission policies and practices as reflected in these rules. Should the parolee have received a prison commitment, a presumptive parole release date shall be established according to appropriate statutory requirements and Commission practices and policies as reflected in these rules regarding newly sentenced inmates.

Rulemaking Specific Authority 947.07 FS. Law Implemented 947.23, FS. History--New 9-10-81, Amended 10-1-82, 7-1-84, Formerly 23-21.22, Amended 5-10-87, 1-26-93, 1-5-94, 8-17-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sarah Rumph, General Counsel
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Chairman Frederick Dunphy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 18, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 23, 2009

FLORIDA PAROLE COMMISSION

RULE NOS.: RULE TITLES:
23-22.011 Notice of Release by Control Release
23-22.015 Control Release Forms

PURPOSE AND EFFECT: The Commission proposes to update rules to conform to current practices and procedures, deleting obsolete rules and standardizing to conform to other types of Commission supervision.

SUMMARY: The proposed changes conforms the standard conditions of control release supervision to other forms of supervision. The hearing and revocation procedures are also updated to clarify current practice and conform to other forms of supervision.

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: 947.07, 947.146, 947.20 FS.
LAW IMPLEMENTED: 947.141, 947.146, 947.147 FS.

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

DATE AND TIME: January 7, 2010, 9:00 a.m.
PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg C., Hearing Room A, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Sarah J. Rumph, General Counsel, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sarah J. Rumph, General Counsel, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

23-22.011 Notice of Release by Control Release.

Rulemaking Specific Authority 947.07, 947.146(7)(h), 947.20 FS. Law Implemented 947.146 FS. History--New 9-1-90, Repealed_____.

23-22.015 Control Release Forms.

Rulemaking Specific Authority 947.146(6)(i), 947.07, 947.20 FS. Law Implemented 947.146, 120.53 FS. History--New 9-1-90, Amended 8-24-92, 1-5-94, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sarah Rumph, General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Chairman Frederick Dunphy

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 23, 2009

FLORIDA PAROLE COMMISSION

RULE NOS.: RULE TITLES:
 23-22.013 Control Release Supervision
 23-22.014 Revocation of Control Release

PURPOSE AND EFFECT: The Commission proposes to update rules to conform to current practices and procedures, deleting obsolete rules and standardizing to conform to other types of Commission supervision.

SUMMARY: The proposed changes conforms the standard conditions of control release supervision to other forms of supervision. The hearing and revocation procedures are also updated to clarify current practice and conform to other forms of supervision.

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: 947.07, 947.146, 947.20 FS.

LAW IMPLEMENTED: 947.141, 947.146, 947.147 FS.

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

DATE AND TIME: January 7, 2010, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg C., Hearing Room A, Tallahassee, FL 32399

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sarah J. Rumph, General Counsel, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

23-22.013 Control Release Supervision.

(1) through (3) No change.

(4) All persons placed solely on control release supervision shall initially be subject to the standard conditions of control release:

(a) The standard conditions of control release shall include the following:

1. I shall, promptly upon being released on control release, proceed to my planned place of residence identified on page one. I shall report in person to the probation and parole office in _____ County, Florida, as instructed by my release officer on

at _____ . If no specific report/time is given, I shall report within 72 hours of my release within three working days to my supervision office at the address provided in this agreement, reporting by personal visit to my control release officer under whose supervision I am to be placed. I shall continue to report as directed.

2. No change.

3. I shall submit a full and truthful report to my control release officer ~~before the fifth day~~ of each month in writing on the forms provided in person or as directed by my control release officer.

4. I shall not:

a. Use or possess alcohol or intoxicants of any kind, ~~to excess,~~

b. Use or possess narcotics, drugs, or marijuana unless prescribed by a physician.

c. Enter any business establishment whose primary purpose is the sale/consumption of alcoholic beverages.

5. I shall not knowingly associate with any person(s) who is engaging in any criminal activity, a criminal gang member, or person(s) associated with criminal gang members.

6. through 7. No change.

8. I shall:

a. No change.

b. Waive extradition ~~back~~ to the State of Florida if I am wanted for return as an alleged control release violator,

c. through d. No change.

9. through 11. No change.

12. I agree to pay any court ordered payments such as child support and restitution, east of supervision and rehabilitation as calculated and assessed by the Department of Corrections as provided and required in Section 948.09, Florida Statutes.

13. I shall execute and provide authorizations to release records to my control release officer and the Commission so that my progress and participation in required programs can be monitored and documented.

(b) No change.

(5) through (6) No change.

(7) A panel of no fewer than two Commissioners has authority to cause a review of the progress of a control releasee, or the Department of Corrections may make recommendations to the Commission whether to modify the reporting schedule or further modify the terms and conditions of control release. A panel of no fewer than two Commissioners shall discharge from control release, relieve from making further reports or permit the releasee to leave the country upon determining that such action is in the best interest of the control releasee and of society. Such cases shall be docketed before the panel of commissioners, if available, that initially set the terms and conditions of control release.

(8) A panel of no fewer than two Commissioners shall review the progress of each person who has been placed on control release after 2 years of supervision and not less often than biennially thereafter. Such reviews must include consideration of whether to modify the reporting schedule, thereby authorizing the person under supervision to submit reports quarterly, semi-annually, or annually. In the event the Commission elects to place a control releasee on quarterly, semi-annually or annual reporting, the following definitions will be applicable:

(a) Quarterly reporting – one personal contact required every three (3) months.

(b) Semi-annual reporting – one personal contact required every six (6) months.

(c) Annual reporting – one personal contact required every twelve (12) months.

(9) The panel may give specific instructions reflecting whether the personal contact is to take place in a formal setting or in the setting to be determined by the control release supervisor. (10) Such modification shall not impose new or different terms or conditions of control release more restrictive than was stated in the original certificate.

(10) Such modification shall not impose new or different terms or conditions of control release more restrictive than was stated in the original certificate.

Rulemaking Specific Authority 947.146(6)(i), 947.07, 947.20 FS. Law Implemented 947.146 FS. History–New 9-1-90, Amended 8-24-92, 1-5-94,_____.

23-22.014 Revocation of Control Release.

(1) Warrants.

(a) No change.

(b) All warrant requests will be reviewed by staff for sufficiency of information and if found sufficient, staff shall submit either:

~~1. Submit the warrant to a Commissioner or Commissioners for a decision, or~~

~~2. If approved by the revocations administrator or his designee, docket the warrant request for a decision by a panel of no fewer than two Commissioners rather than placing the request before a single Commissioner.~~

(c) through (d) No change.

(e) Should a warrant be issued, such will be transmitted to the requesting agency for appropriate service or filing. Alleged violators of control release will be entered into the Florida Crime Information Center and National Crime Information Center databases, unless in custody. The Commission has authority to pursue extradition of alleged violators from other jurisdictions.

(f) Should a warrant be issued and a dismissal of the warrant is requested ~~by the Revocation Administrator or his designee~~, the signing Commissioner or Chair is authorized to dismiss the warrant for good cause.

(2) No change.

(3) Release on Recognizance.

~~(a) The Commission, or a Commissioner or a duly authorized representative of the Commission may at any time during the violation process, release a control releasee on recognizance bond, conditioned upon the control releasee's appearance at any hearings noticed by the Commission or until further order of the Commission. However, any release on recognizance bond authorized by a hearing officer who is not a Commissioner, shall be with the approval of the revocation administrator or his designee.~~

(b) through (d) No change.

(4) Control Release Violation Hearing.

(a) through (b) No change.

(c) Any control release violation hearing may be waived by the control releasee after an explanation of the consequences of a waiver. The waiver shall be in writing and shall be executed before a Commissioner or duly authorized representative of the Commission. The control releasee may withdraw the waiver by submitting a written request which waives all time constraints. The waiver withdrawal request must be appropriately witnessed, and postmarked received at the Commission headquarters within 14 days after the execution of the waiver. Upon receipt of a timely the waiver withdrawal request, a control release violation hearing shall be convened after appropriate notice.

(d) No change.

(e) If there is a judicial order of incompetency, a written psychiatric or psychological determination of incompetency, or a commitment to a mental institution in the 90 days prior to the violation then an attorney shall be appointed. Once an attorney is appointed for questions of competency or if a previously appointed/retained attorney raises competency issues, then evidence of mental competency/incompetency shall be gathered and forwarded to the Commission for review. Once received by the Commission, the case shall be docketed. At the Commission meeting, the Commission may either order the violation process proceed, that the violation process be placed in abeyance, or such other order as it considers proper.

~~(f)(e)~~ The control release violation hearing shall be convened within 45 days of receipt of written notification from the Department of Corrections that the alleged violator has been returned to the custody of the Department from another jurisdiction.

~~(g)(f)~~ Subpoenas and subpoenas duces tecum for the control releasee and the Commission shall be issued by a Commissioner or duly authorized representative of the Commission on behalf of the State or the control releasee. The Commission, a Commissioner or a duly authorized representative of the Commission may decline a request to subpoena a witness whose testimony is found to be cumulative, irrelevant or nonprobative. The party requesting the subpoenas shall furnish to the Commission, a Commissioner or a duly

authorized representative of the Commission the names and addresses of his proposed witnesses at least 14 days prior to the hearing date.

~~(h)(e)~~ At the hearing, the accused violator may waive representation by an attorney, provided the waiver is reflected clearly in writing or in the record of the proceeding. Should the control releasee desire, retained counsel may represent the control releasee at the hearing. In the event the control releasee desires counsel and has not retained one, the following procedure shall apply:

1. through 2. No change.

~~(i)(f)~~ During a control release violation hearing, the hearing officer may entertain arguments of counsel or the control releasee. The hearing officer may elect to rule on such matters during the course of the hearing or may elect to withhold ruling pending consultation with counsel or staff. Arguments of counsel of a legal nature must be reduced to writing, and, if possible, presented prior to the hearing.

~~(j)(g)~~ Based on evidence presented at the violation hearing, or received by stipulation, the hearing officer shall make findings of fact regarding the alleged violations, with a written recommendation to the Commission.

~~(k)(h)~~ When the Commission finds that the control releasee has committed one or more violations, the Commission shall cause an order to be entered, attested to by the agency clerk or his designee, revoking, modifying or terminating the control release, or restoring the control releasee to supervision. Notification by copy of the Commission order shall be provided to the control releasee. If the decision of the Commission is to revoke, the order entered shall contain the evidence relied upon and the reasons for the revocation.

~~(l)(i)~~ The hearing officer conducting the hearing may elect to receive information following the violation hearing if the control releasee stipulates to the receipt of such information and such stipulation is reflected in the record.

~~(m)(j)~~ When a panel of no fewer than two (2) ~~Commissioners~~ ~~commissioners~~ revokes control release, the control releasee shall be entitled to credit for time spent in custody prior to the violation hearing for all charges that appear on the warrant and/or notice of hearing, as decided by the panel prior to the violation hearing. Time spent in another jurisdiction as a result of intervening sentence(s) shall be considered. Credit for time in custody shall be reflected in the order of revocation of control release.

(n) The Commission shall consider the credit for time served on control release in each case. The actual award of such credit is discretionary with the Commission. Credit for time served on control release shall be reflected in the Commission's order.

(o) Pursuant to the United States Supreme Court's decision in Pennsylvania Board of Probation & Parole v. Scott, 524 U.S. 357 (1998), the Commission may consider evidence that has been excluded in a criminal proceeding as the result of the application of the federal exclusionary rule.

~~(p)(k)~~ When a panel of no fewer than two (2) ~~Commissioners~~ ~~commissioners~~ revokes control release, the control releasee shall be scheduled for an evaluation by Commission staff following notification by the Department that the inmate has been received, provided that the releasee is statutorily eligible.

Rulemaking Specific Authority 947.07, 947.146(7)(h), 947.20 FS. Law Implemented 120.53, 947.146 FS. History--New 9-1-90, Amended 4-20-94, 1-5-94, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sarah Rumph, General Counsel
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Chairman Frederick Dunphy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 18, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 23, 2009

FLORIDA PAROLE COMMISSION

RULE NOS.:	RULE TITLES:
23-23.006	Conditional Release Definitions
23-23.007	Victim Information
23-23.008	Conditional Release Evaluation Procedure
23-23.010	Conditional Release Supervision
23-23.011	Revocation of Conditional Release

PURPOSE AND EFFECT: The Commission proposes to update rules to conform to current practices and procedures, deleting obsolete rules, practices and procedures, and standardizing to conform to other types of Commission supervision.

SUMMARY: The proposed changes conforms the standard conditions of conditional release supervision to other forms of supervision. The hearing and revocation procedures are also updated to clarify current practice and conform to other forms of supervision.

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: 947.06, 947.07, 947.1405, 947.20 FS.

LAW IMPLEMENTED: 947.1405; 947.141 FS.

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

DATE AND TIME: January 7, 2010, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg C, Hearing Room A, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Sarah J. Rumph, General Counsel, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sarah J. Rumph, General Counsel, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

23-23.006 Conditional Release Definitions.

(1) Chair – is the Chair of the Florida Parole Commission.

(2) Conditional Release – means the release of:

(a) Any inmate who is convicted of a crime committed on or after October 1, 1988, but prior to October 1, 1989; and

1. Which crime is contained in category 1, 2, 3, or 4 of Rule 3.701 and Rule 3.988, Florida Rules of Criminal Procedure, and who has served at least one prior felony commitment at a state or federal correctional institution; or

2. Is sentenced as a habitual or violent habitual offender pursuant to Section 775.084, Florida Statutes ~~FS~~; and upon reaching the tentative release date as established by the Department of Corrections, will be released under supervision subject to specified terms and conditions established by the Commission for such release.

(b) Or an inmate who is convicted of a crime committed on or after October 1, 1989; and

1. Which crime is contained in category 1, 2, 3, or 4 of Rule 3.701 and Rule 3.988, Florida Rules of Criminal Procedure, and who has served at least one prior felony commitment at a state or federal correctional institution; or

2. Is sentenced as a habitual or violent habitual offender pursuant to Section 775.084, Florida Statutes, and upon reaching the tentative release date or provisional release date, whichever is earlier, established by the Department of Corrections, will be released under supervision subject to specified terms and conditions established by the Commission for such release. ~~In the event any inmate placed on conditional release supervision is also subject to probation or community control, the inmate will be determined to be ineligible for conditional release supervision and the Department of Corrections shall supervise such person according to the conditions imposed by the court.~~

(3) through (9) No change.

(10) Parole Examiner – for purposes of these rules, means an employee of the Florida Parole Commission who performs the following conditional release functions:

~~(a) Conducts interviews of eligible inmates committed to the Department of Corrections and submits the case material with a professional case analysis and recommendation to the Commission;~~

~~(a)(b)~~ Conducts violation hearings and makes findings of fact and recommendations to the Commission;

~~(c) Conducts investigations regarding restitution or reparation and other relevant consequences of the offense.~~

~~(b)(d)~~ Performs other related duties as assigned by the Chair.

(11)(a) Felony Commitment – means an ~~the~~ incarceration served in this state, any other state, or federal institution portion of a prison sentence for a felony offense. resulting from a Uniform Commitment to Custody of the Department of Corrections or the incarceration portion of a prison sentence for a felony offense served in any other state or federal correctional institution.

(b) Prior Felony Commitment – means any felony commitment served prior to a subsequent felony commitment ~~even though both may have resulted from the same criminal offense.~~

(12) through (19) No change.

Rulemaking Specific Authority 947.07, 947.1405(9) FS. Law Implemented 947.1405(2)(a) FS. History–New 10-20-91, Amended 1-5-94, 5-29-02, _____.

23-23.007 Victim Information.

~~(1) The Directors of Parole Grant and Field Services/Revocations shall cause an investigation to determine the following:~~

~~(a) The amount of reparation or restitution.~~

~~(b) The consequences of the offense as reported by the aggrieved party.~~

~~(c) The aggrieved party's fear of the inmate or concerns about the release of the inmate.~~

~~(2) The Commission shall provide to the aggrieved party information regarding the manner in which notice of any developments concerning the status of the inmate during the term of conditional release may be requested.~~

~~(1)(3)~~ The Commission shall provide the opportunity to victims to have input into the Commission decisions:

(a) through (b) No change.

Rulemaking Specific Authority 947.06, 947.07, 947.20 FS. Law Implemented 947.1405, 947.141 FS. History–New 10-20-91, Amended 1-5-94, _____.

23-23.008 Conditional Release Evaluation Procedure.

(1) Within 180 days prior to an inmate's Tentative Release Date or Provisional Release Date PRD whichever is earlier, as established by the Department of Corrections, the Department Director of Field Services/Revocations shall cause a Hearing Examiner to review the inmate's program participation, disciplinary record, psychological and medical records, and any other information pertinent to the pending release. The Department shall and to interview the inmate for conditional release. The Hearing Examiner shall interview the inmate and shall request the inmate to present his/her conditional release plan. The Department shall gather and compile information necessary for the Commission to make the determinations set forth in Sections 947.1405(3) and (5), Florida Statutes. At the close of the conditional release interview, the inmate shall be requested to sign an acknowledgment of presence at the conditional release interview.

(2) ~~The Hearing Examiner shall reduce his findings regarding the inmate's conditional release interview to writing and forward those findings to the Commission.~~

(2)(3) Within 60 days from the receipt of the interview, of the examiner's findings, a panel of no fewer than two Commissioners shall review the recommendations of the Department, and such other information as it deems relevant, and conducts a review of the inmate's record for the purpose of establishing the terms and conditions of the conditional release. The Commission imposes any special conditions it considers warranted shall review the material and the conditional release date as scheduled by the Department, and shall establish the terms and conditions of such release.

Rulemaking Specific Authority 947.07, 947.20 FS. Law Implemented 947.1405 FS. History—New 10-20-91, Amended 8-18-98,_____.

23-23.010 Conditional Release Supervision.

(1) Prior to an inmate being released by conditional release, the Commission shall determine the terms and conditions of supervision ~~which shall include the cost of supervision.~~

(2) Florida felony probation/community control will substitute for conditional release supervision for all conditional release eligible offenses occurring before July 1, 2001. This applies to cases involving split sentences, as well as to cases involving probation/community control relating to an offense that is not part of the current sentence structure, regardless of the offense date of the unrelated sentence. For conditional release eligible offenses occurring on or after July 1, 2001, conditional release supervision will defer to and run concurrent with the Florida felony probation/community control supervision upon the offender's release. Section 947.1405(2), F.S., provides that the Department of Corrections shall supervise the offender according to the conditions imposed by the court and the Commission shall defer to such supervision. Upon expiration of the court imposed supervision, the offender will be subject to the conditions of conditional release

supervision until the maximum period of conditional release supervision expires. If an inmate has received a term of probation or community control supervision to be served after release from incarceration, he is not eligible for conditional release supervision.

(3) through (4) No change.

(5) All persons placed solely on conditional release supervision shall initially be subject to the standard conditions of conditional release upon their release from incarceration.

(a) The standard conditions of conditional release shall be the following:

1. Promptly upon being released on Conditional Release, you will proceed to your planned place of residence identified on page one. You shall report in person to the probation and parole office in _____ County, Florida, as instructed by the release officer, on _____ at _____, (address), where you will reside. If no specific report date/time is given, you shall report within 72 hours of your release. Immediately upon your arrival, you will report by personal visit to the Conditional Release Supervisor under whose supervision you are to be released. The Conditional Release Supervisor's name and address is:

2. No change.

3. You shall submit a full and truthful report to your Conditional Release Supervisor ~~before the fifth of each month~~ in writing on the forms provided ~~or~~ in person, as directed by your Conditional Release Supervisor.

4. You shall not:

a. Use or possess alcohol or intoxicants of any kind ~~to excess,~~

b. Use or possess narcotics, drugs, or marijuana unless prescribed by a physician.

c. Enter any business establishment whose primary purpose is the sale/consumption of alcoholic beverages.

5. You shall not knowingly associate with any person(s) who is engaging in any criminal activity, a criminal gang member, or person(s) associated with criminal gang members.

6. through 7. No change.

8. You shall:

a. No change

b. Waive extradition ~~back~~ to the State of Florida if you are wanted for return as an alleged conditional release violator,

c. through d. No change.

9. through 11. No change.

12. I agree to pay any court ordered payments such as child support, restitution, or civil liens resulting from restitution orders ~~cost of supervision and rehabilitation as calculated and assessed by the Department of Corrections as provided and required in Section 948.09, Florida Statutes.~~

13. You shall execute and provide authorizations to release records to your Conditional Release Supervisor and the Commission so that your progress and participation in required programs can be monitored and documented.

~~(b) Standard conditions of conditional release for a person found to be a sexual predator shall also include:~~

~~1. Promptly, upon being released on conditional release, you shall, within 48 hours after entering the county of permanent or temporary residence, register as a sexual predator with the Department of Law Enforcement and, once registered, must notify the Department of any change in permanent or temporary residence within 48 hours after arrival at the new place of permanent or temporary residence.~~

~~2. Your failure to register or be registered or your failure, after registration, to provide required notification of location, shall be in violation of the conditions of your supervised release.~~

~~(b)(e) In addition to these standard conditions, the Commission shall require such special conditions of conditional release supervision as it deems necessary, which may include restitution.~~

~~(6) through (8) No change.~~

~~(9) The panel may shall give specific instructions reflecting whether the personal contact is to take place in a formal setting or in the setting to be determined by the conditional release supervisor parole officer. The Commission shall also give specific instructions establishing the method of payment of cost of supervision.~~

~~(10) No change.~~

Rulemaking Specific Authority 947.07, 947.20 FS. Law Implemented 947.1405, 947.141 FS. History—New 10-20-91, Amended 1-5-94,_____.

23-23.011 Revocation of Conditional Release.

(1) Warrants.

(a) A warrant for the arrest of a conditional releasee shall be executed only by a Commissioner, except in the case of an emergency warrant as provided in subsection (2) herein. The decision to issue a warrant shall be based on evidence which indicates reasonable grounds to believe a releasee has violated a condition of conditional release. The issuance of a warrant is discretionary. In the case of a sexual predator, the warrant is not discretionary and must be issued, pursuant to Section 947.141(1), Florida Statutes, provided reasonable grounds exist that a violation has occurred.

(b) All warrant requests will be reviewed by staff for sufficiency of information and if found sufficient, staff shall submit either: 1. Submit the warrant request to a Commissioner for a decision regarding issuance of a warrant.

~~2. If approved by the revocations administrator or his designee, docket the warrant request for a decision by a panel of no fewer than two Commissioners rather than placing the request before a single Commissioner.~~

(c) through (d) No change.

(e) Should a warrant be issued, such will be transmitted to the requesting agency for appropriate service or filing. Alleged violators of conditional release will be entered into the Florida

Crime Information Center and National Crime Information Center databases, unless in custody. The Commission has authority to pursue extradition of alleged violators from other jurisdictions.

(f) Should a warrant be issued, and a dismissal of the warrant is requested ~~by the Revocation Administrator or his designee~~, the signing Commissioner or Chair is authorized to dismiss the warrant for good cause or have the dismissal request placed on the docket before a panel of no fewer than two (2) Commissioners for a decision.

(2) No change.

(3) Release on Recognizance.

~~(a) The Commission; or a Commissioner or a duly authorized representative of the Commission may; at any time during the violation process, release a conditional releasee on recognizance bond, conditioned upon the conditional releasee's appearance at any hearings noticed by the Commission or until further order of the Commission. However, any release on recognizance bond authorized by a hearing officer who is not a Commissioner, shall be with the approval of the revocation administrator or his designee.~~

(b) through (d) No change.

(4) Conditional Release Violation Hearing.

(a) through (b) No change.

(c) Any conditional release violation hearing may be waived by the conditional releasee after an explanation of the consequences of a waiver. The waiver shall be in writing and shall be executed before a Commissioner or duly authorized representative of the Commission. The conditional releasee may withdraw the waiver by submitting a written request which waives all time constraints. The waiver withdrawal request must be appropriately witnessed, and postmarked received at the Commission headquarters within 14 days after the execution of the waiver. Upon receipt of a timely the waiver withdrawal request, a conditional release violation hearing shall be convened after appropriate notice.

(d) The conditional releasee is entitled to request that his conditional release violation hearing be postponed until such time as any pending criminal charges that are listed on the Commission's warrant or notice of hearing have been resolved or upon a showing of good cause. The request for postponement or continuance may be submitted to the person conducting the hearing in writing prior to convening the hearing, provided that the reasons for the request are outlined with specificity. The granting of a continuance or postponement on behalf of the conditional releasee constitutes a waiver by the conditional releasee of all time constraints, and any requirement for a local hearing, and shall postpone disposition of the violations until notification is received by the Commission that the pending criminal charges have been resolved or the Releasee elects to proceed with or waive the hearing. If there are also pending technical violations, the granting of the postponement also postpones disposition of the

technical violations until such time as the criminal charges are resolved. In the event that the conditional release violation hearing has been convened, such may be postponed or continued beyond 45 days as provided by statute, on the motion of the conditional releasee, the Commission or duly authorized representative of the Commission, provided the record reflects a good cause reason for such continuance or postponement.

(e) If there is a judicial order of incompetency, a written psychiatric or psychological determination of incompetency, or a commitment to a mental institution in the 90 days prior to the violation then an attorney shall be appointed. Once an attorney is appointed for questions of competency or if a previously appointed/retained attorney raises competency issues, then evidence of mental competency/incompetency shall be gathered and forwarded to the Commission for review. Once received by the Commission, the case shall be docketed. At the Commission meeting, the Commission may either order the violation process proceed, that the violation process be placed in abeyance, or such other order as it considers proper.

(f)(e) The conditional release violation hearing shall be convened within 45 days of receipt of written notification from the Department of Corrections that the alleged violator has been returned to the custody of the Department from another jurisdiction.

(g)(f) Subpoenas and subpoenas duces tecum for the conditional releasee and the Commission shall be issued by a Commissioner or duly authorized representative of the Commission on behalf of the State or the conditional releasee. The Commission, a Commissioner or a duly authorized representative of the Commission will decline a request to subpoena a witness whose testimony is found to be cumulative, irrelevant or nonprobative. The party requesting the subpoenas shall furnish to the Commission, a Commissioner or a duly authorized representative of the Commission the names and addresses of his proposed witnesses at least 14 days prior to the hearing date.

(h)(g) At the hearing, the accused violator may waive representation by an attorney, provided the waiver is reflected clearly in writing or in the record of the proceeding. Should the conditional releasee desire, retained counsel may represent the conditional releasee at the hearing. In the event the conditional releasee desires counsel and has not retained one, the following procedure shall apply:

1. The person conducting the hearing shall determine the conditional releasee's financial ability to retain private counsel. When the person conducting the hearing determines a conditional releasee has the ability to retain private counsel, reasonable time shall be permitted for the conditional releasee to secure counsel, if the conditional releasee so desires.

2. If the person conducting the hearing concludes the conditional releasee is unable to secure counsel by reason of indigency, the person conducting the hearing shall then proceed to determine if the conditional releasee is eligible for

appointed counsel as provided in the guidelines outlined in *Gagnon v. Scarpelli*, 411 U. S. 778 (1973). If a request for counsel is denied, the grounds for the denial shall be stated in the record.

(i)(h) During a conditional release violation hearing, the person conducting the hearing has authority to entertain arguments of counsel or the conditional releasee. The person conducting the hearing has authority to elect to rule on such matters during the course of the hearing or may elect to withhold ruling pending consultation with counsel or staff. Arguments of counsel of a legal nature must be reduced to writing, and, if possible, presented prior to the hearing.

(j)(i) Based on evidence presented at the violation hearing, or received by stipulation, the person conducting the hearing shall make findings of fact regarding the alleged violations, with a written recommendation to the Commission. When the Commission finds that the conditional releasee has committed one or more violations, the Commission shall within a reasonable time enter an order revoking the conditional release, restoring the conditional releasee to supervision or such other order as deemed appropriate. Notification by copy of the Commission order shall be provided to the conditional releasee. If the decision of the Commission is to revoke, the order entered shall contain the evidence relied upon and the reasons for the revocation.

(k)(j) The person conducting the hearing has authority to elect to receive information following the violation hearing if the conditional releasee stipulates to the receipt of such information and such stipulation is reflected in the record.

(l)(k) When a panel of no fewer than two (2) ~~Commissioners~~ ~~commissioners~~ revokes conditional release, the conditional releasee shall be entitled to credit for time spent in custody prior to the violation hearing for all charges that appear on the warrant and/or notice of hearing. Time spent in another jurisdiction as a result of intervening sentence(s) shall be considered. Credit for time in custody as decided by the panel shall be reflected in the order of revocation of conditional release.

(m) The Commission shall consider the credit for time served on conditional release in each case. The actual award of such credit is discretionary with the Commission. Credit for time served on conditional release shall be reflected in the Commission's order.

(n) Pursuant to the United States Supreme Court's decision in *Pennsylvania Board of Probation & Parole v. Scott*, 524 U.S. 357 (1998), the Commission may consider evidence that has been excluded in a criminal proceeding as the result of the application of the federal exclusionary rule.

Rulemaking Specific Authority 947.07, 947.20 FS. Law Implemented 947.1405, 947.141 FS. History--New 10-20-91, Amended 1-5-94, 4-20-94, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sarah Rumph, General Counsel
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Chairman Frederick Dunphy
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: November 18, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: October 23, 2009

FLORIDA PAROLE COMMISSION

RULE NOS.: RULE TITLES:
23-23.009 Notice of Release by Conditional
 Release

23-23.012 Conditional Release Forms

PURPOSE AND EFFECT: The Commission proposes to update rules to conform to current practices and procedures, deleting obsolete rules, practices and procedures, and standardizing to conform to other types of Commission supervision.

SUMMARY: The proposed changes conforms the standard conditions of conditional release supervision to other forms of supervision. The hearing and revocation procedures are also updated to clarify current practice and conform to other forms of supervision.

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: 947.06, 947.07, 947.1405, 947.20 FS.

LAW IMPLEMENTED: 947.1405, 947.141 FS.

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

DATE AND TIME: January 7, 2010, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg C., Hearing Room A, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Sarah J. Rumph, General Counsel, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sarah J. Rumph, General Counsel, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

23-23.009 Notice of Release by Conditional Release.

Rulemaking Specific Authority 947.07, 947.20 FS. Law Implemented 947.1405 FS. History--New 10-20-91, Repealed.

23-23.012 Conditional Release Forms.

Rulemaking Specific Authority 947.07, 947.20 FS. Law Implemented 947.1405, 947.141 FS. History--New 10-20-91, Amended 1-5-94, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sarah Rumph, General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Chairman Frederick Dunphy

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: October 23, 2009

FLORIDA PAROLE COMMISSION

RULE NOS.: RULE TITLES:
23-24.020 Conditional Medical Release
 Eligibility

23-24.030 Conditions of Conditional Medical
 Release

23-24.050 Revocation of Conditional Medical
 Release

PURPOSE AND EFFECT: The Commission proposes to update rules to conform to current practices and procedures, deleting obsolete rules and standardizing to conform to other types of Commission supervision.

SUMMARY: The proposed changes conforms the standard conditions of conditional medical release supervision to other forms of supervision. The hearing and revocation procedures are also updated to clarify current practice and conform to other forms of supervision.

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: 947.07, 947.149 FS.

LAW IMPLEMENTED: 947.141, 947.149 FS.

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

DATE AND TIME: January 7, 2010, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg C, Hearing Room A, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by

contacting: Sarah J. Rumph, General Counsel, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sarah J. Rumph, General Counsel, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

23-24.020 Conditional Medical Release Eligibility.

(1) No change.

(2) The referral shall be directed to Release Services ~~the Director of Parole Grant~~ who may will docket the case before the Commission. A decision will be made by a majority of the quorum present and voting.

(3) No change.

(4) ~~If Subsequent to the Commission's establishment of an inmate's conditional medical release date, and prior to the actual release, the Director of Parole Grant shall provide written notice to the original sentencing judge, the state attorney, the original arresting law enforcement agency and the sheriff of the county within the State of Florida to which the inmate is to be released. Unless otherwise requested by the victim or the personal representative of the victim, notification shall be provided to the victim or personal representative of the victim of any hearing where the release of the inmate on conditional medical release is considered prior to the inmate's release, if the name and address of such victim or representative of the victim is known by has been furnished to the Commission.~~

Rulemaking Specific Authority 947.06, 947.07 FS. Law Implemented 947.149 FS. History--New 1-5-94, Amended _____.

23-24.030 Conditions of Conditional Medical Release.

All persons placed on conditional medical release supervision shall be subject to the standard conditions of conditional medical release.

(1) The following are the standard conditions of conditional medical release:

(a) Promptly upon being released on conditional medical release, I shall proceed to my planned place of residence _____, where I shall reside. Immediately upon my arrival, I, or my personal representative, shall report by mail, telephone or personal visit as instructed by my release officer to the Conditional Medical Release Supervisor under whose supervision I am to be released. If no specific report date/time is given, I or my personal representative shall report within 72 hours of my release. ~~The conditional medical release supervisor's name and address is:~~

(b) I, or my personal representative, shall secure the permission of my conditional medical release officer before:

1. I change my residence ~~or employment,~~
2. I leave the county of my residence or the state,
3. I post bail or accept pretrial release if I am arrested for a felony.

(c) I, or my personal representative, shall submit a full and truthful report to my conditional medical release officer ~~before the fifth day of~~ each month in writing on the forms provided ~~or~~ in person as directed by my conditional medical release supervisor.

(d) I shall not:

1. Use or possess alcohol or intoxicants of any kind. ~~to excess;~~
2. Use or possess narcotics, drugs or marijuana unless prescribed by a physician.
3. Enter any business establishment whose primary purpose is the sale/consumption of alcoholic beverages.

(e) I shall not knowingly associate with any person(s) who is engaging in any criminal activity, a criminal gang member, or person(s) associated with criminal gang members.

(f) through (k) No change.

(l) I shall execute and provide authorizations to release records to my conditional medical release supervisor and the Commission so my progress can be monitored and documented. I agree to authorize and provide medical evaluations to the Commission not less often than _____.

(m) No change.

(2) No change.

(3) There shall be no right of review of the terms and conditions of conditional medical release as determined by the Commission.

(4) Such modification shall not impose new or different terms or conditions of conditional medical release more restrictive than was stated in the original certificate.

Rulemaking Specific Authority 947.07, 947.149 FS. Law Implemented 947.149 FS. History--New 1-5-94, Amended _____.

23-24.050 Revocation of Conditional Medical Release.

The revocation process for conditional medical release shall be initiated either by order of the Commission or by issuance of a warrant. Any hearing will be conducted in accordance with 947.141, F.S. Revocation hearings pursuant to order of the Commission, shall be initiated when the Commission does not intend to require the releasee to be taken into custody prior to the hearing. Revocation proceedings pursuant to warrant shall be initiated when the Commission believes that the conditional medical releasee should be returned to custody prior to the hearing being convened.

(1) Order For Revocation Hearing.

(a) A Commission order requiring a revocation hearing for a conditional medical releasee shall be authorized by the Commission, a Commissioner or a panel of no fewer than two (2) Commissioners. The decision to issue an order is

discretionary and shall be based on information which indicates reasonable grounds to believe that the medical or physical condition of the medical releasee has improved to the extent that he would no longer be eligible for conditional medical release. The order shall specify whether the revocation hearing shall be held locally or at a ~~Department~~ department of ~~Corrections~~ corrections facility. Failure of a conditional medical releasee to comply with such order shall constitute grounds for issuance of a warrant.

(b) Reports reflecting improved medical or physical condition of the conditional medical releasee to the extent that he would no longer be eligible for conditional medical release will be reviewed by staff for sufficiency of information and if found sufficient, staff shall ~~submit either:~~

~~1. Submit~~ a draft order with supporting information to a Commissioner for a decision, ~~or,~~

~~2. If approved by the revocation administrator or his designee, docket the information and draft order for a decision by a panel of no fewer than two (2) Commissioners.~~

(c) through (d) No change.

(2) Conditional Medical Release Revocation Hearing pursuant to Commission Order.

(a) No change.

(b) The conditional medical releasee shall be informed, in writing, at least 14 days prior to the conditional medical release revocation hearing of the date, time and location of the hearing. The notice of hearing shall include the reason for the hearing and a list of the releasee's rights, as follows:

1. through 2. No change.

3. The opportunity to receive, prior to the hearing, the disclosure of evidence that will be presented at the conditional medical control release violation hearing.

4. through 5. No change.

(c) Any conditional medical release revocation hearing can be waived by the conditional medical releasee after an explanation of the consequences of a waiver. The waiver shall be in writing and shall be executed before a Commissioner or duly authorized representative of the Commission. The conditional medical releasee can withdraw the waiver by submitting a written request which waives all time constraints. The waiver withdrawal request must be appropriately witnessed, and postmarked ~~received at the Commission headquarters~~ within 14 days after the execution of the waiver. Upon receipt of a timely ~~the~~ waiver withdrawal request, a conditional medical release revocation hearing shall be convened after appropriate notice.

(d) through (e) No change.

(f) No change.

1. No change.

2. If the hearing officer concludes the conditional medical releasee is unable to secure counsel by reason of indigency, the hearing officer shall then proceed to determine if the

conditional medical releasee is eligible for appointed counsel as provided in the guidelines outlined in *Gagnon v. Scarpelli*, 411 U.S. 778 (1973) as provided by law. If a request for counsel is denied, the grounds for the denial shall be stated in the record.

(g) through (k) No change.

(3) Conditional Medical Release Warrants.

(a) No change.

(b) All warrant requests will be reviewed by staff for sufficiency of information and if found sufficient, staff shall submit either:

~~1. Submit~~ the warrant to a Commissioner or Commissioners for a decision, ~~or,~~

~~2. If approved by the revocations administrator or his designee, docket the warrant request for a decision by a panel of no fewer than two Commissioners rather than placing the request before a single Commissioner.~~

(c) through (d) No change.

(e) Should a warrant be issued, such will be transmitted to the requesting agency for service or filing. Alleged violators of conditional medical release will be entered into the Florida Crime Information Center and National Crime Information Center databases, unless in custody. The Commission has authority to pursue extradition of alleged violators from other jurisdictions.

(f) No change.

(4) Emergency Warrants.

(a) through (d) No change.

(a) The Commission ~~or,~~ a Commissioner ~~or a duly authorized representative of the Commission~~ can at any time during the violation process, release a conditional medical releasee on recognizance bond, conditioned upon the conditional medical releasee's appearance at any hearings noticed by the Commission or until further order of the Commission. ~~However, any release on recognizance bond authorized by a hearing officer who is not a Commissioner, shall be with the approval of the revocation administrator or his designee.~~

(b) through (d) No change.

(6) Conditional Medical Release Violation Hearing pursuant to Commission Warrant.

(a) through (b) No change.

1. through 2. No change.

3. The opportunity to receive, prior to the hearing, the disclosure of evidence that will be presented at the conditional medical control release violation hearing.

4. through 5. No change.

(c) Any conditional medical release violation hearing can be waived by the conditional medical releasee after an explanation of the consequences of a waiver. The waiver shall be in writing and shall be executed before a Commissioner or duly authorized representative of the Commission. The

conditional medical releasee can withdraw the waiver by submitting a written request which waives all time constraints. The waiver withdrawal request must be appropriately witnessed, and postmarked received at the Commission headquarters within 14 days after the execution of the waiver. Upon receipt of a timely the waiver withdrawal request, a conditional medical release violation hearing shall be convened after appropriate notice.

(d) No change.

(e) If there is a judicial order of incompetency, a written psychiatric or psychological determination of incompetency, or a commitment to a mental institution in the 90 days prior to the violation then an attorney shall be appointed. Once an attorney is appointed for questions of competency or if a previously appointed/retained attorney raises competency issues, then evidence of mental competency/incompetency shall be gathered and forwarded to the Commission for review. Once received by the Commission, the case shall be docketed. At the Commission meeting, the Commission may either order the violation process proceed, that the violation process be placed in abeyance, or such other order as it considers proper.

(f)(e) The conditional medical release violation hearing shall be convened within 45 days of receipt of written notification from the Department of Corrections that the alleged violator has been returned to the custody of the Department from another jurisdiction.

(g)(f) Subpoenas and subpoenas duces tecum for the conditional medical releasee and the Commission shall be issued by a Commissioner or duly authorized representative of the Commission on behalf of the State or the conditional medical releasee. The Commission, a Commissioner or a duly authorized representative of the Commission has authority to decline a request to subpoena a witness whose testimony is found to be cumulative, irrelevant or non-probative. The party requesting the subpoenas shall furnish to the Commission, a Commissioner or a duly authorized representative of the Commission the names and addresses of his proposed witnesses at least 14 days prior to the hearing date.

(h)(g) At the hearing, the releasee can waive representation by an attorney, provided the waiver is reflected clearly in writing or in the record of the proceeding. Should the conditional medical releasee desire, retained counsel can represent the conditional medical releasee at the hearing. In the event the conditional medical releasee desires counsel and has not retained one, the following procedure shall apply:

1. No change.

2. If the hearing officer concludes the conditional medical releasee is unable to secure counsel by reason of indigency, the hearing officer shall then proceed to determine if the conditional medical releasee is eligible for appointed counsel as provided in the guidelines outlined in *Gagnon v. Scarpelli*, 411 U.S. 778 (1973) as provided by law. If a request for counsel is denied, the grounds for the denial shall be stated in the record.

(i)(h) During a conditional medical release violation hearing, the hearing officer can entertain arguments of counsel or the conditional medical releasee. The hearing officer shall rule on such matters during the course of the hearing or elect to withhold ruling pending consultation with counsel or staff. Arguments of counsel of a legal nature must be reduced to writing, and, if possible, presented prior to the hearing.

(j)(i) Based on evidence presented at the violation hearing, or received by stipulation, the hearing officer shall make findings of fact regarding the alleged violations, with a written recommendation to the Commission. When the Commission finds that the conditional medical releasee has committed one or more violations, the Commission shall within a reasonable time enter an order revoking the conditional medical release, restoring the conditional medical releasee to supervision or such other order as deemed appropriate. Notification by copy of the Commission order shall be provided to the conditional medical releasee. If the decision of the Commission is to revoke, the order entered shall contain the evidence relied upon and the reasons for the revocation.

(k)(j) The hearing officer conducting the hearing can elect to receive information following the violation hearing if the conditional medical releasee stipulates to the receipt of such information and such stipulation is reflected in the record.

(l) Pursuant to the United States Supreme Court's decision in *Pennsylvania Board of Probation & Parole v. Scott*, 524 U.S. 357 (1998), the Commission may consider evidence that has been excluded in a criminal proceeding as the result of the application of the federal exclusionary rule.

(m)(k) When the Commission revokes conditional medical release, for reasons of other than medical improvement, the conditional medical releasee shall not be entitled to credit for time served on conditional medical release.

(n) When the Commission revokes conditional medical release, for reasons other than medical improvement, the conditional medical releasee shall be entitled to credit for time spent in custody prior to the violation hearing for all charges that appear on the warrant and/or notice of hearing. Time spent in another jurisdiction as a result of intervening sentence(s) shall be considered. Credit for time in custody shall be reflected in the order of revocation of conditional medical release.

(o)(m) When the Commission revokes conditional medical release, the conditional medical releasee shall be scheduled for an evaluation by Commission staff to determine eligibility for parole or any other release program administered by the Commission.

Rulemaking Specific Authority 947.07, 947.149 FS. Law Implemented 947.149 FS. History–New 1-5-94, Amended 4-20-94,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sarah Rumph, General Counsel
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Chairman Frederick Dunphy
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: November 18, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: October 23, 2009

FLORIDA PAROLE COMMISSION

RULE NO.: 23-24.060
RULE TITLE: Conditional Medical Release Forms
PURPOSE AND EFFECT: The Commission proposes to update rules to conform to current practices and procedures, deleting obsolete rules and standardizing to conform to other types of Commission supervision.

SUMMARY: The proposed changes conforms the standard conditions of conditional medical release supervision to other forms of supervision. The hearing and revocation procedures are also updated to clarify current practice and conform to other forms of supervision.

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: 947.07, 947.149 FS.

LAW IMPLEMENTED: 947.141, 947.149 FS.

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

DATE AND TIME: January 7, 2010, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg C, Hearing Room A, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Sarah J. Rumph, General Counsel, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sarah J. Rumph, General Counsel, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

23-24.060 Conditional Medical Release Forms.

Rulemaking Specific Authority 947.07, 947.149 FS. Law Implemented 947.149 FS. History--New 1-5-94, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sarah Rumph, General Counsel
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Chairman Frederick Dunphy
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: November 18, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: October 23, 2009

FLORIDA PAROLE COMMISSION

RULE NOS.: 23-25.002, 23-25.005
RULE TITLES: Definitions, Revocation of Addiction Recovery Supervision

PURPOSE AND EFFECT: The Commission proposes to update rules to conform to current practices and procedures, standardizing to conform to other types of Commission supervision.

SUMMARY: The proposed changes conforms the standard conditions of Addiction Recovery supervision to other forms of supervision. The hearing and revocation procedures are also updated to clarify current practice and conform to other forms of supervision.

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: 944.4731 FS.

LAW IMPLEMENTED: 944.4731, 947.141 FS.

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

DATE AND TIME: January 7, 2010, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg C., Hearing Room A, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Sarah J. Rumph, General Counsel, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sarah J. Rumph, General Counsel, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

23-25.002 Definitions.

(1) through (11) No change.

(12) Standard Conditions of Supervision means conditions which will be required of every releasee as standard practice and procedure of the Commission. – include the following:

~~(a) Promptly upon being released on addiction recovery supervision, you will proceed to (address) _____, where you will reside. Within 3 days of your release, you will report by personal visit to the Addiction Recovery Supervisor under whose supervision you are to be released.~~

~~(b) You shall secure the permission of your Addiction Recovery Supervisor before:~~

- ~~1. You change your residence or employment,~~
- ~~2. You leave the county of your residence or the state,~~
- ~~3. You post bail or accept pretrial release if you are arrested for a felony.~~

~~(c) You shall submit a full and truthful report to your Addiction Recovery Supervisor before the fifth day of each month in writing on the forms provided or in person.~~

~~(d) You shall not:~~

- ~~1. Use alcohol or intoxicants of any kind.~~
- ~~2. Use or possess narcotics, drugs or marijuana unless prescribed by a physician.~~

~~(e) You shall not knowingly associate with any person who is engaging in any criminal activity.~~

~~(f) You shall secure the permission of your Addiction Recovery Supervisor before you own, carry, or have in your constructive possession a knife or any other weapon.~~

~~(g) You shall obey all laws, ordinances and statutory conditions of addiction recovery supervision.~~

~~(h) You shall:~~

- ~~1. Submit to a search by an Addiction Recovery Supervisor of your person, residence or automobile,~~
- ~~2. Waive extradition back to the state of Florida if you are wanted for return as an alleged addiction recovery supervision violator,~~
- ~~3. Permit your Addiction Recovery Supervisor to visit you at your residence, employment or elsewhere,~~
- ~~4. Promptly and truthfully answer all questions and follow instructions asked or given to you by your Addiction Recovery Supervisor or the Commission.~~

~~(i) You understand that you are to remain on addiction recovery supervision until released therefrom by expiration or by Commission order.~~

~~(j) During your addiction recovery supervision term, you shall submit to random testing as directed by your supervising officer or the professional staff of any treatment center or residential program where treatment is being received to determine the presence or use of alcohol or controlled substances pursuant to Section 877.111 or Chapter 893, F.S.~~

~~(k) During your addiction recovery supervision term, you shall submit and pay for urinalysis testing to identify alcohol and/or drug usage and understand that your failure to make such payment or participate as defined under this condition of your addiction recovery supervision will be considered grounds for revocation of addiction recovery supervision by the Parole Commission.~~

~~(l) You shall pay cost of supervision and rehabilitation as calculated and assessed by the Department of Corrections as provided and required in Section 948.09, F.S., and any court ordered payments such as child support and restitution.~~

~~(m) You shall participate and be supervised under drug offender probation pursuant to Section 948.001(4), F.S.~~

~~(n) You shall not enter any business establishment whose primary purpose is the sale/consumption of alcoholic beverages.~~

~~(o) You shall execute and present to your Addiction Recovery Supervisor all necessary authorizations to release records to your Addiction Recovery Supervisor and the Commission so that your progress and participation in required programs can be monitored and documented.~~

~~(p) If you are accepted into a substance abuse transition housing program, you shall comply with the terms and conditions of that program, including payment of fees to defray the cost of your participation.~~

~~(q) You must participate in (Alcoholics Anonymous or Narcotics Anonymous) and attend meetings as directed by your Addiction Recovery Supervisor.~~

~~(13) Tentative Release Date — means the projected release date computed by the Department of Corrections based upon length of sentence reduced by applicable gain time.~~

~~(14) through (15) renumbered (13) through (14) No change.~~

Rulemaking Specific Authority 944.4731(8) FS. Law Implemented 944.4731, 947.141 FS. History—New 2-10-03, Amended _____.

23-25.005 Revocation of Addiction Recovery Supervision.

(1) Warrants.

(a) through (c) No change.

(d) A request for a warrant shall be denied only by a Commissioner or the Commission and the reasons for denial shall be provided to the requestor, except in the case of an emergency warrant.

(e)(4) If staff submits a warrant request to a Commissioner for a review, the reviewing Commissioner shall execute the warrant, deny the warrant, or have the warrant request placed before a panel of no fewer than two (2) Commissioners for a decision. Should a warrant be issued, such will be transmitted to the requesting agency for appropriate service or filing. Alleged violators of addiction recovery supervision will be entered into the Florida Crime Information Center and the

~~National Crime Information Center, unless in custody. The Commission has authority to pursue extradition of alleged violators from other jurisdictions.~~

~~(f)(e)~~ Should a warrant be issued and a dismissal of the warrant is requested, the signing Commissioner or Chair is authorized to dismiss the warrant for good cause.

(2) through (3) No change.

(4) Addiction Recovery Supervision Violation Hearing.

(a) through (b) No change.

(c) Any Violation hearing may be waived by the Releasee after an explanation of the consequences of a waiver. The waiver shall be in writing and shall be executed before a Commissioner or duly authorized representative of the Commission. The Releasee may withdraw the waiver by submitting a written request which waives all time constraints. The waiver withdrawal request must be appropriately witnessed, and postmarked within 14 days after the execution of the waiver. Upon receipt of a timely ~~the~~ waiver withdrawal request, a violation hearing shall be convened after appropriate notice.

(d) through (e) No change.

(f) If there is a judicial order of incompetency, a written psychiatric or psychological determination of incompetency, or a commitment to a mental institution in the 90 days prior to the violation then an attorney shall be appointed. Once an attorney is appointed for questions of competency or if a previously appointed/retained attorney raises competency issues, then evidence of mental competency/incompetency shall be gathered and forwarded to the Commission for review. Once received by the Commission, the case shall be docketed. At the Commission meeting, the Commission may either order the violation process proceed, that the violation process be placed in abeyance, or such other order as it considers proper.

~~(g)(f)~~ Subpoenas and subpoenas duces tecum for the Releasee and the Commission shall be issued by a Commissioner or a duly authorized representative of the Commission on behalf of the State or the Releasee. The Commission, a Commissioner or a duly authorized representative of the Commission will decline a request to subpoena a witness whose testimony is found to be cumulative, irrelevant or non-probative. The party requesting the subpoenas shall furnish to the Commission, a Commissioner or a duly authorized representative of the Commission the names and addresses of his proposed witnesses at least 14 days prior to the hearing date.

~~(h)(e)~~ At the hearing, the Releasee may waive representation by an attorney, provided the waiver is reflected clearly in writing or in the record of the proceeding. Should the Releasee desire, retained counsel may represent the Releasee at the hearing. If the Releasee desires counsel and has not retained one, the following procedure shall apply:

1. through 2. No change.

~~(i)(h)~~ During the violation hearing, the person conducting the hearing has authority to entertain arguments of counsel or the Releasee. The person conducting the hearing has authority to elect to rule on such matters during the course of the violation hearing or may elect to withhold ruling pending consultation with counsel or staff. Arguments of counsel of a legal nature must be reduced to writing, and, if possible, presented prior to the violation hearing.

~~(j)(f)~~ Based on evidence presented at the violation hearing, or received by stipulation, the person conducting the hearing shall make findings of fact regarding the alleged violations, with a written recommendation to the Commission. When the Commission finds that the Releasee has committed one or more violations, the Commission shall enter an order revoking the addiction recovery supervision, restoring the Releasee to supervision or such an order as deemed appropriate. Notification by copy of the Commission order shall be provided to the Releasee. If the decision of the Commission is to revoke, the order entered shall contain the condition(s) that have been violated and the evidence relied upon.

~~(k)(f)~~ The person conducting the hearing has authority to elect to receive information following the violation hearing if the Releasee stipulates to the receipt of such information and such stipulation is reflected in the record.

~~(l)(e)~~ When a panel of no fewer ~~than~~ ~~that~~ two Commissioners revokes addiction recovery supervision, the Releasee shall be entitled to credit for time spent in custody on all charges appearing on the Commission's warrant and/or notice of hearing prior to the violation hearing. Time spent in another jurisdiction as a result of intervening sentences shall be considered. Credit for time in custody as decided by the panel shall be reflected in the order of revocation of addiction recovery supervision.

(m) The Commission shall consider the credit for time served on addiction recovery supervision in each case. The actual award of such credit is discretionary with the Commission. Credit for time served on addiction recovery supervision shall be reflected in the Commission's order.

~~(n)(m)~~ Pursuant to the United States Supreme Court's decision in Pennsylvania Board of Probation & Parole v. Scott, 524 U.S. 357 (1998), the Commission may consider evidence that has been excluded in a criminal proceeding as the result of the application of the federal exclusionary rule.

Rulemaking Specific Authority 944.4731(8) FS. Law Implemented 944.4731, 947.141 FS. History--New 2-10-03, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sarah J. Rumph, General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Chairman Frederick Dunphy

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: October 23, 2009

FLORIDA PAROLE COMMISSION

RULE NO.: RULE TITLE:

23-25.004 Addiction Recovery Supervision

PURPOSE AND EFFECT: The Commission proposes to update rules to conform to current practices and procedures, standardizing to conform to other types of Commission supervision.

SUMMARY: The proposed changes conforms the standard conditions of Addiction Recovery supervision to other forms of supervision.

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: 944.4731 FS.

LAW IMPLEMENTED: 944.4731, 947.141 FS.

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

DATE AND TIME: January 7, 2010, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg C., Hearing Room A, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Sarah J. Rumph, General Counsel, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sarah J. Rumph, General Counsel, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

23-25.004 Addiction Recovery Supervision.

(1) through (4) No change.

(5) All Eligible Offenders placed on addiction recovery supervision shall be initially subject to Standard Conditions of Supervision upon their release from incarceration. In addition to the Standard Conditions of Supervision, Eligible Offenders shall be subject to such special conditions of supervision as the Commission deems necessary from its review of the record. The standard conditions of supervision shall include the following:

(a) Promptly upon being released on addiction recovery supervision, you will proceed to your planned place of residence identified on page one. You shall report in person to the probation and parole office located in _____ County, Florida, as instructed by the release officer, on _____ at _____. If no specific report date/time is given, you shall report with 72 hours of your release.

(b) You shall secure the permission of your Addiction Recovery Supervisor before:

1. You change your residence or employment,

2. You leave the county of your residence or the state,

3. You post bail or accept pretrial release if you are arrested for a felony.

(c) You shall submit a full and truthful report to your Addiction Recovery Supervisor each month in writing on the forms provided in person as directed by your Addiction Recovery Supervisor.

(d) You shall not:

1. Use or possess alcohol or intoxicants of any kind.

2. Use or possess narcotics, drugs or marijuana unless prescribed by a physician.

3. Enter any business establishment whose primary purpose is the sale/consumption of alcoholic beverages.

(e) You shall not knowingly associate with any person(s) who is engaging in any criminal activity, a criminal gang member, or person(s) associated with criminal gang members.

(f) You shall secure the permission of your Addiction Recovery Supervisor before you own, carry, or have in your constructive possession a knife or any other weapon.

(g) You shall obey all laws, ordinances and statutory conditions of addiction recovery supervision.

(h) You shall:

1. Submit to a search by an Addiction Recovery Supervisor of your person, residence or automobile.

2. Waive extradition back to the state of Florida if you are wanted for return as an alleged addiction recovery supervision violator.

3. Permit your Addiction Recovery Supervisor to visit you at your residence, employment or elsewhere.

4. Promptly and truthfully answer all questions and follow instructions asked or given to you by your Addiction Recovery Supervisor or the Commission.

(i) You understand that you are to remain on addiction recovery supervision until released therefrom by expiration or by Commission order.

(j) During your addiction recovery supervision term, you shall submit to random testing as directed by your supervising officer or the professional staff of any treatment center or residential program where treatment is being received to determine the presence or use of alcohol or controlled substances pursuant to Section 877.111 or Chapter 893, F.S.

(k) During your addiction recovery supervision term, you shall submit and pay for urinalysis testing to identify alcohol and/or drug usage and understand that your failure to make such payment or participate as defined under this condition of your addiction recovery supervision will be considered grounds for revocation of addiction recovery supervision by the Parole Commission.

(l) You shall pay any court ordered payments such as child support and restitution.

(m) You shall participate and be supervised under drug offender probation pursuant to Section 948.001(4), F.S.

(n) You shall execute and present to your Addiction Recovery Supervisor all necessary authorizations to release records to your Addiction Recovery Supervisor and the Commission so that your progress and participation in required programs can be monitored and documented.

(o) If you are accepted into a substance-abuse-transition housing program, you shall comply with the terms and conditions of that program, including payment of fees to defray the cost of your participation.

(p) You must participate in (Alcoholics Anonymous or Narcotics Anonymous) and attend meetings as directed by your Addiction Recovery Supervisor.

(6) Offenders shall have no right to administrative review of the term and conditions of addiction recovery supervision as determined by the Commission.

(7) A panel of no fewer than two Commissioners has authority to cause a review of the progress of an addiction recovery releasee, or the Department of Corrections may make recommendations to the Commission whether to modify the reporting schedule or further modify the terms and conditions of addiction recovery supervision. A panel of no fewer than two Commissioners shall discharge from addiction recovery supervision, relieve from making further reports or permit the releasee to leave the country upon determining that such action is in the best interest of the addiction recovery releasee and of society. Such cases shall be docketed before the panel of commissioners, if available, that initially set the terms and conditions of addiction recovery supervision.

(8) A panel of no fewer than two (2) commissioners shall review the progress of each person who has been placed on addiction recovery supervision after two years of supervision in the community and not less often than biennially thereafter. Such reviews must include consideration of whether to modify the reporting schedule, thereby authorizing the person under supervision to submit reports quarterly, semi-annually, or annually. In the event the Commission elects to place an addiction recovery releasee on quarterly, semi-annually or annual reporting, the following definitions will be applicable:

(a) Quarterly reporting – one personal contact required every three (3) months.

(b) Semi-annual reporting – one personal contact required every six (6) months.

(c) Annual reporting – one personal contact required every twelve (12) months.

(9) The panel may give specific instructions reflecting whether the personal contact is to take place in a formal setting or in the setting to be determined by the addiction recovery supervisor.

(10) Such modification shall not impose new or different terms or conditions of addiction recovery supervision more restrictive than was stated in the original certificate.

Rulemaking Specific Authority 944.4731(8) FS. Law Implemented 944.4731, 947.141 FS. History–New 2-10-03, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sarah Rumph, General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Chairman Frederick Dunphy

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 30, 2009

PUBLIC SERVICE COMMISSION

RULE NOS.:	RULE TITLES:
25-22.103	Orders Indexed
25-22.1035	Official Reporter for Final Orders
25-22.105	Electronic Database of Orders and Other Records
25-22.107	Plan for Making Orders Available to the Public

PURPOSE AND EFFECT: To amend the rules to make the Commission's Web site the official reporter for final orders to provide free and timely access to final orders. Docket No. 090502-OT

SUMMARY: The rule revisions would place the Commission in the role of being its own Official Reporter. This would be implemented through the Commission's Web site which provides an electronic database of the Commission's orders. This would take place January 1, 2010, with prior orders being located in the FPSC Reporter, published by FALR. Rule 25-22.103, F.A.C., Orders Indexed, is repealed because there is no need for orders to be "indexed" when an electronic database is used instead; Rule 25-22.1035, F.A.C., Designation of Official Reporter, is amended to make the Commission's Web site the Official Reporter from January 2010 forward; Rule 25-22.107, F.A.C., Plan for Making Orders Available to the Public, is amended to state that copies of orders are maintained electronically at the Commission's Web site; Rule 25-22.105, F.A.C., System for Indexing Orders, is amended to refer to the Commission's electronic database on the Commission's Web site. The amendments also refer to the advanced search feature of orders.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Statement of Estimated Regulatory Costs notes that there should be no incremental costs for the Commission because the electronic data base currently exists and is available to the public. There would be benefits in saving staff time to reproduce and mail the orders to the publisher and the associated reproduction and mailing costs. Also, customers, utilities and business entities would know that Commission orders are available online and may obtain access to the orders without subscribing to a publication.

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

RULEMAKING AUTHORITY: 120.53(2), 120.532, 120.533 FS.

LAW IMPLEMENTED: 120.52(2), 120.53(2)-(4) FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Cindy Miller, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6082

THE FULL TEXT OF THE PROPOSED RULES IS:

25-22.103 Orders Indexed.

~~All Commission orders shall be indexed.~~

~~Rulemaking Specific Authority 120.533 FS. Law Implemented 120.53(2)(a)3., (2)(d) FS. History–New 9-24-92, Amended 12-27-94, Repealed _____.~~

25-22.1035 Official Reporter for Final Orders ~~Designation of Official Reporter.~~

~~The official reporter of the Florida Public Service Commission shall be its Website www.psc.state.fl.us/dockets/cms, effective January 1, 2010 the Florida Public Service Commission Reporter (FPSCR), published by FALR, Inc. The official reporter shall index orders of the Commission as required by Rule 25-22.103, F.A.C. The Florida Public Service Commission Reporter (FPSCR) published by FALR will remain the designated official reporter for final orders from January 1981 to December 31, 2009, and shall publish the~~

~~index and all orders.~~ The Florida Public Service Commission Reporter is found at some county law libraries and is available by subscription at the offices of FALR, Inc., P. O. Box 385, Gainesville, FL 32602. A copy of the Florida Public Service Commission Reporter is also available for public inspection at the Office of Commission Clerk.

~~Rulemaking Specific Authority 120.532, 120.533 FS. Law Implemented 120.53(2)(a)3., 120.53(2)(d), 120.53(4)(a) FS. History–New 12-27-94, Amended _____.~~

25-22.105 Electronic Database of Orders and Other Records System for Indexing Orders.

(1) The Commission's electronic database ~~The index~~ shall be available from the Commission's Web site located at www.psc.state.fl.us/dockets/cms and alphabetically arranged by main subject headings representing major categories of the Commission's regulatory jurisdiction and taken from the Florida Statutes index, when applicable. The applicable titles of citations of the Florida Statutes construed within the final order may determine the main subject headings and subheadings in the index. The index shall show the main subject headings in all capital letters, flush left on the page, followed by relevant subheadings which shall be initial caps and lower case letters indented. Subheadings and sub-subheadings shall reflect increasingly specific areas or subjects addressed in Commission orders and may be taken from the text of the Florida Statutes construed. Subheadings and sub-subheadings at equal indentations shall also be alphabetized. The FPSCR citation to orders shall be listed sequentially in an indentation immediately below the applicable sub or sub-subheading. Cross references shall be used to direct the user to subject headings which contain the relevant information. The database shall include the ability to electronically search dockets by docket number, docket title, and document number. The ability to search by rRelated key words (specific words, terms, and phrases) and common and colloquial words shall be available from the "advanced search" feature on the main search page of the Commission's Web site at <http://www.floridapsc.com/search>. Orders within this database may be searched using logical search terms that are in common usage, that are also contained within the text of the final orders, or by descriptive information about the order that may not be specifically contained in the order. From the Category drop-down selection on the "advanced search" feature for Orders, the search may optionally be further restricted listed and cross-referenced to the appropriate main subject headings. New subject headings will be added when necessary.

(2) Information shall be added to the Commission's Web site within 24 hours of the issuance of the document by the Office of Commission Clerk. The index shall be cumulative for at least one calendar year and shall be updated and made available to the public at least quarterly.

Rulemaking Specific Authority 120.533(1)(f) FS. Law Implemented 120.53(2)-(4) FS. History—New 9-24-92, Amended 12-27-94, _____.

25-22.107 Plan for Making Orders ~~and Index~~ Available to the Public.

(1) The Commission shall make orders accessible and available to the public by sequentially numbering and maintaining all orders.

(2) The Office of Commission Clerk shall assist the public in obtaining information pertaining to Commission orders and may be contacted at (850)413-6770 or at Clerk@psc.state.fl.us. Questions may also be faxed to (850)413-7118.

(3) Copies of orders, ~~in numerical order, and a copy of the Commission's official reporter~~ shall be maintained in the ~~offices of~~ the Office of Commission Clerk and electronically at the Commission's Web site, www.psc.state.fl.us/dockets/cms.

Rulemaking Specific Authority 120.53(2), (8) FS. Law Implemented 120.52(2) FS. History—New 9-24-92, Amended 12-27-94, _____

NAME OF PERSON ORIGINATING PROPOSED RULE: Cindy Miller, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6082

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 35, No. 42, October 23, 2009

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-108.101
 RULE TITLE: Inmate Substance Abuse Testing

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to: remove reference to Form DC1-826, Inmate Scannable Drug Testing Control Card, as the form is being eliminated; provide that female inmates shall not be subject to testing while they are menstruating; clarify the procedure for retesting inmates who are found to have blood in their urine upon initial testing; and clarify the requisite training and certification for testers.

SUMMARY: The proposed rule is amended to: eliminate reference to Form DC1-826, Inmate Scannable Drug Testing Control Card, as the form will no longer be used; clarify that female inmates shall not be subject to testing while they are menstruating; clarify the procedure for retesting inmates who are found to have blood in their urine upon initial testing; clarify the training and certification required of testers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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: 944.09, 944.472, 944.473 FS.
 LAW IMPLEMENTED: 944.09, 944.472, 944.473 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-108.101 Inmate Substance Abuse Testing.

(1) Definitions.

(a) Random Selection – ~~a~~ ~~★~~ computerized random selection model utilized to obtain a sample of inmates to be tested for drugs or alcohol.

(b) Tester – a correctional officer who has been ~~trained and certified as competent by the manufacturer of the onsite testing device and trained by~~ ~~or~~ certified training personnel, affiliated with the department, on the proper procedures for collecting urine specimens, including the completion and maintenance of the Chain of Custody Form, the handling and disposing of urine specimens, and the administration and interpretation of the on-site testing device. All testing personnel must be approved by the Office of the Inspector General. The Chain of Custody Form is incorporated by reference in paragraph (3)(h) of this rule.

(c) through (d) No change.

(e) Test refusal – failure on the part of an inmate to fully comply with the department's substance abuse testing procedures, which includes failing to provide a valid urine specimen, attempting to alter ~~a~~ ~~his or her~~ urine specimen with adulterants, as established by an on-site specimen adulteration testing product, and using substitute urine in makeshift devices or objects. Any inmate who refuses to comply with the testing process or fails to provide a valid specimen, within the specified time frames ~~of this rule as stipulated in subparagraphs (3)(b)8. and (3)(b)10.,~~ shall be given a disciplinary report in accordance with Rules 33-601.301-.314, F.A.C.

(f) No change.

(g) Confirmation Testing – testing conducted by an outside contract laboratory using gas chromatography coupled with mass spectrometry (GC/MS) when on-site results of a test are positive and the inmate refuses to sign Form DC1-824, an Affidavit for Admission of Drug Use, ~~Form DC1-824.~~ Form DC1-824 is incorporated by reference in paragraph (3)(h) of this rule.

(h) No change.

(2) The Department of Corrections conducts the following types of inmate substance abuse testing:

(a) For-Cause or Reasonable Suspicion Testing.

1. Inmates suspected of involvement with drugs or alcohol shall be subject to for-cause testing upon order of the warden, ~~the or~~ duty warden of the institution, ~~or~~ the correctional officer chief of the facility, ~~a or their~~ designees of one the above individuals, or the Office of the Inspector General. An inmate should only be tested for a maximum of four drugs on a for-cause basis; unless extenuating circumstances exist. For-cause tests will only be conducted on inmates who meet the criteria outlined in subparagraphs sub-subparagraph 2.a. through c. below.

2. No change.

3. When for-cause testing is ordered, an incident report shall be prepared including the dates and times of reported drug-related events and the rationale leading to the request for testing:

~~a. Dates and times of reported drug-related events;~~

~~b. Rationale leading to the request for testing.~~

4. The senior correctional officer on duty shall be notified that ~~a the~~ staff member has identified a suspicious inmate who meets the for-cause drug testing criteria. The highest ranking correctional officer shall ensure that an incident report is prepared. The incident report shall contain all pertinent information concerning the inmate ~~that which~~ prompted the request for testing, to include any supporting evidence.

5. Upon approval of the warden, duty warden, correctional officer chief, ~~or~~ their designees, or the Office of the Inspector General, collection and testing procedures shall be conducted immediately pursuant to this rule.

6. A copy of Form DC6-210, ~~the~~ Incident Report, ~~Form DC6-210~~, shall be attached to the facility's copy of the Chain of Custody Form for positive specimens sent to the laboratory for confirmation testing. Form DC6-210 is incorporated in Rule 33-602.210, F.A.C. ~~The Chain of Custody Form is incorporated by reference in paragraph (3)(h) of this rule.~~

(b) Random Substance Abuse Testing. All correctional facilities shall receive on a weekly basis a list of the names and DC numbers of inmates generated through random selection for substance abuse testing. The list will be electronically transmitted from the department's electronic database Offender Base Information System to the secure printer of the warden of each major institution or the correctional officer chief of the correctional facility. Any facility that does not have a secure printer will have ~~its their~~ respective list printed to a secure printer at another facility as designated by the warden of the institution or correctional officer chief of the facility. The list is considered confidential and shall not be disseminated to inmates or non-essential staff members prior to testing. Each time an inmate's name appears on the random list, he or she shall be tested regardless of whether or not he or she has been previously tested.

(c) No change.

(3) Procedures.

(a) Chain of Custody.

1. At a minimum, the Chain of Custody Form must include inmate and tester identification; initialed by both the inmate and the tester, date and time of collection, type of test (i.e., random, for-cause or substance abuse program participation), and identification of all individuals who had custody of the specimen from the time of collection until the specimen was prepared for shipment to the laboratory. Once the outside laboratory receives the specimen, it will become the laboratory's responsibility to maintain a chain of custody throughout the testing process.

2. The Chain of Custody Form; allows for ~~any~~ comments by the tester regarding any unusual observations. Any failure by the inmate to cooperate with the collection process; and any ~~the~~ unusual nature (e.g., discolored urine or urine containing foreign objects) of ~~a any~~ specimen provided shall be noted.

3. The tester shall ensure that all collected urine specimens; being sent to a designated outside laboratory for confirmation testing; are properly labeled and sealed with a security label as provided on the Chain of Custody Form. The tester shall also ensure that the Chain of Custody Form for all collected urine specimens is completed in accordance with department procedures.

4. If an inmate is unable or unwilling to enter his or her initials on the Chain of Custody Form, the tester will make a notation in the comment section of the form Chain of Custody Form and leave the space blank. The tester will not under any circumstances sign the Chain of Custody Form for an inmate.

(b) Specimen Collection Procedures.

1. The tester shall ensure that all urine specimens are collected in accordance with department procedures. All collections shall be performed under direct observation, where the tester directly observes the voiding of urine into the specimen cup, unless the inmate has been placed in a dry cell. Direct observation may also be accomplished through use of mirrors strategically mounted in the collection rest room.

2. Under no circumstances is direct observation of an inmate by a tester of the opposite sex ~~from the inmate~~ allowed.

3. A female inmate shall not be required to provide a urine specimen during her menstrual cycle.

~~4.3-~~ The tester shall ensure that there is positive inmate identification prior to collecting the inmate's urine specimen. Sight, name, DC number, and examination of an inmate's picture identification card shall provide positive identification of the inmate selected for drug testing.

~~5.4-~~ The tester shall search the inmate to ensure that the inmate is not concealing any substances or materials that could be used to alter or substitute his or her urine specimen. If any such substances or materials are found, the inmate will be charged with refusing to submit to a substance abuse test.

5. ~~If an inmate attempts to alter his or her urine specimen during the collection process through the use of adulterants or substitute urine, the inmate will be charged with refusing to submit to substance abuse testing.~~

6. No change.

7. The inmate is expected to provide a minimum of 30 ml of urine. If the inmate provides less than this amount, the tester shall again attempt to collect an adequate specimen. If the inmate cannot immediately provide an adequate ~~submit another urine~~ specimen, then the procedure outlined in subparagraph (3)(b)8. ~~8.~~ below ~~for a claimed inability to provide a urine specimen~~ shall apply.

8. An inmate who has not provided an adulterated urine specimen and who claims an ~~indicates a claimed~~ inability to provide an adequate urine specimen shall be detained in the presence of the tester or other designated person for a period not to exceed 1 hour to provide an adequate specimen. During that time, the inmate shall be allowed to consume one cup (8 oz.) of water or other beverage every 1/2 hour, not to exceed a total of 2 cups during this time period, and Form DC1-823, an ~~an~~ Acknowledgement of Beverage Form, DC1-823, ~~an~~ shall be completed. Form DC1-823 ~~DCI-823, Acknowledgement of Beverage Form,~~ is incorporated by reference in paragraph (3)(h) of this rule. If after the 1 hour period an inmate still fails to submit a valid adequate urine specimen, the inmate shall be considered to have refused to provide a urine specimen and a disciplinary report shall be prepared in accordance with Rules 33-601.301-.314, F.A.C. ~~If an inmate claims an inability to urinate, the procedures set forth in paragraph (3)(d) shall apply.~~

9. After the inmate has voided a urine specimen into the cup, the tester will visually inspect the urine specimen to make sure that it the specimen appears to be valid and unadulterated. If the tester suspects that the specimen has been adulterated based upon observation, experience, or prior training, the tester will utilize the on-site specimen adulteration testing product in front of the inmate following the manufacturer's testing protocols. If a positive result is received on the on-site specimen adulteration testing product indicating that the urine specimen was adulterated, the ~~adulterated~~ specimen will not be accepted as a valid specimen and will be discarded. The inmate will be required to submit a valid and unadulterated specimen pursuant to. ~~If the inmate cannot submit a valid and unadulterated specimen, then the procedure outlined below in subparagraph (3)(b)10. below (3)(b)10. shall apply.~~

10. Inmates who have adulterated their urine specimen by ingesting substances, as established by the on-site specimen adulteration testing product, shall be detained in the presence of the tester or placed in a dry cell ~~"dry cell"~~ for a period not to exceed one hour. During that time, the inmate shall not be allowed to consume any water or other beverage. If after the one hour period an inmate still fails to submit an unadulterated valid urine specimen, the inmate shall be considered to have

refused to provide a urine specimen and a disciplinary report shall be prepared in accordance with Rules 33-601.301-.314, F.A.C.

11. No change.

12. If a urine specimen contains blood or appears to contain blood, the inmate who produced the specimen shall be referred immediately to the medical department for evaluation. If no valid reason exists for having blood in the specimen, the inmate will be required to provide another urine specimen. If the inmate cannot submit a urine specimen, the inmate shall be detained in the presence of the tester or other designated person for a period not to exceed 1 hour to provide an adequate specimen. During that time, the inmate shall be allowed to consume one cup (8 oz.) of water or other beverage every 1/2 hour, not to exceed a total of 2 cups during this time period, and Form DC1-823, Acknowledgement of Beverage Form, shall be completed. If after the 1 hour period an inmate still fails to submit a valid adequate urine specimen, the inmate shall be considered to have refused to provide a urine specimen and a disciplinary report shall be prepared in accordance with Rules 33-601.301-.314, F.A.C then the procedure outlined above for a claimed inability to provide a urine specimen shall apply.

(c) Upon notification from an inmate that he or she is unable to urinate due to a medical condition, the officer shall verify with medical staff that the inmate possesses a specific medical condition or is taking medication that which inhibits the inmate from urinating within the designated time frame. Upon receiving such verification, the inmate shall be given the opportunity to provide a urine specimen under the following conditions:

1. No change.

2. The inmate shall remove the contents of his or her pockets; and his or her shirt, shoes, pants and hat. The inmate shall be thoroughly searched prior to entering the dry cell to prevent him or her from using any adulterants such as bleach or cleanser to alter the his or her urine specimen.

3. No change.

4. The inmate shall be allowed to consume one cup (8 oz.) of water or other beverage every 1/2 hour, not to exceed a total of two cups during the time spent in the dry cell, and Form DC1-823, an Acknowledgement of Beverage Form, DC1-823, shall be completed.

5. A physical check shall be made on the inmate once every 30 minutes to see if he or she has provided a valid urine specimen.

6. Upon receipt of the urine specimen the tester shall visually inspect the urine specimen to ensure it appears valid and unadulterated, and the procedures outlined in paragraph (3)(c) subparagraph (3)(c)1. for the testing of urine specimens shall be followed.

7. through (d) No change.

(e) Testing of urine specimens.

1. Only certified testing personnel are authorized to utilize the on-site testing equipment. For every on-site test conducted, regardless of purpose, the results shall be entered into the department's electronic database. ~~Inmate Scannable Drug Testing Control Card shall be filled out. The Inmate Scannable Drug Testing Control Card, DC1-826 is incorporated in paragraph (3)(h) of this rule.~~

2. through 4. No change.

5. Negative test results. The tester shall inform the inmate of the negative test results of the on-site testing device. The tester shall record all negative test results on the department's electronic database. ~~Inmate Scannable Drug Testing Control Card and the OBIS printout.~~ The tester will then dispose of the remaining specimen, specimen cup and testing device. All forms shall be retained in accordance with state law and rules governing the retention of records.

6. Positive test results. The tester shall inform the inmate of the positive results of the on-site testing device. The inmate will then be given the opportunity to sign Form DC1-824, an Affidavit for Admission of Drug Use, ~~DC1-824. Form DC1-824, Affidavit for Admission of Drug Use, is incorporated by reference in paragraph (3)(h) of this rule.~~

a. If the inmate chooses to sign Form DC1-824 the Affidavit for Admission of Drug Use, ~~DC1-824,~~ the testing officer shall complete the affidavit form and have the inmate swear to its content, with the officer witnessing the inmate's signature. The inmate will be placed into administrative confinement and a disciplinary report shall be written. The signed Form DC1-824 Affidavit for Admission of Drug Use, ~~DC1-824,~~ will be attached to the disciplinary report to be used as evidence in the disciplinary report hearing.

b. The testing officer shall indicate ~~will complete the Inmate Scannable Drug Testing Control Card indicating~~ the positive results of the on-site testing device in the department's electronic database.

c. If the inmate does not sign Form the Affidavit for Admission of Drug Use, ~~DC1-824,~~ the following steps shall be taken:

i. through iv. No change.

7. Once received from the outside laboratory, the confirmation testing results will be entered into the department's electronic database ~~onto the respective Inmate Scannable Drug Testing Control Card.~~ If the confirmation testing results are positive, a copy of the results will be attached to the disciplinary report for use as evidence during the disciplinary hearing.

(f) Other on-site testing device procedures.

1. Due to product limitations, it may become necessary to utilize other noninvasive on-site testing devices for alcohol testing. In such instances, the certified tester will utilize the on-site testing device in the presence of the inmate following the manufacturer's testing protocols. If the initial result of the on-site testing device is positive, and the inmate declines to

sign Form DC1-824, the Affidavit for Admission of Drug Use, ~~Form DC1-824,~~ then a urine specimen will be obtained from the inmate and sent to a designated outside laboratory for confirmation testing, in accordance with the procedures outlined in paragraph (3)(b), specimen collection procedures, and paragraph (3)(e), testing of urine specimens.

2. All correctional facilities shall maintain a record of all reasonable suspicion substance abuse tests conducted. This record shall be maintained by the correctional officer chief or his designee. Form DC1-827, Reasonable Suspicion Testing Tracking Form, shall be utilized for this purpose. Form DC1-827, ~~Reasonable Suspicion Testing Tracking Form,~~ is incorporated by reference in paragraph (3)(h) of this rule.

(g) No change.

(h) Forms. The following forms referenced in this rule are hereby incorporated by reference. Copies of these forms, unless otherwise indicated, may be obtained from the Forms Control Administrator, ~~Office of Research, Planning and Support Services,~~ 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

1. Form DC1-823, Acknowledgement of Beverage, effective date February 5, 2001.

2. Form DC1-824, Affidavit for Admission of Drug Use, effective date February 5, 2001.

3. Chain of Custody, effective date February 5, 2001, is a vendor form that may be obtained directly from the vendor or through the Office of the Inspector General, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

~~4. Form DC1-826, Inmate Scannable Drug Testing Control Card, effective date February 5, 2001, may be obtained directly from the vendor or through the Office of the Inspector General, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.~~

~~4.5.~~ Form DC1-827, Reasonable Suspicion Testing Tracking Form, effective date February 19, 2007.

Rulemaking Authority 944.09, 944.472, 944.473 FS. Law Implemented 944.09, 944.472, 944.473 FS. History—New 2-8-00, Amended 2-5-01, Formerly 33-602.2045, Amended 7-2-02, 2-19-07, 7-29-08, 8-26-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Walt Murphree, Deputy Inspector General

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter A. McNeil, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 23, 2009

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

DEPARTMENT OF CORRECTIONS

RULE NOS.: RULE TITLES:
 33-204.002 Food Services – Definitions
 33-204.003 Food Services – Standards of
 Operation

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to amend Rule 33-204.002, F.A.C., to clarify the definitions of “vegan meal pattern” and “alternate entrée” and to amend Rule 33-204.003, F.A.C., to clarify the circumstances under which an inmate may be removed from the vegan meal pattern.

SUMMARY: The proposed rules are amended to clarify the definitions of “vegan meal pattern” and “alternate entrée” and to clarify the circumstances under which an inmate may be removed from the vegan meal pattern.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that these rules will not have an impact on small business. A SERC has not been prepared by the agency.

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: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULES IS:

33-204.002 Food Services – Definitions.

For the purposes of this chapter:

(1) “Master menu” means the menu that which is designed to be served at all facilities to provide uniformity in items served to each inmate. The master menu shall be planned under the direction of the department’s master menu committee, and certified nutritionally adequate as determined by a licensed registered dietitian employed by the department.

(2) No change.

(3) “Alternate entree” means the substitute non-meat entree offered at meals and the vegan (total vegetarian) meal pattern. Inmates shall be given a choice of the regular or non-meat entree. Inmates may choose one or the other, but not both. Inmates committed to the vegan meal pattern exclude themselves from this choice.

(4) No change.

(5) “Vegan meal pattern” refers to a meal pattern that excludes all animal byproducts. Inmates who wish to be on the vegan meal pattern must submit Form DC6-236, Inmate

Request, to the food service director at the facility where the inmate is housed. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C. Inmates who choose the vegan meal pattern shall not be permitted to eat from the regular menu or choose the alternate entrée and are subject to removal from the pattern pursuant to Rule 33-204.002, F.A.C.

Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 1-18-89, Amended 7-21-97, Formerly 33-30.002, Amended 8-9-00, 11-16-00, 10-2-01, 2-18-02, 7-2-03, 11-1-04,_____.

33-204.003 Food Services – Standards of Operation.

(1) No change.

(2) Confinement.

(a) All inmates in confinement shall receive normal institutional meals as are available to the general population, except that if any item on the normal menu or any food utensil might create a security problem in the confinement area, then another item of comparable quality or other appropriate utensils shall be substituted. Substitutions shall be documented on Form DC6-209, the Housing Unit Log, DC6-209 and Form DC6-210, Incident Report, DC6-210. Form Forms DC6-209 is incorporated by reference in Rule 33-601.800. Form and DC6-210 is have been previously incorporated by reference in Rule 33- 602.210 33-602.220, F.A.C.

(b) through (3) No change.

(4) Vegan meal pattern. Inmates may choose the vegan (strict vegetarian) meal pattern by submitting Form DC6-236, Inmate Request, to the food service director at the facility where the inmate is housed. An inmate who is transferred to another facility shall be allowed to continue the vegan meal pattern at the new facility by showing the inmate request that was approved by the previous food service director until his request is approved by the new food service director. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

(a) Inmates on the vegan meal pattern who are observed eating from the regular menu shall be immediately removed from the vegan menu. Staff shall document the incident on Form DC6-210, Incident Report. Such inmates shall be ineligible to reapply for the vegan meal pattern for six months after involuntary removal.

(b) An inmate who voluntarily requests to be removed from the vegan meal pattern may not reapply for the pattern for 30 days.

(5)(4) Therapeutic Diets. Therapeutic diets for medical or dental reasons shall be provided as ordered by a Department of Corrections credentialed physician, clinical associate (physicians assistant, advanced registered nurse practitioner) or dentist. All orders for therapeutic diets shall be in writing. Non-standard therapeutic diets shall be approved by the public health nutrition program manager and the regional medical executive director. Therapeutic diets shall be served for a

maximum of 90 days. Diets extending for periods longer than 90 days shall require a new diet order from the attending Department of Corrections credentialed physician, clinical associate (physicians assistant or advanced registered nurse practitioner) or dentist. Diet prescription orders must be received in food services prior to the expiration of the current prescription to avoid interruption of the therapeutic diet. The Public Health Nutrition Program Manager and the Public Health Consultants shall be available for consultation by health and food service personnel regarding therapeutic diets.

~~(6)(5) Religious Diets. The alternate entrée and the program is designed to provide meal options for inmates whose religions require a pork free, lacto-ovo or lacto-vegetarian diet. The vegan (strict vegetarian) meal pattern provides meal options for the religious requirements of inmates whose religions require a pork-free, lacto-ovo, lacto-vegetarian, or vegan diet who choose to avoid all animal products. Inmates requesting the vegan meal pattern shall submit an Inmate Request, Form DC6-236, to the food service director at the facility where the inmate is currently housed. An inmate who is transferred to another facility shall be allowed to continue the vegan meal pattern at the new facility by showing the inmate request that was approved by the previous food service director until his request is approved by the new food service director. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.~~

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History—New 1-18-89, Amended 7-21-97, Formerly 33-30.003, Amended 8-9-00, 11-16-00, 10-2-01, 2-18-02, 7-2-03, 11-1-04, 2-27-05, 10-16-05, 1-17-06, 4-27-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Wendel Whitehurst, Deputy Secretary of Institutions
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter A. McNeil, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 23, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 25, 2009

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: 40E-2.091
RULE TITLE: Publications Incorporated by Reference

PURPOSE AND EFFECT: To assure water necessary for the protection of fish and wildlife in the North Fork of the St. Lucie River as part of the Comprehensive Everglades Restoration Plan for the Indian River Lagoon-South project.

SUMMARY: The proposed rule amendments establish criteria to implement a water reservation for the North Fork of the St. Lucie River to protect Comprehensive Everglades Restoration Plan project water needed for protection of fish and wildlife

within the North Fork of the St. Lucie River. The proposed amendments also make changes to clarify that rules pertaining to the water reservation for the Picayune Strand and Fakahatchee Estuary are found in a specific section of Chapter 40E-10, and that rules pertaining to the water reservation for the North Fork of the St. Lucie Estuary are found in a separate section of Chapter 40E-10, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Costs (SERC) has been prepared in support of rule making for a water reservation for the North Fork of the St. Lucie River. This reservation of water is prospective in nature, meaning that the water to be regulated is not available until certain antecedent conditions occur. This fact impacts the outcome of the analysis required by the SERC as summarized below. This SERC has been prepared in accordance with the requirements of Section 120.541(2), F.S. Following are each of the statutory requirements that are required to be evaluated and a summary of the conclusions reached:

(a) A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.

This proposed rule will be applicable to all water use types regulated under District consumptive use and general permit rules (40E-2 and 20 F.A.C.) seeking to use surface water that contributes to the dry season flows over the Gordy Road Structure once any one or all of the Comprehensive Everglades Restoration Plan’s C-23/C-24 North and South Reservoirs and STA Project are operational. The use types affected by this rule include dewatering, golf course irrigation, agricultural irrigation, nursery irrigation, water livestock, landscape irrigation, commercial industrial use, public water supply, aquaculture, power generation and recreational water use.

It is not possible to fully identify the number of individuals or entities that ultimately will have to comply with the proposed rule at this time because the water to be reserved will become available in the future when project components are determined to be operational. The SERC does identify the number of presently existing legal users that are likely required to have to comply with the rule at page 10 of the SERC.

(b) A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues.

Because the proposed rules do not contain any requirements that will result in the need for new or additional permit analysis, impose any new or additional conditions on use, or otherwise restrict the allocation of surface or groundwater until the Governing Board determines that any or all project component(s) are operational and new rules and criteria are effective, there are no increased costs associated with the

implement or enforcement of this proposed rule to the District, presently existing legal users, permit applicants or other state or local government agencies.

(c) A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the rule. As used in this paragraph, “transactional costs” are direct costs that are readily ascertainable based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, and the cost of monitoring and reporting.

Because the proposed rules do not contain any requirements that will result in the need for new or additional permit analysis, impose any new or additional conditions on use, or otherwise restrict the allocation of surface or groundwater until the Governing Board determines that any or all project component(s) are operational and new rules and criteria are effective, there are no specific requirements that would result in the need for an individual or entity to incur transactional costs.

(d) An analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S.

Because the proposed rules do not contain any requirements that will result in the need for new or additional permit analysis, impose any new or additional conditions on use, or otherwise restrict the allocation of surface or groundwater until the Governing Board determines that any or all project component(s) are operational and new rules and criteria are effective, there are no specific requirements that would impact a small business, small county or small city.

(e) Any additional information that the agency determines may be useful.

No additional information was determined to be necessary.

(f) In the statement or revised statement, whichever applies, a description of any good faith written proposal submitted under paragraph (1)(a) and either a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.

None received to date. In the event a lower cost alternative is submitted, this SERC will be amended to address the alternatives.

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 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.109, 373.196, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239, 373.250 FS.

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

DATE AND TIME: January 14, 2010, 9:00 a.m.

PLACE: Village of Key Biscayne, Village Chambers, 88 West McIntyre Street, Key Biscayne, FL 33149

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: South Florida Water Management District Clerk, (800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Scott Burns, Chief Scientist, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416, (800)432-2045, ext 6544 or (561)682-6544, email: sburns@sfwmd.gov, Beth Lewis, Senior Specialist Attorney, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416, (800)432-2045, ext 6343 or (561)682-6343, email: belewis@sfwmd.gov, Brenda Mills, Lead Planner, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416, (800)432-2045, ext 6536 or (561)682-6536, email: bmills@sfwmd.gov. For procedural questions contact Jan Sluth, Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416, (800)432-2045, ext 6299 or (561)682-6299, email: jsluth@sfwmd.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-2.091 Publications Incorporated by Reference.

The “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – _____ July 2, 2009,” is hereby published by reference and incorporated into this chapter. A current version of this document is available upon request.

Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.042, 373.0421, 373.109, 373.196, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239, 373.250 FS. History—New 9-3-81, Formerly 16K-2.035(1), Amended 2-24-85, 11-21-89, 1-4-93, 4-20-94, 11-26-95, 7-11-96, 4-9-97, 12-10-97, 9-10-01, 12-19-01, 8-1-02, 6-9-03, 8-31-03, 4-23-07, 9-13-07, 2-13-08, 10-14-08, 7-2-09, _____.

(The following amendments are to the Basis of Review for Water Use Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-2.091, F.A.C.)

3.11.2 North Fork of the St. Lucie River

The North Fork of the St. Lucie River water reservation, as stated in Rule 40E-10.051, F.A.C., protects Comprehensive Everglades Restoration Plan project water needed for

protection of fish and wildlife within the North Fork of the St. Lucie River. Applications deemed complete prior to the conditions identified in subsection 40E-10.051(1), F.A.C., and which otherwise satisfy the requirements of Chapter 40E-2 or Chapter 40E-20, as applicable, are determined not to use the water reserved pursuant to Rule 40E-10.051, F.A.C.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Scott Burns, Chief Scientist

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 13, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 10, 2009

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-10.021	Definitions
40E-10.031	Water Reservations Implementation
40E-10.041	Water Reservation Areas: Lower West Coast Planning Area
40E-10.051	Water Reservation Areas: Upper East Coast Planning Area

PURPOSE AND EFFECT: To assure water necessary for the protection of fish and wildlife in the North Fork of the St. Lucie River as part of the Comprehensive Everglades Restoration Plan for the Indian River Lagoon-South project.

SUMMARY: The proposed rule amendments establish criteria to implement a water reservation for the North Fork of the St. Lucie River to protect Comprehensive Everglades Restoration Plan project water needed for protection of fish and wildlife within the North Fork of the St. Lucie River. The proposed amendments also make changes to clarify that rules pertaining to the water reservation for the Picayune Strand and Fakahatchee Estuary are found in a specific section of Chapter 40E-10, and that rules pertaining to the water reservation for the North Fork of the St. Lucie Estuary are found in a separate section of Chapter 40E-10, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Costs (SERC) has been prepared in support of rule making for a water reservation for the North Fork of the St. Lucie River. This reservation of water is prospective in nature, meaning that the water to be regulated is not available until certain antecedent conditions occur. This fact impacts the outcome of the analysis required by the SERC as summarized below. This SERC has been prepared in accordance with the requirements of Section 120.541(2), F.S. Following are each of the statutory requirements that are required to be evaluated and a summary of the conclusions reached:

(a) A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.

This proposed rule will be applicable to all water use types regulated under District consumptive use and general permit rules (40E-2 and 20 F.A.C.) seeking to use surface water that contributes to the dry season flows over the Gordy Road Structure once any one or all of the Comprehensive Everglades Restoration Plan’s C-23/C-24 North and South Reservoirs and STA Project are operational. The use types affected by this rule include dewatering, golf course irrigation, agricultural irrigation, nursery irrigation, water livestock, landscape irrigation, commercial industrial use, public water supply, aquaculture, power generation and recreational water use.

It is not possible to fully identify the number of individuals or entities that ultimately will have to comply with the proposed rule at this time because the water to be reserved will become available in the future when project components are determined to be operational. The SERC does identify the number of presently existing legal users that are likely required to have to comply with the rule at page 10 of the SERC.

(b) A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues.

Because the proposed rules do not contain any requirements that will result in the need for new or additional permit analysis, impose any new or additional conditions on use, or otherwise restrict the allocation of surface or groundwater until the Governing Board determines that any or all project component(s) are operational and new rules and criteria are effective, there are no increased costs associated with the implement or enforcement of this proposed rule to the District, presently existing legal users, permit applicants or other state or local government agencies.

(c) A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the rule. As used in this paragraph, “transactional costs” are direct costs that are readily ascertainable based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, and the cost of monitoring and reporting.

Because the proposed rules do not contain any requirements that will result in the need for new or additional permit analysis, impose any new or additional conditions on use, or otherwise restrict the allocation of surface or groundwater until the Governing Board determines that any or all project component(s) are operational and new rules and criteria are

effective, there are no specific requirements that would result in the need for an individual or entity to incur transactional costs.

(d) An analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S.

Because the proposed rules do not contain any requirements that will result in the need for new or additional permit analysis, impose any new or additional conditions on use, or otherwise restrict the allocation of surface or groundwater until the Governing Board determines that any or all project component(s) are operational and new rules and criteria are effective, there are no specific requirements that would impact a small business, small county or small city.

(e) Any additional information that the agency determines may be useful. No additional information was determined to be necessary.

(f) In the statement or revised statement, whichever applies, a description of any good faith written proposal submitted under paragraph (1)(a) and either a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.

None received to date. In the event a lower cost alternative is submitted, this SERC will be amended to address the alternatives.

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, 373.17 FS. LAW IMPLEMENTED: 373.016, 373.026, 373.036, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470 FS.

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

DATE AND TIME: January 14, 2010, 9:00 a.m.

PLACE: Village of Key Biscayne, Village Chambers, 88 West McIntyre Street, Key Biscayne, FL 33149

Pursuant to the provisions of 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, next. 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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Scott Burns, Chief Scientist, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416, (800)432-2045, next 6544 or (561)682-6544, email: sburns@sfwmd.gov, Beth Lewis,

Senior Specialist Attorney, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416, (800)432-2045, ext 6343 or (561)682-6343, email: belewis@sfwmd.gov, Brenda Mills, Lead Planner, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416, (800)432-2045, ext 6536 or (561)682-6536, email: bmills@sfwmd.gov. For procedural questions contact Jan Sluth, Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416, (800)432-2045, ext 6299 or (561)682-6299, email: jsluth@sfwmd.gov

THE FULL TEXT OF THE PROPOSED RULES IS:

40E-10.021 Definitions.

(1) through (2) No change.

(3) North Fork of the St. Lucie River – The area that extends from the Gordy Road structure (state plane coordinates, x851212.831, y1116105.7470), to the confluence of the North Fork of the St. Lucie River and the C-24 canal (state plane coordinates, x873.712.20, y1064.390.41) as depicted in Appendix 3, Figure 3-1.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.026, 373.036, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470 FS. History–New 7-2-09, Amended.

40E-10.031 Water Reservations Implementation.

(1) No change.

~~(2) Reservations contained in Rule 40E-10.041, F.A.C., shall be reviewed in light of changed conditions or new information by 2014.~~

(2) Water reserved for the protection of fish and wildlife contained within the Picayune Strand and Fakahatchee Estuary is defined in subsections 40E-10.041(1)-(2), F.A.C.

(3) Water reserved for the protection of fish and wildlife contained within the North Fork of the St. Lucie River is defined in subsection 40E-10.051(1), F.A.C.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.026, 373.036, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470 FS. History–New 7-2-09, Amended.

40E-10.041 Water Reservation Areas: Lower West Coast Planning Area.

(1) through (2) No change.

(3) Reservations contained in this section shall be reviewed in light of changed conditions or new information by December 31, 2014.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.026, 373.036, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470 FS. History–New 7-2-09, Amended.

40E-10.051 Water Reservation Areas: Upper East Coast Planning Area.

(1) North Fork of the St. Lucie River, as defined in subsection 40E-10.021(3), F.A.C.:

(2) Surface waters up to and including the mean monthly flow of 130 cubic feet per second flowing over the Gordy Road Structure from November 1st through May 31st; see Appendix 3, Figure 3-2; are reserved from allocation. The water reserved under this Rule will be available for fish and wildlife upon formal determination of the Governing Board, pursuant to state and federal law, that any one or all of the Comprehensive Everglades Restoration Plan's C-23/C-24 North and South Reservoirs and STA Project are operational.

(3) Reservations contained in this Rule and the criteria contained in subsection 3.11.2 of the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District," incorporated by reference in Rule 40E-2.091, F.A.C., shall be revised pursuant to Section 373.223(4), F.S., in light of changed conditions or new information and concurrent with the approval specified in paragraph (1)(a), above.

Notwithstanding the above, presently existing legal uses for the duration of a permit existing on [effective date] are determined to be not contrary to the public interest pursuant to Section 373.223(4), F.S.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.026, 373.036, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470 FS. History—New _____.

APPENDIX 1 TO CHAPTER 40E-10

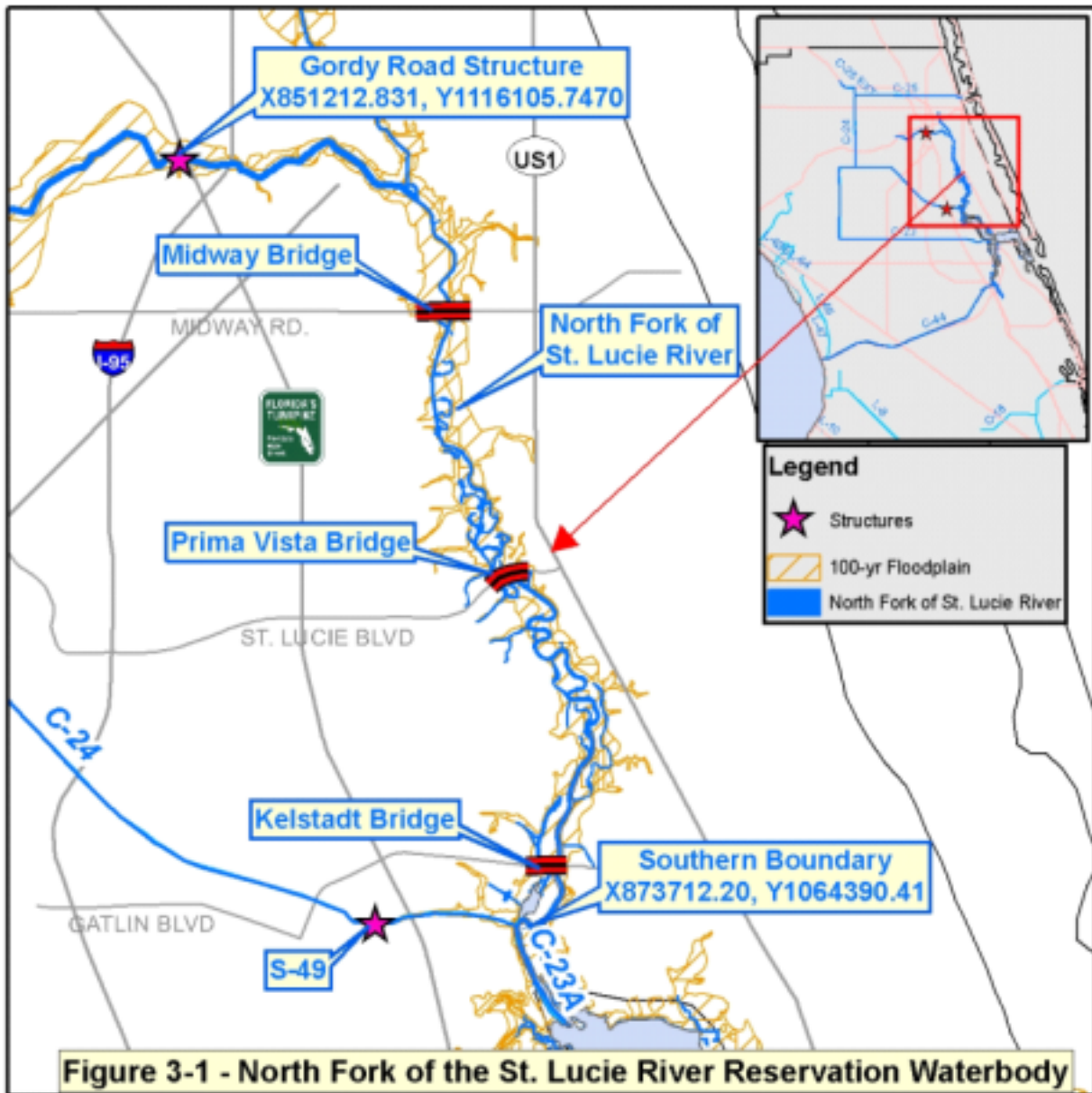
No change.

APPENDIX 2 TO CHAPTER 40E-10

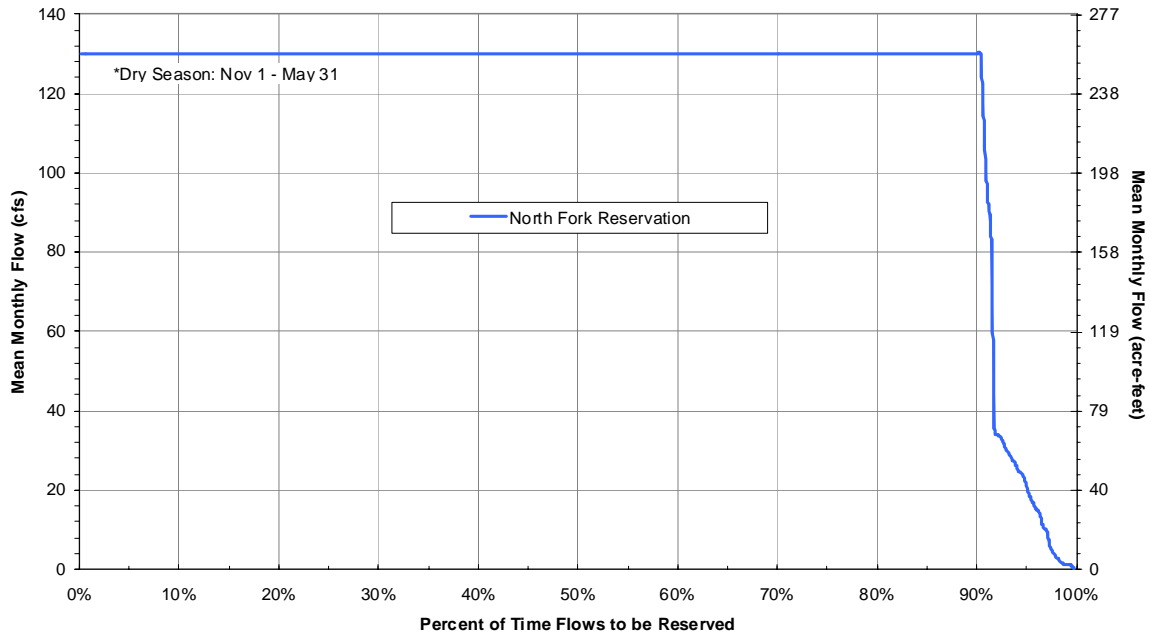
Figures

Figures 1, 2, 3.A through 3.C, 4.A through 4.C, 5.A through 5.C, 6.A through 6.C, 7.A through 7.C, 8.A through 8.C, 9.A through 9.C, 10.A through 10.C No change.

Appendix 3: Upper East Coast Reservation Water Bodies



Volume Reservation: Mean Monthly Flows to be Reserved for Protection of Fish & Wildlife of the North Fork via Ten Mile Creek - *Dry Season (Nov 1 - May 31)



NAME OF PERSON ORIGINATING PROPOSED RULE:
 Scott Burns, Chief Scientist
 NAME OF AGENCY HEAD WHO APPROVED THE
 PROPOSED RULE: South Florida Water Management District
 Governing Board
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: November 13, 2009
 DATE NOTICES OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: April 10, 2009 and October 16, 2009

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: 40E-20.091
 RULE TITLE: Publications Incorporated by
 Reference

PURPOSE AND EFFECT: To assure water necessary for the protection of fish and wildlife in the North Fork of the St. Lucie River as part of the Comprehensive Everglades Restoration Plan for the Indian River Lagoon-South project.

SUMMARY: The proposed rule amendments include a water reservation for the North Fork of the St. Lucie River to protect Comprehensive Everglades Restoration Plan project water needed for protection of fish and wildlife within the North Fork of the St. Lucie River.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Costs (SERC) has been prepared in support of rule making for a water reservation for the North Fork of the St. Lucie River. This reservation of water is prospective in nature, meaning that the water to be regulated is not available until certain antecedent conditions occur. This fact impacts the outcome of the analysis required by the SERC as summarized below. This SERC has been prepared in accordance with the requirements of Section 120.541(2), F.S. Following are each of the statutory requirements that are required to be evaluated and a summary of the conclusions reached:

(a) A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.

This proposed rule will be applicable to all water use types regulated under District consumptive use and general permit rules (40E-2 and 20 F.A.C.) seeking to use surface water that contributes to the dry season flows over the Gordy Road Structure once any one or all of the Comprehensive Everglades Restoration Plan’s C-23/C-24 North and South Reservoirs and STA Project are operational. The use types affected by this rule include dewatering, golf course irrigation, agricultural irrigation, nursery irrigation, water livestock, landscape irrigation, commercial industrial use, public water supply, aquaculture, power generation and recreational water use.

It is not possible to fully identify the number of individuals or entities that ultimately will have to comply with the proposed rule at this time because the water to be reserved will become available in the future when project components are determined to be operational. The SERC does identify the number of presently existing legal users that are likely required to have to comply with the rule at page 10 of the SERC.

(b) A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues.

Because the proposed rules do not contain any requirements that will result in the need for new or additional permit analysis, impose any new or additional conditions on use, or otherwise restrict the allocation of surface or groundwater until the Governing Board determines that any or all project component(s) are operational and new rules and criteria are effective, there are no increased costs associated with the implement or enforcement of this proposed rule to the District, presently existing legal users, permit applicants or other state or local government agencies.

(c) A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the rule. As used in this paragraph, “transactional costs” are direct costs that are readily ascertainable based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, and the cost of monitoring and reporting.

Because the proposed rules do not contain any requirements that will result in the need for new or additional permit analysis, impose any new or additional conditions on use, or otherwise restrict the allocation of surface or groundwater until the Governing Board determines that any or all project component(s) are operational and new rules and criteria are effective, there are no specific requirements that would result in the need for an individual or entity to incur transactional costs.

(d) An analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S.

Because the proposed rules do not contain any requirements that will result in the need for new or additional permit analysis, impose any new or additional conditions on use, or otherwise restrict the allocation of surface or groundwater until the Governing Board determines that any or all project component(s) are operational and new rules and criteria are effective, there are no specific requirements that would impact a small business, small county or small city.

(e) Any additional information that the agency determines may be useful. No additional information was determined to be necessary.

(f) In the statement or revised statement, whichever applies, a description of any good faith written proposal submitted under paragraph (1)(a) and either a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.

None received to date. In the event a lower cost alternative is submitted, this SERC will be amended to address the alternatives.

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 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.109, 373.196, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.235, 373.239, 373.250 FS.

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

DATE AND TIME: January 14, 2010, 9:00 a.m.

PLACE: Village of Key Biscayne, Village Chambers, 88 West McIntyre Street, Key Biscayne, FL 33149

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: South Florida Water Management District Clerk, (800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Scott Burns, Scientist Chief, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416, (800)432-2045, ext 6544 or (561)682-6544, email: sburns@sfwmd.gov, Beth Lewis, Senior Specialist Attorney, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416, (800)432-2045, ext 6343 or (561)682-6343, email: belewis@sfwmd.gov, Brenda Mills, Planner-Lead, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416, (800)432-2045, ext 6536 or (561)682-6536, email: bmills@sfwmd.gov. For procedural questions contact Jan Sluth, Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416, (800)432-2045, ext 6299 or (561)682-6299, email: jsluth@sfwmd.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-20.091 Publications Incorporated by Reference.

The “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – _____ July 2, 2009,” is hereby published by reference and incorporated into this chapter. A current version of this document is available upon request.

Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.042, 373.0421, 373.109, 373.196, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239, 373.250 FS. History–New 9-3-81, Formerly 16K-2.035(1), Amended 2-24-85, 11-21-89, 1-4-93, 4-20-94, 11-26-95, 7-11-96, 4-9-97, 12-10-97, 9-10-01, 12-19-01, 8-1-02, 6-9-03, 8-31-03, 4-23-07, 9-13-07, 2-13-08, 10-14-08, 7-2-09, _____.

(See Notice of Rule 40E-2.091, F.A.C., within this publication, for proposed new section 3.11.2 of the Basis of Review for Water Use Permit Applications within the South Florida Water Management District, incorporated by reference in Rules 40E-2.091 and 40E-20.091, F.A.C.)

NAME OF PERSON ORIGINATING PROPOSED RULE: Scott Burns, Scientist Chief

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 13, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 10, 2009

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NOS.:	RULE TITLES:
58A-5.0131	Definitions
58A-5.016	License Requirements
58A-5.0181	Admission Procedures, Appropriateness of Placement and Continued Residency Criteria
58A-5.0182	Resident Care Standards
58A-5.0183	Do Not Resuscitate Orders (DNROs)
58A-5.0185	Medication Practices
58A-5.019	Staffing Standards
58A-5.0191	Staff Training Requirements and Competency Test
58A-5.023	Physical Plant Standards
58A-5.025	Resident Contracts
58A-5.033	Administrative Enforcement

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendments is to: include an additional requirement for determining continued residency resulting in amendments to AHCA Form 1823, which is incorporated by reference; include changes to resident care standards as it pertains to third party services; provide work schedules for direct care staff upon request by residents and their representatives; amend medication practices, specifically in

regards to over the counter medications; include changes to staff training requirements, specifically in regards to HIV/AIDS, pursuant to statutory changes to Section 381.0035, F.S., additional training for direct care staff in facilities holding a limited mental health license, and establishing the minimum score for successful completion of the core training competency exam; amend the physical plant standards to coincide with the Florida Building Code, 2007 Edition; and Chapter 633, F.S., Fire Prevention and Control; include changes to the resident contract, specifically notification that the resident must be assessed for admission as well as for continued residency, and statements regarding self-administration, assistance with self-administration and administration of medications, including over-the-counter medications, in resident contracts or written statement of house rules; amend language to stress that facilities must take appropriate action to assist, if necessary, in facilitating the provision of services for residents in facilities holding standard, extended congregate care, limited nursing services and limited mental health licenses; and deletion of the use of a temporary license under administrative enforcement. The purpose and effect of a new rule is to address procedures for do not resuscitate orders.

SUMMARY: Additional requirement for determining continued residency; changes to AHCA Form 1823, which is incorporated by reference; changes to resident care standards as in pertains to third party services; provision of the work schedule for direct care staff for residents or representatives; amendments to medication practices, specifically in regards to over-the-counter medications; changes to staff training requirements, specifically HIV/AIDS, additional training for direct care staff in facilities holding a limited mental health license and establishing a minimum score for the core training examination; amendments to the physical plant standards to coincide with the Florida Building Code, 2007 Edition, and Chapter 633, F.S., Fire Prevention and Control; notification that the resident must be assessed for admission as well as for continued residency, requiring use of AHCA Form 1823 for the latter determination; requirement regarding the facility's policies and procedures for self-administration, assistance with self-administration and administration of medications, including over-the-counter medications, to be included in resident contracts; amendment to stress that facilities must take appropriate action to assist, if necessary, in facilitating the provision of services for residents in facilities holding standard, extended congregate care, limited nursing services and limited mental health licenses; deletion of the use of a temporary license; and procedures for do not resuscitate orders.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: Amendments to proposed subsections 58A-5.0181(4) and 58A-5.0191(9), F.A.C., will have an impact on small business as defined in Section 288.703, F.S. Pursuant to Section 120.54(3)(a)1., F.S., the department's statement of estimated regulatory costs is

provided. Under subsection 58A-5.0181(4), F.A.C., the amount is determined to be an approximate cost of \$50.00 for a reassessment of a resident's continued residency in a facility, including a physical examination, every three years or after a significant change. Under subsection 58A-5.0191(9), F.A.C., the estimated cost is an biennial expense of \$100.00 for continuing education training in mental health diagnoses and treatments, or a minimal cost if in-service training is provided, for all direct care staff employed in facilities holding a limited mental health license.

The amendments to the proposed rules will not have an impact on small cities or counties as defined in Section 120.52, F.S. Therefore, a statement of estimated regulatory costs has not been prepared in regards to small cities or counties.

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: 429.15, 429.178, 429.23, 429.24, 429.255, 429.26, 429.275, 429.41, 429.42, 429.52 FS.

LAW IMPLEMENTED: 429.02, 429.04, 429.075, 429.12, 429.14, 429.15, 429.17, 429.176, 429.178, 429.19, 429.24, 429.255, 429.256, 429.23, 429.26, 429.27, 429.275, 429.28, 429.34, 429.41, 429.42, 429.44, 429.445, 429.47, 429.52 FS.

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

DATE AND TIME: January 7, 2010, 9:30 a.m. – 12:00 Noon EST

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference Room 225F, Tallahassee, Florida 32399-7000

Pursuant to the provisions of 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: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Tallahassee, FL 32399-7000; telephone (859)414-2113; Email address: crocethj@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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Tallahassee, FL 32399-7000; telephone (859)414-2113; Email address: crocethj@elderaffairs.org

THE TEXT OF THE PROPOSED RULE AND AHCA FORM 1823, INCORPORATED BY REFERENCE, CAN BE FOUND ON THE WEBSITE BELOW UNDER THE HEADING ENTITLED "ASSISTED LIVING FACILITIES, RULE CHAPTER 58A-5, F.A.C." <http://elderaffairs.state.fl.us/english/rulemaking.php>

THE FULL TEXT OF THE PROPOSED RULES IS:

58A-5.0131 Definitions.

In addition to the terms defined in Section 429.02, F.S., the following definitions are applicable in this rule chapter:

(1) through (34) No change.

~~(35) "Temporary license" means a license issued by Agency for Health Care Administration to an assisted living facility that supersedes and temporarily replaces the current license and remains in place pending the final disposition of a proceeding involving the suspension or revocation of an assisted living facility license.~~

(36) through (37) renumbered (35) through (36) No change.

Rulemaking Specific Authority 429.23, 429.41 FS. Law Implemented 429.02, 429.07, 429.075, 429.11, 429.14, 429.178, 429.19, 429.255, 429.23, 429.28, 429.41, 429.47, 429.52 FS. History—New 9-30-92, Formerly 10A-5.0131, Amended 10-30-95, 6-2-96, 4-20-98, 10-17-99, 1-9-02, 7-30-06,_____.

58A-5.016 License Requirements.

(1) SERVICE PROHIBITION. An ALF may not hold itself out to the public as providing any service other than a service for which it is licensed to provide.

(2) LICENSE TRANSFER PROHIBITION. Licenses are not transferable. Whenever a facility is sold or ownership is transferred, including leasing, the transferor and transferee must comply with the provisions of Section 429.41, F.S., and the transferee must submit a change of ownership license application pursuant to Rule 58A-5.014, F.A.C.

(3) CHANGE IN USE OF SPACE REQUIRING CENTRAL OFFICE APPROVAL. A change in the use of space that increases or decreases a facility's capacity shall not be made without prior approval from the Agency Central Office. Approval shall be based on the compliance with the physical plant standards provided in Rule 58A-5.023, F.A.C., as well as documentation of compliance with applicable fire safety and sanitation requirements as referenced in Rule 58A-5.0161, F.A.C.

(4) CHANGE IN USE OF SPACE REQUIRING FIELD OFFICE APPROVAL. A change in the use of space that involves converting an area to resident use, which has not previously been inspected for such use, shall not be made without prior approval from the Agency Field Office. Approval shall be based on the compliance with the physical plant standards provided in Rule 58A-5.023, F.A.C., as well as documentation of compliance with applicable fire safety and sanitation standards as referenced in Rule 58A-5.0161, F.A.C.

(5) CONTIGUOUS PROPERTY. If a facility consists of more than one building, all buildings included under a single license must be on contiguous property. "Contiguous property" means property under the same ownership separated by no more than a two-lane street that traverses the property. A licensed location may be expanded to include additional contiguous property with the approval of the agency to ensure continued compliance with the requirements and standards of Part III, Chapter 400, F.S., and this rule chapter.

(6) PROOF OF INSPECTIONS. A copy of the annual fire safety and sanitation inspections described in Rule 58A-5.0161, F.A.C., shall be submitted annually to the Agency Central Office. The annual inspections shall be submitted no later than 30 calendar days after the inspections. Failure to comply with this requirement may result in administrative action pursuant to Section 429.14, F.S., and Rule 58A-5.033, F.A.C.

(7) MEDICAID WAIVER RESIDENTS. Upon request, the facility administrator or designee must identify Medicaid waiver residents to the agency and the department for monitoring purposes authorized by state and federal laws.

(8) THIRD PARTY SERVICES.

(a) In instances when residents require services from a third party provider, the facility administrator or designee must take action to assist, if necessary, in facilitating the provision of those services and coordinate with the provider to meet the specific service goals. These actions must be documented in the resident's record.

(b) In instances when residents or their representatives arrange for third party services that are not included in the documents listed in paragraph (a) of this subsection, the facility administrator or designee, when requested by residents or representatives, must take action to assist, if necessary, in facilitating the provision of those services and coordinate with the provider to meet the specific service goals. These actions must be documented in the resident's record.

Rulemaking Specific Authority 429.41 FS. Law Implemented ~~429.07, 429.11, 429.12, 429.41, 429.44, 429.445~~ FS. History—New 5-15-81, Amended 1-6-82, 9-17-84, Formerly 10A-5.16, Amended 6-21-88, 9-30-92, Formerly 10A-5.016, Amended 10-30-95, 10-17-99, 7-30-06,_____.

58A-5.0181 Residency Criteria and Admission Procedures, Appropriateness of Placement and Continued Residency Criteria.

(1) No change.

(2) HEALTH ASSESSMENT.

(a) The medical examination report must be completed within 60 calendar days prior to the individual's admission to a facility pursuant to Section 429.26(4), F.S. The report must be based on a face-to-face examination and must shall address the following:

1. through 6. No change.

7. A statement on the day of the examination by that, in the opinion of the licensed health care provider examining physician or ARNP, on the day the examination is conducted, that the individual's needs can be met in an assisted living facility; and

8. The date of the examination and the name, signature, address, phone number and license number of the examining licensed health care provider physician or ARNP. The medical examination may be conducted by a currently licensed health care provider physician or ARNP from another state.

(b) Medical examinations completed after the resident's admission ~~of the resident~~ to the facility must be completed within 30 calendar days of the admission date ~~of admission~~ and must be recorded on AHCA Form 1823, the Resident Health Assessment For Assisted Living Facilities and Adult Family-Care Homes, AHCA Form 1823, 2010. The form January 2006, which is hereby incorporated by reference. A faxed copy of the completed form is acceptable. A copy of AHCA Form 1823 may be obtained from the Agency Central Office or its website at: www.fdhc.state.fl.us/MCHO/Long Term Care/Assisted living/pdf/AHCA Form 1823% Jan 2006 .pdf. The form must be completed as follows: Previous versions of this form completed up to six (6) months after 7-30-06 are acceptable.

1. The resident's licensed health care provider must complete all of the required information in Sections 1, Health Assessment, and 2, Self-Care and General Oversight Assessment, based on a face-to-face examination.

a. Items on the form that may have been omitted by the licensed health care provider during the face-to-face examination do not necessarily require an additional face-to-face examination for completion.

b. The facility may obtain the omitted information either verbally or in writing from the licensed health care provider.

c. Omitted information received verbally must be documented in the resident's record, including the name of the licensed health care provider, the name of the facility staff recording the information and the date the information was provided.

2. The facility administrator, or designee, must complete Section 3 of the form, Services Offered or Arranged by the Facility, except for residents receiving:

a. Extended congregate care (ECC) services in facilities holding an ECC license;

b. Services under community living support plans in facilities holding limited mental health licenses;

c. Medicaid assistive care services; and

d. Medicaid waiver services.

(c) through (g) No change.

(3) ADMISSION PACKAGE.

(a) The facility shall make available to potential residents a written statement(s), which includes the following information listed below. A copy of the facility resident contract or facility brochure containing all the required information shall meet this requirement.:

1. through 10. No change.

11. A statement of the facility policy concerning Do Not Resuscitate Orders pursuant to Section 429.255, F.S., and Rule 58A-5.0183, F.A.C., and Advance Directives pursuant to Chapter 765, F.S.

12. through 14. No change.

(b) Prior to or at the time of admission, the resident, responsible party, guardian, or attorney in fact, if applicable, shall be provided with the following:

1. No change.

2. A copy of the facility statement described in paragraph (a) of this subsection if one has not already been provided;

3. through 4. No change.

(c) No change.

(4) CONTINUED RESIDENCY. Except as follows in paragraphs (a) through (e) of this subsection, cCriteria for continued residency in a facility holding a standard, limited nursing services, or limited mental health license shall be the same as the criteria for admission, ~~except as follows: A determination of the appropriateness of a resident's continued residency must be completed at least every 3 years after the initial assessment, or after a significant change, whichever comes first. A significant change is defined in Rule 58A-5.0131, F.A.C. The facility must make the determination of continued residency using AHCA Form 1823, which is incorporated by reference in paragraph (2)(b) of this rule. The form must be completed in accordance with that paragraph. After the effective date of this rule, providers shall have up to 12 months to comply with this requirement, except as follows:~~

(a) through (e) No change.

(5) No change.

Rulemaking Specific Authority 429.07, 429.26, 429.41 FS. Law Implemented 429.02, 429.07, 429.075, 429.26, 429.41 FS. History—New 9-17-84, Formerly 10A-5.181, Amended 10-20-86, 6-21-88, 8-15-90, 9-30-92, Formerly 10A-5.0181, Amended 10-30-95, 6-2-96, 10-17-99, 7-30-06, 10-9-06, _____.

58A-5.0182 Resident Care Standards.

An assisted living facility shall provide care and services appropriate to the needs of residents accepted for admission to the facility.

(1) through (6) No change.

(7) THIRD PARTY SERVICES. Nothing in this rule chapter is intended to prohibit a resident or the resident's representative from independently arranging, contracting, and paying for services provided by a third party of the resident's choice, including a licensed home health agency or private nurse, or receiving services through an out-patient clinic, provided the resident meets the criteria for continued residency and the resident complies with the facility's policy relating to the delivery of services in the facility by third parties. The facility's policies must may require the third party to coordinate with the facility regarding the resident's condition and the services being provided pursuant to subsection (8) of Rule 58A-5.016, F.A.C. Pursuant to subsection (6) of this rule, the facility shall provide the resident with the facility's policy regarding the provision of services to residents by non-facility staff.

(8) through (9) No change.

Rulemaking Specific Authority 429.02, 429.41 FS. Law Implemented 429.02, 429.255, 429.256, 429.26, 429.28, 429.41 FS. History—New 9-17-84, Formerly 10A-5.182, Amended 10-20-86, 6-21-88, 8-15-90, 9-30-92, Formerly 10A-5.0182, Amended 10-30-95, 4-20-98, 11-2-98, 10-17-99, 7-30-06, 10-9-06, _____.

58A-5.0183 Do Not Resuscitate Orders (DNROs).

(1) POLICIES AND PROCEDURES.

(a) Each assisted living facility (ALF) must have written policies and procedures, which delineate its position with respect to state laws and rules relative to DNROs. The policies and procedures shall not condition treatment or admission upon whether or not the individual has executed or waived a DNRO. The ALF must provide the following to each resident, or resident’s representative, at the time of admission:

1. A copy of Form SCHS-4-2006, “Health Care Advance Directives – The Patient’s Right to Decide,” April 2006, or with a copy of some other substantially similar document, which incorporates information regarding advance directives included in Chapter 765, F.S. Form SCHS-4-2006 is available from the Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 34, Tallahassee, FL 32308, or the agency’s Web site at: http://ahca.myflorida.com/MCHQ/Health_Facility_Regulation/HC_Advance_Directives/docs/adv_dir.pdf; and

2. Written information concerning the ALF’s policies regarding DNROs; and

3. Information about how to obtain DH Form 1896, Florida Do Not Resuscitate Order Form, incorporated by reference in Rule 64J-2.018, F.A.C.

(b) There must be documentation in the resident’s record indicating whether or not he or she has executed a DNRO. If a DNRO has been executed, a copy of that document must be made a part of the resident’s record. If the ALF does not receive a copy of a resident’s executed DNRO, the ALF must document in the resident’s record that it has requested a copy.

(2) LICENSE REVOCATION. An ALF shall be subject to revocation of its license pursuant to Section 408.815, F.S., if, as a condition of treatment or admission, it requires an individual to execute or waive a DNRO.

(3) DNRO PROCEDURES. Pursuant to Section 429.255, F.S., an ALF must honor a properly executed DNRO as follows:

(a) In the event a resident experiences cardiopulmonary distress, staff trained in cardiopulmonary resuscitation (CPR), or a licensed health care provider present in the facility, may withhold cardiopulmonary resuscitation.

(b) In the event a resident is receiving hospice services and experiences cardiopulmonary distress, facility staff must immediately contact the hospice. The hospice procedures shall take precedence over those of the assisted living facility.

(c) If a facility has a written policy not to honor a properly executed DNRO, the facility must make this fact clearly known in writing to the resident, or legal representative, at the

time of admission and in its contract with the resident. The facility must also inform the resident, or legal representative, in writing at the time of admission and in its contract with such resident that the facility will administer CPR until the “911” contact person arrives. This must be documented in the resident’s record. In such a facility, when a resident, who has a properly executed DNRO, experiences cardiopulmonary distress, staff must immediately contact “911.”

1. A trained staff member must administer CPR until emergency services arrive.

2. Once emergency services arrive, the facility must present the properly executed DNRO to the “911” contact person.

3. Cardiopulmonary resuscitation may then be withheld or withdrawn by the “911” contact person pursuant to Section 401.45, F.S.

(4) LIABILITY. Pursuant to Section 429.255, F.S., ALF providers shall not be subject to criminal prosecution or civil liability, nor be considered to have engaged in negligent or unprofessional conduct, for following the procedures set forth in subsection (3) of this rule, which involves withholding or withdrawing cardiopulmonary resuscitation pursuant to a Do Not Resuscitate Order and rules adopted by the department.

Rulemaking Authority 429.255 FS. Law Implemented 429.255 FS. History—New _____.

58A-5.0185 Medication Practices.

Pursuant to Sections 429.255 and 429.256, F.S., and this rule, facilities holding a standard, limited mental health, extended congregate care, or limited nursing services license may assist with the self-administration or administration of medications to residents in a facility. A resident may not be compelled to take medications but may be counseled in accordance with this rule.

(1) through (7) No change.

(8) OVER THE COUNTER (OTC) MEDICATIONS. For purposes of this subsection, the term OTC includes, but is not limited to, OTC medications, vitamins, nutritional supplements and nutraceuticals.

(a) No change.

(b) ~~When centrally stored, OTC medications Non-prescription over-the-counter drugs, including those prescribed by a licensed health care provider when centrally stored, must shall~~ be labeled with the resident’s name. In addition, and the manufacturer’s label with directions for use, or the licensed health care provider’s order with directions for use, must shall be kept with the medication. No other labeling requirements are necessary nor should be required.

(c) ~~Residents or their representatives may purchase OTC medications from an establishment of their choice. When an over the counter medication is prescribed by a health care provider, the medication becomes a prescription medication and shall be managed in accordance with prescription medication under this rule.~~

(d) A facility cannot require a licensed health care provider's order for all OTC medications as part of its policies and procedures when a resident self-administers his or her own medications, or when staff provides assistance with self-administration or administration of medications. However, in the event staff becomes concerned over a resident's health, safety and welfare regarding OTC medications that may be contraindicated when taken with one another or in combination with prescribed medications, the following shall apply:

1. Staff must bring the issue to the attention of the resident, or representative, the resident's licensed health care provider and the administrator. This action must be documented in the resident's record. The resident's licensed health care provider shall make the determination as to whether the OTC medication is:

- a. Contraindicated and should be discontinued; or
- b. Can be taken as directed; or
- c. Can be taken with other directions for use.

2. The facility must document the health care provider's directives and keep a copy of the health care provider's written order, if applicable, in the resident's record.

(e) The facility must include the provisions in this subsection in resident contracts or house rules pursuant to Rule 58A-5.025, F.A.C.

Rulemaking Specific Authority 429.256, 429.41 FS. Law Implemented 429.255, 429.256, 429.41 FS. History--New 10-17-99, Amended 7-30-06,_____.

58A-5.019 Staffing Standards.

(1) through (3) No change.

(4) STAFFING STANDARDS.

(a) Minimum staffing:

1. through 2. No change.

3. In facilities with 17 or more residents, there shall be at least one staff member awake at all hours of the day and night.

4. through 8. No change.

(b) No change.

(c) The facility must shall maintain a written work schedule which reflects its the facility's 24-hour staffing pattern for a given time period. Upon request, the facility must make the work schedules for direct care staff available to residents or representatives.

(d) through (f) No change.

Rulemaking Specific Authority 429.41, 429.52, 429.275 FS. Law Implemented 429.02, 429.04, 429.174, 429.176, 429.19, 429.24, 429.255, 429.26, 429.275, 429.41, 429.52 FS. History--New 5-14-81, Amended 1-6-82, 9-17-84, Formerly 10A-5.19, Amended 10-20-86, 6-21-88, 8-15-90, 9-30-92, Formerly 10A-5.019, Amended 10-30-95, 4-20-98, 11-2-98, 10-17-99, 7-30-06,_____.

58A-5.0191 Staff Training Requirements and Competency Test.

(1) ASSISTED LIVING FACILITY CORE TRAINING REQUIREMENTS AND COMPETENCY TEST.

(a) No change.

(b) Administrators and managers must successfully complete the assisted living facility core training requirements within 3 months from the date of becoming a facility administrator or manager. Successful completion of the core training requirements includes passing the competency test. The minimum passing score for the competency test is 75%. Administrators who have attended core training prior to July 1, 1997, and managers who attended the core training program prior to April 20, 1998, shall not be required to take the competency test. Administrators licensed as nursing home administrators in accordance with Part II of Chapter 468, F.S., are exempt from this requirement.

(c) through (e) No change.

(2) No change.

(3) HUMAN IMMUNODEFICIENCY VIRUS/ ACQUIRED IMMUNE DEFICIENCY SYNDROME (HIV/AIDS). Pursuant to Section 381.0035, F.S., all facility employees, with the exception of employees subject to the requirements of Section 456.033, F.S., must complete biennially, a one-time continuing education course on HIV and AIDS, including the topics prescribed in the Section 381.0035, F.S. New facility staff must obtain the an initial training on HIV/AIDS within 30 days of employment, unless the new staff person previously completed the initial training and has maintained the biennial continuing education requirement. Documentation of compliance must be maintained in accordance with subsection (12)(H) of this rule.

(4) through (7) No change.

(8) LIMITED MENTAL HEALTH TRAINING. Pursuant to Section 429.075, F.S., the administrator, manager, and staff in direct contact with mental health residents in a facility with a limited mental health license must receive a minimum of 6 hours training provided or approved by the Department of Children and Family Services within 6 months of the facility's receiving a limited mental health license or within 6 months of employment in a facility holding a limited mental health license. Staff in "direct contact" means direct care staff and staff whose duties take them into resident living areas and require them to interact with mental health residents on a daily basis. The term does not include maintenance, food service, or administrative staff if such staff have only incidental contact with mental health residents.

(a) Pursuant to Section 429.075, F.S., the administrator, managers and staff, who have direct contact with mental health residents in a licensed limited mental health facility, must receive the following training:

1. A minimum of 6 hours of specialized training in working with individuals with mental health diagnoses.

a. The training must be provided or approved by the Department of Children and Families and must be taken within 6 months of the facility's receiving a limited mental health license or within 6 months of employment in a limited mental health facility.

b. Staff in "direct contact" means direct care staff and staff whose duties take them into resident living areas and require them to interact with mental health residents on a daily basis. The term does not include maintenance, food service or administrative staff, if such staff have only incidental contact with mental health residents.

c. Training received under this subparagraph may count once for 6 of the 12 hours of continuing education required for administrators and managers pursuant to Section 429.52(4), F.S., and subsection (1) of this rule.

2. A minimum of 3 hours of continuing education or in-service training biennially thereafter in subjects dealing with one or more of the following topics:

a. Mental health diagnoses; and

b. Mental health treatment such as mental health needs, services, behaviors and appropriate interventions; resident progress in achieving treatment goals; how to recognize changes in the resident's status or condition that may affect other services received or may require intervention; and crisis services and the Baker Act procedures.

c. For administrators and managers, this requirement will satisfy 3 of the 12 hours of continuing education required biennially pursuant to Section 429.52(4), F.S., and subsection (1) of this rule.

d. Administrators, managers and direct contact staff affected by this requirement shall have up to 6 months after the effective date of this rule to meet the continuing education or in-service training requirement.

~~(b)(a)~~ Administrators, managers and staff receiving this training do not have to repeat the initial this training should they change employers provided they present the employee provides a copy of their the employee's training certificate to the employee's current employer for retention in the facility's personnel files. They must also ensure that copies of the continuing education training certificates, pursuant to subparagraph 2. of this subsection, are retained in their personnel files.

~~(b)~~ Training received under this subsection may count once for 6 of the 12 hours of continuing education required for administrators and managers under subsection (1) of this rule.

(9) ALZHEIMER'S DISEASE AND RELATED DISORDERS ("ADRD") TRAINING REQUIREMENTS. Facilities which advertise that they provide special care for persons with ADRD, or who maintain secured areas as described in Chapter 4, Section 434.4.6 of the Florida Building Code, as adopted in Rule 9B-3.047, F.A.C., Florida Building Code Adopted Rule 58A 5.023, F.A.C., must ensure that facility staff receive the following training.

(a) through (h) No change.

(10) No change.

(11) DO NOT RESUSITATE ORDERS TRAINING REQUIREMENT.

(a) Currently employed facility administrators, managers, direct care staff and staff involved in resident admissions must attend training in the facility's policies and procedures regarding DNROs within 30 days after the effective date of this rule.

(b) Newly hired facility administrators, managers, direct care staff and staff involved in resident admissions must attend training in the facility's policy and procedures regarding DNROs within 30 days after employment.

(c) Training shall consist of the information included in Rule 58A-5.0183, F.A.C.

~~(12)(4)~~ No change.

Rulemaking Specific Authority 429.178, 429.41, 429.52 FS. Law Implemented 429.07, 429.075, 429.178, 429.41, 429.52 FS. History—New 9-30-92, Formerly 10A-5.0191, Amended 10-30-95, 6-2-96, 4-20-98, 11-2-98, 10-17-99, 7-5-05, 7-30-06, 10-9-06, 7-1-08,

(Substantial rewording of Rule 58A-5.023 follows. See Florida Administrative Code for present text.)

58A-5.023 Physical Plant Standards.

(1) NEW FACILITIES.

(a) Newly Constructed Facilities.

Newly constructed facilities that are to be licensed as assisted living facilities and any subsequent additions, modifications, alterations, renovations or refurbishing of such facilities must comply with the following standards:

1. Chapter 4, Section 434, of the Florida Building Code, as adopted in Rule 9B-3.047, F.A.C., Florida Building Code Adopted; and

2. Section 633.022, F.S., Uniform Firesafety Standards, and Rule Chapter 69A-40, F.A.C., The Uniform Fire Safety Standards for Assisted Living Facilities.

(b) New Facilities in Converted Buildings.

Existing structures not previously licensed as assisted living facilities that are to be converted to assisted living facilities and any subsequent additions, modifications, alterations, renovations or refurbishing of such facilities must comply with the following standards:

1. Chapter 4, Section 434, of the Building Code, as adopted in Rule 9B-3.047, F.A.C., Florida Building Code Adopted; and

2. Section 633.022, F.S., Uniform Firesafety Standards, and Rule Chapter 69A-40, F.A.C., The Uniform Fire Safety Standards for Assisted Living Facilities.

(2) EXISTING FACILITIES.

(a) An assisted living facility that was initially licensed prior to the effective date of this rule must comply with the rule or building code in effect at the time of initial licensure, except that any part of the facility included in additions, modifications, alterations, refurbishing, renovations or reconstruction must comply with the currently adopted codes and standards referenced in subsection (1) of this rule.

(b) A facility undergoing change of ownership shall be considered an existing facility for purposes of this rule.

(4) OTHER REQUIREMENTS.

(a) All facilities must:

1. Provide a safe living environment pursuant to Section 429.28(1)(a), F.S.; and

2. Must be maintained free of hazards; and

3. Must ensure that all existing architectural, mechanical, electrical and structural systems and appurtenances are maintained in good working order.

(b) Pursuant to Section 429.27, F.S., residents shall be given the option of using their own belongings as space permits. When the facility supplies the furnishings, each resident bedroom or sleeping area must have at least the following furnishings:

1. A clean, comfortable bed with a mattress no less than 36 inches wide and 72 inches long, with the top surface of the mattress a comfortable height to ensure easy access by the resident;

2. A closet or wardrobe space for hanging clothes;

3. A dresser, chest or other furniture designed for storage of personal effects;

4. A table, bedside lamp or floor lamp, and waste basket; and

5. A comfortable chair, if requested.

(b) The facility must maintain master or duplicate keys to resident bedrooms to be used in the event of an emergency.

(c) Residents who use portable bedside commodes must be provided with privacy during use.

(d) Facilities must make available linens and personal laundry services for residents who require such services. Linens provided by a facility shall be free of tears, stains and not be threadbare.

(5) FACILITIES WITH 16 OR FEWER RESIDENTS:

Pursuant to Section 429.41, F.S., facilities with 16 or fewer residents are not required to maintain an accessible telephone in each building where residents reside, maintain written staff job descriptions, have awake night staff, or maintain standardized recipes as provided in paragraphs 58A-5.0182(6)(g), 58A-5.019(2)(e), 58A-5.019(4)(a), and 58A-5.020(2)(b), F.A.C., respectively.

Rulemaking Specific Authority 429.41 FS. Law Implemented 404-056, 429.27, 429.41 FS. History—New 5-14-81, Amended 1-6-82, 5-19-83, 9-17-84, Formerly 10A-5.23, Amended 10-20-86, 6-21-88, 8-15-90, 9-30-92, Formerly 10A-5.023, Amended 10-30-95, 6-2-96, 10-17-99, 7-30-06,_____.

58A-5.025 Resident Contracts.

(1) Pursuant to Section 429.24, F.S., prior to or at the time of admission, each resident or the residents legal representative; shall, prior to or at the time of admission, execute a contract with the facility, which contains the following provisions:

(a) through (j) No change.

(k) A provision that residents must be assessed upon admission pursuant to subsection (2) of Rule 58A-5.0181, F.A.C., and periodically thereafter pursuant to subsection (4) of that rule.

(l) The facility's policies and procedures for self-administration, assistance with self-administration and administration of medications, if applicable, pursuant to Rule 58A-5.0185, F.A.C. This also includes requirements for over-the-counter medications pursuant to subsection (8) of that rule.

(m) If a facility has a policy not to honor a properly executed DNRO, the facility must inform the resident, or legal representative, in writing of the policy pursuant to paragraph (3)(c) of Rule 58A-5.0183, F.A.C.

(2) through (3) No change.

Rulemaking Specific Authority 429.24, 429.41 FS. Law Implemented 429.24, 429.41 FS. History—New 10-17-99, Amended 7-30-06,_____.

58A-5.033 Administrative Enforcement.

Facility staff shall cooperate with Agency personnel during surveys, complaint investigations, monitoring visits, implementation of correction plans, license application and renewal procedures and other activities necessary to ensure compliance with Part I of Chapter 429, F.S., and this rule chapter.

(1) through (6) No change.

(7) TEMPORARY LICENSE. Temporary licenses as defined in subsection 58A-5.0131(37), F.A.C., may be issued by the Agency upon the initiation of any proceeding pursuant to Section 429.14(8), F.S.

Rulemaking Specific Authority 429.15, 429.23, 429.41, 429.42 FS. Law Implemented 429.07, 429.08, 429.11, 429.12, 429.14, 429.15, 429.17, 429.19, 429.12, 429.23, 429.27, 429.28, 429.34, 429.41, 429.42 FS. History—New 9-30-92, Formerly 10A-5.033, Amended 10-30-95, 10-17-99, 1-9-02, 7-30-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jim Crochet

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: E. Douglas Beach, Ph.D., Secretary

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 12, 2008

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NOS.:	RULE TITLES:
58A-14.002	Definitions
58A-14.003	License Application, Renewal and Conditional Licenses
58A-14.004	License Requirements
58A-14.0061	Admission Procedures, Appropriateness of Placement and Continued Residency Requirements
58A-14.008	Staff Qualifications, Responsibilities and Training

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendments are as follows: include additional definitions; require the provider to produce documentation that he or she resides in the adult family-care home (AFCH) as a condition of licensure; prohibit a change of ownership of an AFCH; require posting of specific information; include an additional requirement for determining continued residency and changes to the resident assessment form; and clarify the staffing requirements regarding communicable diseases, including tuberculosis.

SUMMARY: Additional definitions of “person” or “persons,” and “reside” or “resides”; requirement that the AFCH provider must provide proof that her or she lives in the home; prohibition of a change of ownership for an AFCH; posting of specific information in the AFCH; determination of continued residency and revision of the resident assessment form; and clarification of staffing requirements regarding communicable diseases, including tuberculosis.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The amendment to proposed Rule 58A-14.0061, F.A.C., will have an impact on small business as defined in Section 288.703, F.S. Pursuant to Section 120.54(3)(a)1., F.S., the department’s statement of estimated regulatory costs is provided. Under this rule, the amount is determined to be an approximate cost of \$50.00 for a reassessment of a resident’s continued residency in an adult family-care home, including a physical examination, every three years or after a significant change.

The amendments to the proposed rules will not have an impact on small cities or counties as defined in Section 120.52, F.S. Therefore, a statement of estimated regulatory costs has not been prepared in regards to small cities or counties.

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: 429.67, 429.69, 429.71, 429.73, 429.75 FS.

LAW IMPLEMENTED: 429.65, 429.67, 429.71, 429.73, 429.75, 429.83, 429.85 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: January 7, 2010, 2:00 p.m. – 3:00 p.m. EST.

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference Room 225F, Tallahassee, FL 32399-7000

Pursuant to the provisions of 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: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Tallahassee, Florida 32399-7000; telephone number: (850)414-2113; Email address: crochethj@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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Tallahassee, Florida 32399-7000; telephone number: (850)414-2113; Email address: crochethj@elderaffairs.org

THE TEXT OF THE PROPOSED RULE IS ALSO AVAILABLE ON THE WEBSITE LISTED BELOW UNDER THE HEADING ENTITLED “ADULT-FAMILY CARE HOMES, RULE CHAPTER 58A-14, F.A.C.” AHCA FORM 1823, REFERENCED IN RULE 58A-14.0061, F.A.C., CAN BE LOCATED ON THE SAME WEBSITE UNDER THE HEADING “ASSISTED LIVING FACILITIES, RULE CHAPTER 58A-5, F.A.C.” <http://elderaffairs.state.fl.us/english/rulemaking.php>

THE FULL TEXT OF THE PROPOSED RULES IS:

58A-14.002 Definitions.

The following terms or phrases are defined in Section 429.65, F.S., and are applicable to this rule chapter: activities of daily living (ADLs), adult family-care home (AFCH), agency (AHCA), aging in place, appropriate placement, chemical restraint, department, disabled adult, frail elder, personal services or personal care, provider, relative, relief person, and resident. Additional definitions applicable to this rule chapter are as follows:

(1) through (14) No change.

(15) “Person” means solely the licensee to whom the agency has issued the AFCH license.

(15) through (16) renumbered (16) through (17) No change.

(18) “Reside” or “resides” means the licensee or applicant lives in the AFCH as a primary residence. For purposes of this rule chapter, any two of the following documents, which

include the name of the licensee or applicant and the AFCH address, are accepted by the agency as proof that the licensee or applicant physically lives in the AFCH:

- (a) Homestead exemption documentation; or
- (b) Lease or rental agreement accompanied by a corresponding utility bill and telephone bill; or
- (c) Personal identification issued by a state or federal agency.

(17) through (19) renumbered (19) through (21) No change.

Rulemaking Specific Authority 429.67, 429.73 FS. Law Implemented 429.65, 429.67, 429.71, 429.73 FS. History—New 5-14-86, Amended 2-2-95, Formerly 10A-14.002, Amended 9-19-96, 6-6-99,_____.

58A-14.003 License Application, Renewal and Conditional Licenses.

(1) LICENSE APPLICATION.

(a) Any individual desiring to obtain an initial license to operate an adult family care home shall file an Adult Family Care Home License application, AHCA Form 3180-1022, January 2006, which is incorporated by reference and may be obtained from the Assisted Living Unit, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 30, Tallahassee, Florida 32308-5402, phone (850)487-2515. The completed application must be signed by the applicant, notarized, and submitted to the Assisted Living Unit at the address cited above. The application shall be accompanied by the following:

1. through 8. No change.

9. Documentation that the provider resides in the adult family-care home pursuant to Section 429.67(2), F.S., and subsection (18) of Rule 58A-14.002, F.A.C.

(b) through (d) No change.

(2) LICENSE RENEWAL.

(a) No change.

(b) In addition to AHCA Form 3180-1022, all applicants for license renewal shall provide the following:

1. through 3. No change.

4. Documentation pursuant to subparagraph (1)(a)9. of this rule.

(c) No change.

(3) through (4) No change.

Rulemaking Specific Authority 429.67, 429.69, 429.71, 429.73 FS. Law Implemented 429.67, 429.69, 429.71, 429.73 FS. History—New 5-14-86, Amended 2-2-95, Formerly 10A-14.003, Amended 9-19-96, 3-25-98, 6-6-99, 1-1-04, 7-30-06,_____.

58A-14.004 License Requirements.

(1) LICENSE TIMEFRAME. Except for conditional licenses, all AFCH licenses shall be effective for 2 ± years from the date of issuance.

(2) LICENSE CONDITIONS. A license to operate an AFCH is not transferable and is valid only for the provider named, the capacity stated, and the premises described on the license. A change of ownership is prohibited.

(3) VOLUNTARY CLOSURE. The licensed provider shall give at least 60 days written notice of any intent to voluntarily close a currently licensed AFCH to the AHCA Assisted Living Unit, each residents or resident's representative, and case managers of OSS recipients; ~~of any intent to voluntarily close or sell a currently licensed AFCH.~~

(4) through (5) No change.

(6) POSTING OF INFORMATION. For the purpose of a resident's ability to lodge complaints, the AFCH licensee or designee must post the addresses and toll-free telephone numbers for the following entities in full view in a common area accessible to all residents:

- (a) District Long-Term Care Ombudsman Council;
- (b) Advocacy Center for Persons with Disabilities;
- (c) Florida Local Advocacy Council;
- (d) Agency Consumer Hotline; and
- (e) Florida Abuse Hotline.

Rulemaking Specific Authority 429.67, 429.73 FS. Law Implemented 429.67, 429.73, 429.83 FS. History—New 5-14-86, Amended 2-2-95, Formerly 10A-14.004, Amended 9-19-96, 6-6-99,_____.

58A-14.0061 Admission Procedures, and Appropriateness of Placement and Continued Residency Requirements.

(1) No change.

(2) HEALTH ASSESSMENT. ~~Prior to admission to an AFCH, the individual must be examined by a health care provider using AHCA Form 3110-1023 (AFCH 1110) 01/08, Resident Health Assessment for Adult Family-Care Homes (AFCH), January 2008, which is incorporated by reference, and available from the Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 30, Tallahassee, FL 32308. The form may also be obtained from the agency's Web site at http://ahca.myflorida.com/MCHQ/Long_Term_Care/Assisted_living/afc/Res_Health_Assmnt.pdf.~~

(a) Prior to admission to an AFCH, the individual must have a face-to-face examination conducted by a licensed health care provider using AHCA Form 1823, Resident Assessment for Assisted Living Facilities and Adult Family-Care Homes. The form is incorporated by reference in Rule 58A-5.0181, F.A.C. The form must be completed as follows:

1. A licensed health care provider must complete Sections 1, Health Assessment, and 2, Self-Care and General Oversight Assessment; and

2. The AFCH provider or designee must complete 3, Services Offered or Arranged by the Facility, except for residents receiving Medicaid assistive care services or Medicaid Waiver Services.

(b) Every three years thereafter, or after a significant change, as defined in subsection (4) of Rule 58A-14.007, F.A.C., the resident must have a face-to-face examination conducted by a licensed health care provider using the form referenced in paragraph (a) of this subsection. The form must be completed as required in that paragraph. After the effective date of this rule, providers shall have up to 6 months to comply with this requirement.

~~(3) HOUSE RULES AND COMPLAINT PROCEDURES. Prior to, or at the time of admission a copy of the AFCH house rules, the Resident's Bill of Rights established under Section 429.85, F.S., the name, address, and telephone number of the district long term care ombudsman council and the Florida Abuse Hotline, and the procedure for making complaints to the ombudsman council and the abuse registry must be provided to the resident or the resident's representative.~~

(a) Prior to, or at the time of admission, the AFCH must provide the resident or representative with the following:

1. A copy of the AFCH house rules;
2. The Resident's Bill of Rights established under Section 429.85, F.S.;
3. Written information referenced in subsection (6) of Rule 58A-14.004, F.A.C., and the procedure for making complaints to these entities.

(b) Additionally, the provider or designee must make the resident or representative aware of the location of the documents posted pursuant to subsection (6) of Rule 58A-14.004, F.A.C.

- (4) through (5) No change.
- (6) CONTINUED RESIDENCY.

(a) The criteria for continued residency shall be the same as the criteria for admission, including a face-to-face examination conducted by a licensed health care provider pursuant to subsection (2) of this rule, with the following exceptions that:

1. through 3. No change.
- (b) through (c) No change.
- (7) No change.

~~Rulemaking Specific Authority 429.73 FS. Law Implemented 429.65, 429.73, 429.85 FS. History-New 2-2-95, Formerly 10A-14.0061, Amended 9-19-96, 6-6-99, 1-1-04, 4-29-08,_____.~~

58A-14.008 Staff Qualifications, Responsibilities and Training.

(1) MINIMUM STAFF REQUIREMENTS.

(a) The provider, all staff, each relief person, and all adult household members must submit a statement from a licensed health care provider that he or she is free from apparent signs and symptoms of communicable diseases, including tuberculosis. The statement must be based on an examination conducted within the last six months prior to employment, that the person is free from apparent signs and symptoms of

~~communicable diseases including tuberculosis. Annually thereafter, the individual must submit documentation from a licensed health care provider that he or she is free from tuberculosis. Freedom from tuberculosis must be documented on an annual basis. An exception is that an individual Persons with a positive tuberculosis test must submit a physician's statement from a licensed health care provider that he or she the person does not constitute a risk of communicating tuberculosis.~~

- (b) through (c) No change.
- (2) through (4) No change.

~~Rulemaking Specific Authority 429.67, 429.73, 429.75 FS. Law Implemented 429.67, 429.73, 429.75 FS. History-New 2-2-95, Formerly 10A-14.008, Amended 9-19-96, 6-6-99, 1-1-04, 7-30-06,_____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jim Crochet

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: E. Douglas Beach, Ph.D., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 17, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 12, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-16.0010
RULE TITLE: Examination for Barber Licensure
PURPOSE AND EFFECT: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

SUMMARY: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

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: 455.217(1)(b), (c), 476.064(4), 476.114(2), 476.134 FS.

LAW IMPLEMENTED: 455.217(1)(b), (c), 476.114(2), 476.134 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: Robyn Barineau, Executive Director, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-16.0010 Examination for Barber Licensure.

(1) The examination for licensure to practice barbering shall consist of ~~two parts~~, a written examination ~~and a practical examination~~. Applicants for a license to practice barbering must achieve a passing grade on ~~both portions~~ of the examination to be eligible for a license to practice barbering. An applicant who has completed all requirements for examination and paid the fee specified in Rule 61G3-20.002, F.A.C., will be admitted to the examination for licensure.

(2) The following subjects will be tested on the written examination consisting of seventy-five questions and will be weighted approximately as designated:

Category	Weight
(a) Florida Laws and Rules	25%
(b) Safety, Sanitation and Sterilization	30%
(c) Hair Structure and Chemistry	10%
(d) Hair Cutting and Hair Styling	10%
(e) Shampooing	5%
(f) Chemical Procedures (Permanent Waving, Coloring and Bleaching, Hair Relaxing and Curling)	10 45%
(g) Shaving, Beard and Mustache Trimming	5%

(3) ~~The practical portion of the examination for licensure shall test the applicant's ability to perform the barbering services authorized by a license to practice barbering. The practical examination shall have a maximum time limit of 1 1/4 hours. All applicants will provide their own model for the practical exam and will be required to shampoo the model's hair and perform a taper haircut to satisfy the practical portion of the examination. The areas to be tested and the relative weights are as follows:~~

Grading Area	Relative Weight
(a) Haircut	45
(b) Shampoo	5
(c) Safety and Sanitation	50

(4) ~~The grade sheet for the practical examination will contain spaces for comments by the grading examiner. The areas of comment shall be drawn from the following criteria:~~

- (a) ~~Haircut:~~
- ~~1. The top is even and without holes;~~
 - ~~2. The top blends with the sides and back;~~
 - ~~3. The front outline is even;~~
 - ~~4. The haircut is proportional;~~
 - ~~5. The sides and the back are without holes or steps;~~
 - ~~6. The sides blend with the back;~~

- ~~7. The sideburns are equal in length;~~
 - ~~8. The outlines are even;~~
 - ~~9. The sideburns, outline, and neckline are clean shaven;~~
 - ~~10. The model's skin was not cut or nicked during the haircut;~~
 - ~~11. The neckline is properly tapered.~~
 - ~~(b) Shampoo: After the shampoo, the model's hair and scalp were clean and free of shampoo.~~
 - ~~(c) Safety and Sanitation:~~
 - ~~1. The candidate used the proper draping for the shampoo;~~
 - ~~2. The candidate used the proper protection on the shampoo bowl;~~
 - ~~3. The candidate properly stored clean and dirty linen during the shampoo;~~
 - ~~4. The candidate washed his or her hands before beginning work on the model;~~
 - ~~5. The candidate used the proper draping for the haircut;~~
 - ~~6. The candidate properly stored clean and dirty linen during the haircut;~~
 - ~~7. The candidate placed tools in the sanitizer before and after each use during the haircut;~~
 - ~~8. The candidate used all of the tools in a safe manner and without any blood contact during the haircut;~~
- (5) ~~Failure of the examinee to complete the services required in a particular category tested in the practical portion of the examination shall result in the examinee losing the possible points assigned to that area.~~

(3)(6) The score necessary to achieve a passing grade shall be no less than ~~seventy-five (75) percent out of one hundred (100) percent~~ (based on the average of the examiners' scores) on the practical examination and seventy five (75) percent out of one hundred (100) percent on the written examination. In rounding percentages, any percentage which is point five (.5) or above shall be rounded up to the next whole number. Percentages less than point five (.5) shall be rounded down to the next whole number.

Rulemaking Specific Authority 455.217(1)(b), (c), 476.064(4), 476.114(2), 476.134 FS. Law Implemented 455.217(1)(b), (c), 476.114(2), 476.134 FS. History—New 11-12-00, Amended 11-27-02, 4-26-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Barbers' Board
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Barbers' Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 9, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 30, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-16.002 RULE TITLE: Reexamination

PURPOSE AND EFFECT: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

SUMMARY: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

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: 455.217(2), 476.064(4), 476.114(3) FS.

LAW IMPLEMENTED: 455.217(2), 476.114(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-16.002 Reexamination.

(1) An applicant who fails the state examination for licensure in whole or in part shall be required to pay the reexamination fee as set forth in Rule 61G3-20.002, F.A.C.

~~(2) An applicant shall be required to retake only the portion of the examination on which he or she failed to achieve a passing grade. However, Δ an applicant must pass both portions of the examination within a one year period from the date of the first licensure examination attempt at either part in order to qualify for licensure.~~

~~(3) An applicant who fails the practical portion of the examination may apply to the Department to retake the practical portion of the examination at least 30 days prior to the next administration date, provided that the applicant pays the reexamination fee as set forth in Rule 61G3-20.002, F.A.C.~~

~~(3)(4) An applicant who fails the written portion of the examination may apply to the Department to retake the written portion of the examination by providing an application and paying the reexamination fee as set forth in Rule 61G3-20.002, F.A.C.~~

~~Rulemaking Specific Authority 455.217(2), 476.064(4), 476.114(3) FS. Law Implemented 455.217(2), 476.114(3) FS. History–New 7-16-80, Amended 4-6-82, 4-21-83, Formerly 21C-16.02, Amended 11-12-87, Formerly 21C-16.002, Amended 11-12-00,_____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Barbers' Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Barbers' Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 9, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 30, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-16.005 RULE TITLE: Endorsement

PURPOSE AND EFFECT: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

SUMMARY: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

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: 476.064(4), 476.144(5) FS.

LAW IMPLEMENTED: 476.144(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-16.005 Endorsement.

The Department of Business and Professional Regulation shall issue a license by endorsement to a person who:

(1) Makes application and pays to the Department the fee specified in Rule 61G3-20.002, F.A.C.;

(2) Demonstrates that he or she possesses a current active license in another state or country;

(3) Demonstrates that he or she has satisfactorily completed a written ~~and a practical~~ examination comparable to or more stringent than the examination given by the Department;

(4) Demonstrates that he or she has completed:

(a) 1,200 hours of schooling in a program similar to, comparable to or more stringent than that required of Florida students and, at a minimum, covering the subjects of Safety, Sanitation and Sterilization, Hair Structure and Chemistry, Hair Cutting, Shampooing, Chemical Services, and Shaving as specified by the Barbers' Board; or

(b) An apprenticeship program of 1,200 hours; or

(c) A combination thereof.

(5) Certifies that he or she has read and understood and will abide by Chapters 455 and 476, F.S., and Chapter 61G3, F.A.C.

(6) For purposes of demonstrating that the applicant has met the requirements of subsections (2), (3) and (4) above, the applicant must provide the Board with an education evaluation conducted by a credential evaluation service that is a member of the National Association of Credential Evaluation Services.

Rulemaking Specific Authority 476.064(4), 476.144(5) FS. Law Implemented 476.144(5) FS. History--New 10-14-85, Formerly 21C-16.05, Amended 6-1-87, 11-12-87, 7-4-90, 12-23-90, 1-26-93, Formerly 21C-16.005, Amended 11-30-93, 5-3-06, 5-31-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Barbers' Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Barbers' Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 9, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 30, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-16.007 RULE TITLE: Examination for Restricted Licensure

PURPOSE AND EFFECT: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

SUMMARY: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

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: 455.217, 476.064(4), 476.134, 476.144 FS.

LAW IMPLEMENTED: 455.217, 476.134, 476.144 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: Robyn Barineau, Executive Director, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-16.007 Examination for Restricted Licensure.

(1) The examination for restricted licensure to practice barbering shall consist of ~~two parts~~, a written exam ~~and a practical exam~~. Applicants for a restricted license to practice barbering must achieve a passing grade on ~~both portions of~~ the examination to be eligible for a restricted license to practice barbering.

(2) The ~~written portion~~ of the examination for restricted licensure shall cover the laws and rules which govern the practice of barbering in Florida.

(3) ~~The practical portion of the examination for restricted licensure shall test the applicant's ability to perform the barbering services authorized by a restricted license to practice barbering. The practical examination for licensure shall have a maximum time limit of 1 1/4 hours. All applicants will provide their own model for the practical exam and will be required to shampoo the model's hair and perform a taper haircut to satisfy the practical portion of the examination. The areas to be tested and the relative weights are as follows:~~

GRADING AREA	RELATIVE WEIGHT
Haircut	45%
Shampoo	5%
Safety and Sanitation	50%

~~The grade sheet for the practical examination will contain spaces for comments by the grading examiner. The areas for comment shall be drawn from the following grading criteria:~~

(a) ~~Haircut:~~

- ~~1. The top is even and without holes;~~
- ~~2. The top blends with the sides and back;~~
- ~~3. The front outline is even;~~
- ~~4. The haircut is proportional;~~
- ~~5. The sides and the back are without holes or steps;~~
- ~~6. The sides blend with the back;~~
- ~~7. The sideburns are equal in length;~~
- ~~8. The outlines are even;~~
- ~~9. The sideburns, outline, and neckline are clean shaven;~~
- ~~10. The model's skin was not cut or nicked during the haircut;~~
- ~~11. The neckline is properly tapered.~~

~~haircut;~~

~~(b) Shampoo: After the shampoo, the model's hair and scalp were clean and free of shampoo.~~

~~(c) Safety and Sanitation:~~

~~(c) Safety and Sanitation:~~

- ~~1. The candidate used the proper draping for the shampoo;~~
- ~~2. The candidate used the proper protection on the shampoo bowl;~~
- ~~3. The candidate properly stored clean and dirty linen during the shampoo;~~
- ~~4. The candidate washed his or her hands before beginning work on the model;~~
- ~~5. The candidate used the proper draping for the haircut;~~
- ~~6. The candidate properly stored clean and dirty linen during the haircut;~~
- ~~7. The candidate placed tools in the sanitizer before and after each use;~~
- ~~8. The candidate used all tools in a safe manner and without any blood contact during the haircut;~~

~~(4) Failure of the examinee to complete the services required in a particular category tested in the practical examination shall result in the examinee losing the possible points assigned to that area.~~

~~(3)(5) The score necessary to achieve a passing grade on the written portion of the restricted licensure examination shall be no less than seventy-five (75) percent out of one hundred (100) percent of the total possible points on the written examination. The score necessary to achieve a passing grade on the practical portion of the restricted licensure examination shall be no less than seventy five (75) percent (based on the average of the examiners' scores) out of one hundred (100) percent of the total possible points on the practical examination. All examiner's scores will be averaged before any percentages are rounded according to the formula stated below. In rounding percentages, any percentage which is point five (.5) or above shall be rounded up to the next whole number. Percentages less than point five (.5) shall be rounded down to the next whole number.~~

Rulemaking Specific Authority 455.217, 476.064(4), 476.134, 476.144 FS. Law Implemented 455.217, 476.134, 476.144 FS. History--New 11-12-87, Amended 3-22-92, 1-26-93, Formerly 21C-16.007, Amended 9-15-94, 12-9-98, 11-27-02, 4-26-04, 8-1-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Barbers' Board
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Barbers' Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 9, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 30, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-16.008
RULE TITLE: Manner of Application

PURPOSE AND EFFECT: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

SUMMARY: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

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: 455.2228, 476.064(4) FS.

LAW IMPLEMENTED: 455.2228 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: Robyn Barineau, Executive Director, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-16.008 Manner of Application.

Every person desiring to be examined for either full or restricted licensure as a barber shall apply to the Department in writing upon forms prepared and furnished by the Department and pay an examination fee as required by Rule 61G3-20.002, F.A.C.

(1) The applicant must present with the application two (2) 2" x 2" photographs taken within the past twelve (12) months and evidence of completion of barber training as defined in Chapter 476, F.S.

~~(2) Completed applications received later than thirty (30) days prior to the next available practical exam shall automatically be scheduled for the following available practical examination. The Department shall notify the applicant fourteen (14) days prior to the practical examination if the applicant is eligible to take the practical examination. A professional testing service. Qualified outside testing vendor shall notify applicants of their eligibility for a written examination within five (5) working days after receipt of Board notification of the applicant's eligibility.~~

(3) Applicants for an unrestricted license who have completed one thousand (1,000) actual school hours or more but less than one thousand two hundred (1,200) actual school hours are required to have the school or program attended certify on that portion of the application so designated that said applicant has completed the stated number of hours, the required services as established by Rule 61G3-16.001, F.A.C., and is competent to sit for the licensure examination.

Rulemaking Specific Authority 455.2228, 476.064(4) FS. Law Implemented 455.2228 FS. History–New 11-12-87, Formerly 21C-16.008, Amended 8-11-98, 11-12-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Barbers' Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Barbers' Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 9, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 30, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: RULE TITLE:

61G3-16.010 Supervised Practice Exception

PURPOSE AND EFFECT: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

SUMMARY: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

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: 455.217, 476.064(4), 476.124, 476.144(7), 475.184(2), (10) FS.

LAW IMPLEMENTED: 455.217, 476.144(7), 475.184(2), (10) 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: Robyn Barineau, Executive Director, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-16.010 Supervised Practice Exception.

(1) Following the completion of ~~both the written and practical portions~~ of the first licensing examination by an applicant for licensure as a barber by examination who has completed the barber training required by Chapter 476, F.S. and Rule 61G3-16.001, F.A.C, the applicant is eligible to practice as a barber and perform barbering services temporarily in a current, actively licensed barbershop under the following conditions:

(a) In the event an applicant obtains a passing scores on the examination on the first attempt of ~~both the written and practical portions~~ of the examination, the applicant shall be eligible, prior to having the application acted on by the Board, to practice in a licensed barbershop, provided that the applicant post the examination results ~~for both portions of the examination~~ at the work station with a recent photograph affixed thereto.

(b) In the event that the applicant fails to obtain a passing score on ~~either or both of the written or practical portion~~ of the examination on the first attempt, the applicant shall not be eligible to practice under this rule until the applicant:

1. Applies to the Department for authorization to retake ~~the failed portion(s)~~ of the examination; and

2. Presents the holder of the license for the barbershop a copy of both the reexamination application and the examination scheduling authorization letter from the department or the qualified outside testing vendor.

3. Upon completion of these conditions, the applicant is eligible to practice in a licensed barbershop subject to the provisions of paragraph (c) referenced below, provided that the applicant posts the examination results ~~for both portions of the examination~~ at the work station with a recent photograph affixed thereto. The applicant must discontinue practicing when 180 days have passed from the date ~~the written or practical portion~~ of the first examination ~~was taken, whichever portion was taken earlier~~, if reexamination has not yet been completed. Under no circumstances shall the applicant be eligible to practice prior to having applied for reexamination and having obtained the examination scheduling authorization letter from the department or the qualified outside testing vendor.

(c) All barbering services performed by the applicant under this exception shall be performed under the supervision of a licensed barber. "Under the supervision of a licensed barber" shall mean that an individual who then holds a current, active Florida license as a barber shall be physically present at all times when the applicant is performing barbering services.

(2) In the event an applicant, who previously failed ~~either or both portions~~ of the examination on the first attempt, fails to obtain a passing score on ~~either or both portions~~ of the second licensure examination, the applicant is no longer eligible to practice as a barber under this exception and must immediately discontinue practicing barbering services until the applicant has been issued a license to practice by the Department.

Rulemaking Specific Authority 455.217, 476.064(4), 476.124, 476.144(7), 476.184(2), (10) FS. Law Implemented 455.217, 476.144(7), 476.184(2), (10) FS. History–New 12-9-98, Amended 11-12-00, 12-29-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Barbers' Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Barbers' Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 9, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 30, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-20.002
 RULE TITLE: Application Fee for Licensure Through Examination or Endorsement and Reexamination Fees

PURPOSE AND EFFECT: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

SUMMARY: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

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: 455.213(1), 455.2171, 476.064(4), 476.192 FS.

LAW IMPLEMENTED: 455.2171, 476.192 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: Robyn Barineau, Executive Director, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-20.002 Application Fee for Licensure Through Examination or Endorsement and Reexamination Fees.

(1) The application fee for licensure by means of endorsement or examination and reexamination for barbers shall be as follows:

Method of Licensure:	Application Fee:
(a) Endorsement	The application fee for licensure by endorsement shall be one hundred and fifty dollars (\$150.00). All fees shall be payable to the Department.
(b) Examination and Reexamination	
1. Practical Portion	The application fee for both the examination and reexamination for the practical portion shall be seventy five dollars (\$75.00). All fees shall be

	payable to the Department:
2. Written portion	The application fee for both the examination and reexamination for the written portion shall be seventy five dollars (\$75.00). One hundred, fifty dollars and zero cents (\$150.00). Sixty one dollars and fifty cents (\$61.50) of both the examination and reexamination application fee for the written portion of the examination shall be paid to the Department and thirteen dollars and fifty cents (\$13.50) shall be paid to the professional testing service.

(2) The application fee for licensure by means of examination and reexamination for restricted barbers shall be as follows:

Method of Licensure:	Application Fee:
(a) Examination and Reexamination	
1. Practical Portion	The application fee for both the examination and reexamination for the practical portion shall be seventy five dollars (\$75.00). All fees shall be payable to the Department.
2. Written Portion	The application fee for both the examination and reexamination for the written portion shall be. One hundred, fifty dollars and zero cents (\$150.00) seventy five dollars (\$75.00). Seventy dollars and fifty cents (\$70.50) of both the examination and the reexamination application fee for the written portion of the examination shall be paid to the Department and four dollars and fifty cents (\$4.50) shall be paid to the professional testing service.

(3) Applicants for licensure as a barber or restricted barber shall pay both the original licensure fee set forth in Rule 61G3-20.014, F.A.C., and the applicable part of the examination or reexamination application fee specified in subsections (1) and (2) above.

(a) All fees payable to the Department shall be paid at the time the applicant submits his or her application for licensure by endorsement, examination or reexamination.

(b) All parts of the examination or reexamination application fee payable to a qualified outside testing vendor professional testing service shall be paid to that service upon notification that the applicant's application for licensure by examination or reexamination has been approved.

(c) In the event that a qualified outside testing vendor professional testing service is not used for examination or reexamination, all fees shall be paid to the Department.

Rulemaking Specific Authority 455.213(1), 455.2171, 476.064(4), 476.192 FS. Law Implemented 455.2171, 476.192 FS. History--New 7-16-80, Amended 6-30-83, 10-17-85, Formerly 21C-20.02, Amended 12-15-87, 5-11-88, Formerly 21C-20.002, Amended 9-21-94, 11-6-00, 2-19-04, 8-8-04, 1-1-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Barbers' Board
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Barbers' Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 9, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 30, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-20.0075
RULE TITLE: Examination Review Fee
PURPOSE AND EFFECT: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

SUMMARY: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

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: 455.217(2), 455.2171 FS.

LAW IMPLEMENTED: 455.217, 455.2171 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: Robyn Barineau, Executive Director, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-20.0075 Examination Review Fee.

The fee for an written examination review shall be thirty dollars (\$30.00) payable to a qualified outside testing vendor ~~professional testing service~~ when the written examination is conducted by the professional testing service pursuant to Section 455.2171, F.S. ~~The fee for obtaining copies of practical grade sheets shall be ten dollars (\$10.00) payable to the Department.~~ In the event that a qualified outside testing vendor ~~professional testing service~~ is not used for examination or reexamination, all fees shall be paid to the Department.

Rulemaking Specific Authority 455.217(2), 455.2171 FS. Law Implemented 455.217, 455.2171 FS. History--New 7-4-90, Formerly 21C-20.0075, Amended 11-6-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Barbers' Board
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Barbers' Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 9, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 30, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-32.001
RULE TITLE: Continuing Education
PURPOSE AND EFFECT: The proposed rule amendment requires that providers include publication dates for all reference and source materials in continuing education courses.
SUMMARY: The proposed rule amendment requires that providers include publication dates for all reference and source materials in continuing education courses, to assure that the most up to date materials are presented to students.

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: 455.2179, 455.2228, 477.016, 477.019(7) FS.

LAW IMPLEMENTED: 455.2179, 455.2228, 477.019(8) 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: Robyn Barineau, Executive Director, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-32.001 Continuing Education.

(1) through (6) No change.

(7)(a) through (b) No change.

(c)1. through 2. No change.

3. A course outline which includes the subjects, topics, and subtopics to be presented in the course and a narrative summary of all areas to be covered in each subject, topic and subtopic, and a list of all reference and source materials including the publication date for each;

Rulemaking Specific Authority 455.2178, 455.2179, 455.219(3), 455.2228, 477.016, 477.019(7) FS. Law Implemented 455.2178, 455.2179, 455.219(3), 455.2228, 477.019(7) FS. History–New 3-25-99, Amended 2-28-00, 7-27-00, 7-29-01, 7-1-02, 12-6-06, 3-10-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Cosmetology Board
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Cosmetology Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 12, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 9, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-20.001
RULE TITLE: Types of Certified Public Accountants and Firms

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to define “office.”

SUMMARY: “Office” will be defined.

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 FS.

LAW IMPLEMENTED: 455.271, 473.3101, 473.3141 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:

61H1-20.001 Types of Certified Public Accountants and Firms.

(1) through (7) No change.

(8) Except as to a certified public accountant employed by a Florida firm, “office” shall be deemed and construed to mean a place in which public accounting is conducted or any place for which the physical address is identified in advertising. As to a certified public accountant employed by a Florida firm, “office” shall mean his/her designated address of record.

Rulemaking Authority 473.304 FS. Law Implemented 455.271, 473.3101, 473.3141 FS. History–New 12-4-79, Formerly 21A-20.01, Amended 10-20-86, Formerly 21A-20.001, Amended 8-13-06, 11-03-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Accountancy
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Accountancy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 15, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 6, 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 HEALTH

Board of Hearing Aid Specialists

RULE NO.: 64B6-8.003
RULE TITLE: Trainee Stages, Minimum Training Requirements, and Training Programs

PURPOSE AND EFFECT: The amendments make it clear that Stage 1 needs to be completed before Stage 2 and adds responsibilities for sponsors to report at any time the program is terminated.

SUMMARY: To clarify that Stage 1 should be completed before moving to any other stages and to require training sponsors to complete a form if the program is terminated at any time.

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: 484.044, 484.0445(1) FS.

LAW IMPLEMENTED: 484.0445, 484.045 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B6-8.003 Trainee Stages, Minimum Training Requirements, and Training Programs.

(1) A training program shall be a minimum of six months in length and shall be divided into four stages. Following the completion of Stage I, the trainee shall be in a training for the dispensing of hearing aids program for a minimum of twenty (20) hours each week, and shall be under the direct supervision of the sponsor at all times when performing the functions of a hearing aid specialist. The training program shall be divided into four (4) stages:

(a) Stage I: During this Stage, the trainee shall complete the International Hearing Society Home Study Course and shall submit proof of passing the home study course final examination. If the trainee passes the home study course final examination but fails the licensure examination, he or she will not have to repeat the home study course prior to the next available licensure examination.

(b) Stage II – 1 month: During this Stage, the trainee may perform audiometric tests, and make ear mold impressions and modifications, but the sponsor or hearing aid specialist designated by the sponsor shall be physically present, in the same room at all times when the trainee is performing these functions. The trainee may not recommend the selection of a hearing aid, dispense a hearing aid, or counsel a client.

(c) Stage III – 2 months: During this Stage the trainee may perform all tasks in Stage II, recommend the selection of a hearing aid, and counsel a client, but the trainee shall be under the direct supervision of the sponsor or hearing aid specialist designated by the sponsor. The trainee may not deliver a hearing aid.

(d) Stage IV – 3 months: During this Stage the trainee may perform all the tasks in Stages II and III and deliver hearing aids, but the sponsor or hearing aid specialist designated by the sponsor shall be physically present in the same room at the time a hearing aid is delivered to the client, and the receipt required by Section 484.051, F.S., must have the signature and license number of the sponsor or hearing aid specialist designated by the sponsor.

(2) It shall be the responsibility of the sponsor to provide instruction and guidance, in order to adequately prepare trainees for practice as a hearing aid specialist. Training received by a trainee during the training program must consist of training in the following subject areas:

(a) Part II, Chapter 484, Florida Statutes, and Rule Chapter 64B6, F.A.C.

(b) Physics of Sound.

(c) Anatomy of the Outer, Middle and Inner Ear.

(d) Hearing Disorders:

1. Conductive Hearing Loss: Diseases of the Ear.
2. Sensori-Neural Hearing Loss.
3. Mixed Hearing Loss.
4. Central Deafness Hearing Loss.

5. Psychological Hearing Loss.

(e) Criteria for Medical Referral.

(f) Pure Tone Audiometry.

(g) Masking and its Application when utilized with Pure Tone Audiometry: Rationals; Methods; Techniques.

(h) Speech Audiometry.

(i) Masking and its Application when utilized with Speech Audiometry.

(j) Sound Field Testing.

(k) Audiogram Analysis and Interpretation.

(l) Proper Ear/Ears Selection; Hearing Instrument Selection: (Evaluating Fitting Criteria).

(m) Cros/Bi-Cros: Rationale and its Application.

(n) Hearing Aid Measurements.

(o) Interpretation of Hearing Instruments Specification Data.

(p) Impression Technique.

(q) Earmolds; Shell Design; and their Effect on Frequency Response.

(r) Types of Hearing Instruments; Major Components; Function.

(s) Clients Counseling and Delivery as it pertains to Hearing Aid usage and care for optimum performance.

(3) The sponsor shall file a complete Training Program Sponsor Report with the Board ~~at the end of each trainee's training program~~; this report shall be filed no later than 30 days after the ~~completion~~ termination of the program or termination of the sponsorship, whichever occurs first. The report shall set forth the number of hours of training in each subject which has been provided. The report must also set forth the educational and training objectives and hours set by the sponsor for the trainees. ~~The report shall be made on the Training Program Sponsor Report Form, Form 1159 (revised 4/09), hereby adopted and incorporated by reference,~~ and can be obtained from the Board of Hearing Aid Specialists' website at <http://www.doh.state.fl.us/mqa/HearingAid/>. Failure to comply with the requirements of this rule may subject the sponsor to discipline.

(4) The training program shall begin at the date of Department certification, unless the Board certifies another date.

(5) Upon completion of the training program, the trainee shall take the first available licensure examination. A trainee may continue to function as a trainee until she or he has received the results of the licensure examination, provided that failure of the sponsor to file the complete report required herein will preclude the trainee from engaging in acts which constitute hearing aid dispensing until such time as the complete report is filed. Until the complete report is filed, the trainee is not eligible to complete the first available licensure examination. Upon receipt of the examination results a trainee that passes the examination may continue in Stage IV under the

direct supervision of his or her sponsor until they have applied and received their license or up to ninety (90) days whichever comes first, pursuant to subsection 64B6-3.001(2), F.A.C. Payment of the fee and all other licensing requirements required by this rule shall be met within ninety (90) days of notification of licensure eligibility, or the eligibility certification becomes null and void and the person must reapply for licensure.

(6) A trainee who fails the licensure examination must immediately stop functioning as a trainee upon receipt of the examination results. However, a trainee may continue one time in Stage IV of the training program by submitting to the Board within 10 days of receiving the examination results a Training Program Continuation Request (Form DH-MQA 1160, Revised 10/08) and hereby adopted and incorporated by reference, and can be obtained from the Board of Hearing Aid Specialists' website at <http://www.doh.state.fl.us/mqa/HearingAid/> and taking the next available examination. A trainee who fails the licensure examination and does not submit a Training Program Continuation Request to the Board within 10 days of receiving the examination results may repeat the training program one time by meeting the criteria in Rule 64B6-8.002, F.A.C., and taking the next available examination.

(7) Failure to sit for or receive a passing score on the next scheduled licensure examination for which he or she qualifies will result in termination of trainee status and the ability to further perform services as a trainee within seven days of the posting mailing of the examination results, but does not preclude submitting another application for examination as provided in Rules 64B6-2.003 and 64B6-2.005, F.A.C.

Rulemaking Authority 484.044, 484.0445(1) FS. Law Implemented 484.0445, 484.045 FS. History—New 2-12-84, Formerly 21JJ-8.03, Amended 8-12-87, 10-1-90, 1-28-91, 4-23-91, 8-19-91, Amended 3-18-93, Formerly 21JJ-8.003, Amended 4-21-94, Formerly 61G9-8.003, Amended 7-11-02, 2-19-03, 8-31-06, 6-11-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Hearing Aid Specialists

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Hearing Aid Specialists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 13, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 30, 2009

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-44.005
RULE TITLE: Citations

PURPOSE AND EFFECT: The proposed rule amendment will be to change the language so that continuing education and fines are due at the same time.

SUMMARY: The proposed rule amendment will require licensees to complete continuing education and pay fines, or face a possible citation.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost was prepared. There are more than 3500 licensed dietitians/nutritionists and less than 200 nutrition counselors in the State of Florida that would be impacted by the rule amendment. The proposal would affect these practitioners only in requiring that continuing education and fines where applicable, will be due at the same time. No additional transactional costs will be incurred by these practitioners. The agency will not incur any additional costs.

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

RULEMAKING AUTHORITY: 456.077, 468.507 FS.

LAW IMPLEMENTED: 456.077, 468.517, 468.518 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Dietetics and Nutrition Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-44.005 Citations.

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

2. Licensee must submit full payment of the fine and costs within three months of the date the citation was issued.

3.2. Licensee must provide proof of completion of the deficient hours within ~~three (3) months~~ 90 days of the date the citation was ~~issued~~ filed.

(f) Failure to respond timely to a continuing education audit – a fine of \$100, and licensee must provide proof of compliance with continuing education requirements within one (1) month ~~30 days~~ of the date the citation was ~~issued~~ filed.

(g) Failure to timely pay required fees and fines – a fine of \$100.

(h) Failure to comply with advertising requirements – a fine of \$100.

(i) Failure to display signs, licenses, and permits – a fine of \$100.

~~(4)(5)~~ In addition to the penalties established in this rule, the Department may recover the costs of investigation in accordance with its rules. When the Department intends to assess the costs of investigation, the penalty specified in the citation shall be the sum of the penalty established by this rule plus the Department's cost of investigation.

(5)(6) If the subject disputes any matter contained in the citation, within thirty days after service, the Department shall follow the procedure set forth in Section 456.073, F.S. Otherwise, the citation shall become a final order of the Board.

Rulemaking Authority 456.077, 468.507 FS. Law Implemented 456.077, 468.517, 468.518 FS. History—New 1-1-92, Formerly 21M-50.005, 61F6-50.005, 59R-44.005, Amended 9-26-01, 3-25-02, 7-17-05, 4-10-06, 7-8-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dietetics and Nutrition Council
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 18, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 9, 2009

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-45.001
RULE TITLE: General Requirements

PURPOSE AND EFFECT: The Board proposes the rule amendment to reconsider maximum number of home study hours.

SUMMARY: The proposed rule amendment will increase the number of hours of approved home study continuing education.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost was prepared. The rule amendment would increase the number of hours of approved home study continuing education credit a licensee is allowed to obtain per biennial toward the renewal of licensure from fifteen to twenty. The Board determined that no licensee would be affected by the rule amendment because licensees are not required to obtain continuing education through home study. The only costs incur as a result of the rule amendment will be to the agency during rule making process.

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

RULEMAKING AUTHORITY: 456.013(7), (8), (9), 468.507 FS.

LAW IMPLEMENTED: 456.013(7), (8), (9), 468.514, 468.515 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Dietetics and Nutrition Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-45.001 General Requirements.

(1) As a condition of biennial licensure renewal all licensees shall complete a minimum of thirty hours of continuing education in dietetics and nutrition practice within the twenty-four (24) month period prior to the expiration date of the license, of which no more than ten (10) hours may be in management, risk management, personal growth, and educational techniques. Up to ~~twenty (20)~~ ~~fifteen (15)~~ hours of credit shall be accepted per biennium for approved home study courses. Those persons certified for licensure in the second half of the biennium are exempt from the continuing education requirements for that biennium. One hour of continuing education equals a minimum of fifty minutes of instruction.

(2) through (7) No change.

Rulemaking Authority 456.013(7), (8), (9), 468.507 FS. Law Implemented 456.013(7), (8), (9), 468.514, 468.515 FS. History—New 12-5-90, Amended 1-1-92, 9-24-92, 5-6-93, Formerly 21M-51.001, Amended 9-28-93, Formerly 61F6-51.001, Amended 1-2-95, 11-12-95, Formerly 59R-45.001, Amended 9-26-01, 3-4-02, 3-24-03, 4-30-06, 7-8-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dietetics and Nutrition Council
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 18, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 17, 2009

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.203
RULE TITLE: Licensure by Examination; Application

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify requirements and to incorporate a form by reference.

SUMMARY: Requirements will be clarified and a form will be incorporated in the rule.

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

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

RULEMAKING AUTHORITY: 456.033, 465.005, 465.007 FS.

LAW IMPLEMENTED: 456.013(1), 456.025(3), 456.033, 465.007, 465.022 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca R. Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.203 Licensure by Examination; Application.

Applicants who are at least 18 years of age and a recipient of a degree from a school or college of pharmacy accredited by an accrediting agency recognized and approved by the United States Office of Education may apply to take the licensure examination.

(1) All applications for licensure by examination must be made on board approved form DOH/MQA-~~PH~~101, Pharmacist Examination Application for U.S. and Puerto Rico Graduates and Instructions, (Rev 09/09 7/08), Application for Pharmacist Examination, which is hereby incorporated by reference, and which can be obtained from the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, or (850)488-0595 to request an application or download the application form the board's website at <http://www.doh.state.fl.us/mqa/pharmacy>. The application ~~and~~ must be accompanied with a non-refundable examination fee and an initial license fee set forth in Rules 64B16-26.1001 and 64B16-26.1002, F.A.C.

(2) The applicant must submit proof of having met the following requirements:

(a) No change.

(b) Completion of a board approved course not less than 2 hours on medication errors that covers the study of root-cause analysis, error reduction and prevention, and patient safety. For those applicants who apply within one year following receipt of their pharmacy degree, completed academic course work on medication errors will be accepted by the Board as an educational course under this section, provided such course work is no less than 2 contact hours and that it covers the study of root-cause analysis, error reduction and prevention, and patient safety, as evidenced by a letter attesting to subject matter covered from the Dean of the University.

(3) through (4) No change.

Rulemaking Authority 456.033, 465.005, 465.007 FS. Law Implemented 456.013(1), (7), 456.025(3), 456.033, 465.007, 465.022 FS. History--New 10-17-79, Formerly 21S-12.04, 21S-12.004, Amended 7-31-91, 10-14-91, Formerly 21S-26.203, 61F10-26.203, Amended 7-1-97, Formerly 59X-26.203, Amended 8-17-99, 10-15-01, 1-2-02, 1-12-03, 1-11-05, 2-18-08, 5-26-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 12, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 17, 2009

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.:	RULE TITLE:
64B16-26.2031	Licensure by Examination; Foreign Pharmacy Graduates

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify requirements and to incorporate a form by reference.

SUMMARY: Requirements will be clarified and a form will be incorporated in the rule.

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

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

RULEMAKING AUTHORITY: 465.005, 465.007 FS.

LAW IMPLEMENTED: 465.007 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca R. Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.2031 Licensure by Examination; Foreign Pharmacy Graduates.

In order for a foreign pharmacy graduate to be admitted to the professional licensure examination, the applicant must be a graduate of a four year undergraduate pharmacy program at a school or college outside the United States and have completed an internship program approved by the Board.

(1) ~~All~~ Submit an applications for licensure by examination must be made on form DOH-MQA PH103, ~~Foreign Graduate Pharmacist Examination Application For Foreign Graduates and Instructions, (Rev. 09/09), which is hereby incorporated by reference, and which can be obtained from~~ Contact the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, or (850)488-0595 to request an application or download the application form the board's website at <http://www.doh.state.fl.us/mqa/pharmacy>. The application ~~and~~ must be accompanied with a non-refundable examination fee and an initial license fee set forth in Rules 64B16-26.1001 and 64B16-26.1002, F.A.C.

(2) Be a graduate of a four year undergraduate pharmacy program at a school or college outside the United States and have completed an internship program approved by the board.

~~(a)(3)~~ For applications received at the Board of Pharmacy on or before June 30, 2009, the applicant must:

~~1.(a)~~ Successfully pass the foreign pharmacy graduate equivalency examination which is given by the Foreign Pharmacy Graduate Equivalency Commission with a minimum score of 75%.

~~2.(b)~~ Demonstrate proficiency in the use of English by passing the Test of English as a Foreign Language (TOEFL), which is administered by the Educational Testing Service, Inc., with a score of at least 500 for the pencil and paper test or 173 for the computer version and by passing the Test of Spoken English (TSE) with a score of 45 on the recalibrated TSE; or

~~3.(c)~~ Demonstrate proficiency in the use of English by passing the Test of English as a Foreign Language Internet-based test (TOEFL ibt) with scores of: Listening – 18; Reading – 21; Speaking – 26; and Writing – 24.

~~(b)(4)~~ For applications received at the Board of Pharmacy on or after July 1, 2009, the applicant must:

~~1.(a)~~ Successfully pass the foreign pharmacy graduate equivalency examination which is given by the Foreign Pharmacy Graduate Equivalency Commission with a minimum score of 75%;

~~2.(b)~~ Demonstrate proficiency in the use of English by passing the Test of English as a Foreign Language (TOEFL), which is administered by the Educational Testing Service, Inc., with a score of at least 550 for the pencil and paper test or 213 for the computer version and by passing the Test of Spoken English (TSE) with a score of 50 on the recalibrated TSE; or

~~3.(c)~~ Demonstrate proficiency in the use of English by passing the Test of English as a Foreign Language Internet-based test (TOEFL ibt) with scores of: Listening – 18; Reading – 21; Speaking – 26; and Writing – 24.

~~(2)(5)~~ Complete 2080 hours of supervised work activity, of which a minimum of 500 hours must be completed within the State of Florida. Such experience must be equivalent to that required in the internship program as set forth in Rule 64B16-26.2033, F.A.C. The work experience program including both the preceptor and the permittee must be

approved by the Board of Pharmacy. ~~The work experience shall be documented on form DOH MQA PH1153 (Rev. 03/09), Foreign Graduate Intern Work Activity Manual, which is hereby incorporated by reference, and which can be obtained from the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254.~~ Further, no program of supervised work activity shall be approved for any applicant until said applicant has obtained the specified passing scores on the Foreign Pharmacy Graduate Equivalency Examination TOEFL or the TOEFL ibt.

(3) Completion of a Board approved course not less than 2 hours on medication errors that covers the study of root-cause analysis, error reduction and prevention, and patient safety. For applicants who apply within one year following receipt of their pharmacy degree, completed academic course work on medication errors will be accepted by the Board as an educational course under this section, provided such course work is no less that 2 contact hours and that it covers the study of root-cause analysis, error reduction and prevention, and patient safety as evidence by a letter attesting to subject matter covered from the Dean of the University.

Rulemaking Authority 465.005, 465.007 FS. Law Implemented 465.007 FS. History--New 1-11-05, Amended 8-8-07, 6-10-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 12, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 17, 2009

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.:
64B16-26.2032

RULE TITLE:
Pharmacy Intern Registration
Internship Requirements (U.S.
Pharmacy Students/Graduates)

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify requirements and to incorporate a form by reference.

SUMMARY: Requirements will be clarified and a form will be incorporated in the rule.

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

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

RULEMAKING AUTHORITY: 465.005 FS.
 LAW IMPLEMENTED: 465.003(12), 465.007, 465.0075 FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca R. Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.2032 Pharmacy Intern Registration Licensure by Examination; Internship Requirements (U.S. Pharmacy Students/Graduates).

A U.S. pharmacy student or graduate is required to be registered with the Department of Health as an intern before being employed as an intern in a pharmacy in Florida.

(1) All applications for registration must be made on form DH-MQA 104, Pharmacy Intern Application for U.S. Pharmacy Students/Graduates and Instructions. (Rev 09/09), which is hereby incorporated by reference. Contact the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, or (850)488-0595 to request an application or download the application from the board's website at <http://www.doh.state.fl.us/mqa/pharmacy>.

(2) An applicant for a pharmacy intern registration must submit proof of:

(a) Enrollment in an intern program at an accredited college or school of pharmacy; or

(b) Graduation from an accredited college or school of pharmacy.

(3) Upon the receipt of proof satisfactory to the Board that the intern applicant meets the requirement of either paragraph (2)(a) or (2)(b), unless there exists good cause for the Board's refusal to certify an applicant as set forth in Section 365.013, F.S., the Board shall certify the applicant to the Department for registration as an intern.

(4) No intern shall perform any acts relating to the filing, compounding, or dispensing of medicinal drugs unless it is done under the direct and immediate personal supervision of a person actively licensed to practice pharmacy in this state.

~~(5)(4)~~ No change.

~~(6)(2)~~ An internship program at an accredited college or school of pharmacy shall assure that community or institutional pharmacies utilized for the obtaining of internship experience meet the following minimum requirements:

(a) through (e) No change.

~~(7)(3)~~ The program shall assure that all preceptors meet the following requirements:

(a) through (e) No change.

~~(8)(4)~~ In the event a program meets all the requirements set forth in subsection (2) of this rule, except for prior approval by the Florida Board of Pharmacy, any applicant submitting it for the purpose of qualifying for licensure by examination must show in addition to successful completion of the internship:

(a) through (c) No change.

(5) through (11) renumbered (9) through (15) No change.

Rulemaking Specific Authority 465.005 FS. Law Implemented 465.003(12), 465.007, 465.0075 FS. History—New 4-1-07, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 12, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 17, 2009

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.300

RULE TITLE: Consultant Pharmacist Licensure

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to incorporate a form by reference and make other technical changes.

SUMMARY: A form will be incorporated in the rule and technical changes to the rule text will be made.

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

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

RULEMAKING AUTHORITY: 465.005, 465.0125 FS.

LAW IMPLEMENTED: 465.0125 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca R. Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.300 Consultant Pharmacist Licensure.

(1) No change.

(2) Application for consultant pharmacist licensure shall be made on form DOH-MQA 1109, 02/09, Consultant Pharmacist Application and Information, (2/09), which is hereby incorporated by reference. Contact the Board of Pharmacy at 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, or (850)488-0595 to request an application or download the application from the board's website at www.doh.state.fl.us/mqa/pharmacy. The application shall be accompanied by a non-refundable application fee.

(3)(2) In order to be licensed as a consultant pharmacist, a person must meet the following requirements:

(a) through (b) No change.

(c) Successfully complete a period of assessment and evaluation under the supervision of a preceptor within one (1) year of completion of the course set forth in paragraph (b) above. This period of assessment and evaluation shall be completed over no more than three (3) consecutive months and shall include at least 40 hours of training in the following practice areas, 60% of which shall occur on-site at an institution that holds a pharmacy permit. The training shall include:

<u>Minimum Skills Required</u>	<u>Percent of Time</u>	<u>Hours</u>
Minimum of 40 Hours in Maximum of Three Months		
1. Regimen review, documentation and communication.	60%	24
a. Demonstrate ability to carry out process and understand documentation functions.		
b. Understand and perform drug regimen review. Communicate findings to appropriate individuals or groups.		
c. The applicant <u>consultant pharmacist</u> is responsible for learning other skills needed to perform in his/her type of facility where he/she is or will be the consultant Pharmacist of Record.		
2. Facility review.	20%	8
Demonstrate areas that should be evaluated, documentation, and reporting procedures.		
3. Committee and Reports.	5%	2
Review quarterly Quality of Care Committee minutes and preparation and delivery of pharmacist quarterly report.		
4. Policy and Procedures.	5%	2
Preparation, review, updating Policy and Methods.		
5. Principles of formulary management.	5%	2
Demonstrate ability to manage formulary.		
6. Professional Relationships.	5%	2
Knowledge and interaction of facility administration and professional staff.		

(4)(3) In order to act as a preceptor, a person shall:

(a) through (d) No change.

(5)(4) Upon completion of the requirements set forth above, the applicant's preceptor shall confirm that the applicant's assessment and evaluation have met the

requirements and that the applicant has successfully completed all required assignments under the preceptor's guidance and supervision.

(6)(5) After licensure a consultant pharmacist's license shall be renewed biennially upon payment of the fee set forth in Rule 64B16-26.1003, F.A.C., and upon completing twenty-four (24) hours of board approved continuing education based upon the provisions of Rule 64B16-26.302, F.A.C.

(7)(6) The number of hours earned in recertification programs by a consultant pharmacist, if applied to the twenty-four (24) hours required for consultant pharmacist license renewal, may not be used toward the thirty (30) hours of continued professional pharmaceutical education credits as set forth in Rule 64B16-26.103, F.A.C.

(8)(7) An applicant who applies for a consultant pharmacist license after the effective date of this rule shall be required to complete the assessment and evaluation required in paragraph (3)(2)(c) prior to being licensed as a consultant pharmacist.

Rulemaking Specific Authority 465.005, 465.0125 FS. Law Implemented 465.0125 FS. History--New 5-19-72, Revised 4-19-74, Repromulgated 12-18-74, Amended 10-17-79, 4-8-80, 7-29-81, 7-1-83, 4-10-84, 4-30-85, Formerly 21S-1.26, 21S-1.026, Amended 7-31-91, 10-14-91, Formerly 21S-26.300, 61F10-26.300, Amended 9-19-94, 3-28-95, 3-10-96, Formerly 59X-26.300, Amended 5-22-01, 5-5-05, 11-29-06.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Pharmacy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 10, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 16, 2009

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-29.002
RULE TITLE: General Requirements
PURPOSE AND EFFECT: The Board proposes the rule amendment in order to reference an application.
SUMMARY: An updated application will be referenced in the rule.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.
Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.
RULEMAKING AUTHORITY: 465.005, 828.055 FS.
LAW IMPLEMENTED: 828.055 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca R. Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-29.002 General Requirements.

(1) Application for an Animal Control Shelter Pharmacy permit shall be made on Board of Pharmacy approved form DOH-MQA/PH/107 "Animal Control Pharmacy Permit Application and Information," effective October 2009, which is incorporated by reference. To obtain an application, contact the Board of Pharmacy at 4052 Bald Cypress Way, Bin #C04, Tallahassee, FL 32399-3254, or (850)488-0595, or download the application from the board's website at http://www.doh.state.fl.us/mqa/pharmacy. The applicant shall apply to the Department of Health for Modified Class II Institutional Pharmacy Permit.

(a) through (b) No change.

(2) through (6) No change.

Rulemaking Specific Authority 465.005, 828.055 FS. Law Implemented 828.055 FS. History--New 10-17-79, Formerly 21S-14.02, Amended 4-24-88, Formerly 21S-14.002, Amended 10-1-92, Formerly 21S-29.002, Amended 7-18-94, Formerly 61F10-29.002, 59X-29.002, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 13, 2009

DEPARTMENT OF HEALTH

School Psychology

RULE NO.: 64B21-500.002
RULE TITLE: Application Form Required for Licensure

PURPOSE AND EFFECT: To update, reorganize, and add questions to the licensure application in accordance with legislation passed during the 2009 Session.

SUMMARY: This rule incorporates the revised application form including questions required by Section 456.0635(2), Florida Statutes.

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: 490.015 FS.

LAW IMPLEMENTED: 490.005(2), 490.006 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3250

THE FULL TEXT OF THE PROPOSED RULE IS:

64B21-500.002 Application Form Required for Licensure.

Any person desiring a license to practice school psychology either through endorsement or by examination shall apply to the Department of Health. The application shall be made on incorporated by reference form DH-MQA 1067, (11/09) (2/09) Application for School Psychology Licensure, which can be obtained from the Department of Health, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3255 or at http://www.doh.state.fl.us/mqa/schoolpsych.

Rulemaking Authority 490.015 FS. Law Implemented 490.005(2), 490.006 FS. History--New 4-13-82, Amended 2-11-85, Formerly 21U-500.02, Amended 6-21-92, Formerly 21U-500.002, 61E9-500.002, Amended 11-13-02, 5-13-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Allen Hall

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana M. Viamonte Ros, M.D. M.P.H.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 18, 2009

DEPARTMENT OF HEALTH

Optical Establishments

RULE NO.: 64B29-1.001
RULE TITLE: Optical Establishment Registration
PURPOSE AND EFFECT: To update, reorganize, and add questions to the permit application in accordance with legislation passed during the 2009 Session.

SUMMARY: This rule incorporates the revised application form including questions required by Section 456.0635(2), Florida Statutes.

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: 456.004, 456.037, 456.072, 484.007(3), 484.013(4), 484.014(4) FS.

LAW IMPLEMENTED: 456.004(1), (5), 456.025(7), 456.072, 484.007(3), 484.013(4), 484.014(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B29-1.001 Optical Establishment Registration.

(1) Except as provided in Section 484.018, F.S., every person desiring to operate an optical establishment in this state must submit a completed MQA Form # OE-001, Application for Optical Establishment Permit, effective November 2009, ~~October 1, 1996~~ incorporated herein by reference, which can be obtained from the Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, or at www.doh.state.fl.us/mqa/optionary to the Department of Health along with a non-refundable application fee of \$100.00.

(2) through (5) No change.

Rulemaking Specific Authority 456.004, 456.037, 456.072, 484.007(3), 484.013(4), 484.014(4) FS. Law Implemented 456.004(1), (5), 456.025(7), 456.072, 484.007(3), 484.013(4), 484.014(4) FS. History—New 11-25-96, Formerly 59EE-1.001, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sue Foster

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana M. Viamonte Ros, M.D. M.P.H.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 11, 2009

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-2.032
 RULE TITLE: Optional State Supplementation Eligibility Criteria

PURPOSE AND EFFECT: The proposed rule amends language regarding the referral of residents who receive Optional State Supplementation.

SUMMARY: The language in the proposed rule refers residents who receive Optional State Supplementation to adult family care homes and provides the resident with an adult family care home referral notice.

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: 409.212(7) FS.

LAW IMPLEMENTED: 409.212, 429.67(8) FS;

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

DATE AND TIME: January 5, 2010, 2:30 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pat Whitford, Economic Self-Sufficiency Services, Telephone (850)410-3479

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-2.032 Optional State Supplementation Eligibility Criteria.

(1) An eligible individual must be age 65 or older, or age 18 or older and blind or disabled as defined by Title XVI of the Social Security Act. Federal disability criteria are found at 20 C.F.R. § 416.20 ~~CFR 416~~.

(2) No change.

(3) An eligible individual must be a United States citizen or a qualified non-citizen as defined in 8 U.S.C. § 1641(b) ~~8 USC s. 1641(b)~~.

(4) An eligible individual must have income within standards established by the Department ~~department~~ in subsection 65A-2.036(3), F.A.C.

(5) No change.

(6) An individual must apply for and seek a determination of eligibility for all other monetary benefits for which they may be entitled or otherwise potentially eligible as required by federal regulation 20 C.F.R. § 416.210 ~~20 CFR s. 416.210~~ for the SSI program and by federal regulation 42 C.F.R. § 435.608 ~~42 CFR s. 435.608~~ for the Medicaid program.

(7) An eligible individual must be living in a licensed Assisted Living Facility (as defined in Section 429.02(5) ~~400.402~~, F.S.); a licensed Adult Family Care Home (as defined in Section 429.65(2) ~~400.618~~, F.S.); or, a licensed Mental Health Residential Treatment Facility (as defined in Section 394.67(22) ~~394.875~~, F.S.). Additionally, the facility must meet

the individual's needs based on objective medical and social evaluations and care plans, in accordance with Chapter 58A-5, 58A-14 or 65E-4, F.A.C., respectively.

(8) Pursuant to Section 429.67(8), F.S., the Department of Children and Families will refer residents who receive Optional State Supplementation to adult family care homes by providing the resident with the CF-ES 2202, PDF 08/2009, Adult Family Care Home Referral Notice (incorporated by reference).

~~(9)~~ When appropriated Optional State Supplementation funding is insufficient to meet fiscal demands, a proportional reduction will be applied to Optional State Supplementation payments, but shall not affect maintenance of effort required per ~~s. 1618~~ of the Social Security Act § 1618.

(10) Copies of the form incorporated by reference in this rule are available from the ACCESS Florida Headquarters Office at 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700 or on the Department's web site at <http://www.dcf.state.fl.us/DCFForms/Search/DCFFormSearch.aspx>.

Rulemaking Specific Authority 409.212(7) FS. Law Implemented 409.212, 429.67(8) FS. History—New 1-1-77, Amended 9-29-81, 10-31-83, Formerly 10C-2.32, Amended 9-30-86, Formerly 10C-2.032, Amended 12-16-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Nathan Lewis

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: George H. Sheldon

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 19, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 2, 2009

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

RULE NOS.:	RULE TITLES:
65G-4.0021	Tier Waivers
65G-4.0022	Tier One Waiver
65G-4.0023	Tier Two Waiver
65G-4.0024	Tier Three Waiver
65G-4.0025	Tier Four Waiver

PURPOSE AND EFFECT: To comply with Section 393.0661(3), F.S., requiring the Agency to implement a four-tiered waiver system to serve clients with developmental disabilities.

SUMMARY: Section 393.0661(3), F.S. requires that the agency shall assign all clients receiving waiver services through a developmental disabilities waiver to a tier based on a

valid assessment instrument, client characteristics, and other appropriate assessment methods. These rules will implement that requirement.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: There are approximately 50,000 individuals who may be affected by this new rule. This number includes individuals who (1) have qualified for services under the Developmental Disabilities Waiver System and are on the Waitlist and (2) those who are receiving services under the Waiver.

The Agency for Persons with Disabilities will incur an estimated cost of \$2,823,731.00 to implement this rule. These costs will cover Contracted Professional Services, Other Personal Services, and Expense. The implementation of this rule will not impose a cost on another state agency or local government entity and will not affect state or local revenues.

No Transactional costs have been identified.

The Agency determined the proposed rule will not have an impact on small business or any small county.

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: 393.0661(3) FS.

LAW IMPLEMENTED: 393.0661(3) 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 7 days before the workshop/meeting by contacting: Celeste Sanders, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)922-0371. If you are 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: Celeste Sanders, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)922-0371

THE FULL TEXT OF THE PROPOSED RULES IS:

65G-4.0021 Tier Waivers.

(1) The Agency for Persons with Disabilities will assign clients of home and community-based waiver services for persons with developmental disabilities to one of the four Tier Waivers created by Section 393.0661, F.S. The Agency will determine the Tier Waiver for which each client is eligible and assign the client to that waiver based on the developmental disabilities waiver criteria and limitations contained in the

following provisions: Sections 409.906(13) and 393.0661, F.S.; and Rules 59G-13.080 and 59G-13.083, F.A.C. These criteria include:

(a) The client's needs in functional, medical, and behavioral areas, as reflected in the client's approved cost plan.

(b) The client's cost plan as developed through Agency evaluation of client characteristics, the Agency approved assessment process, support planning information, and the Agency's prior service authorization process.

(c) The services listed below in paragraph (5), when authorized in an approved cost plan, shall be key indicators of a tier assignment because they directly reflect the level of medical, adaptive or behavioral needs of a client.

(d) The client needs considered in tier assignments are only those services approved through the prior service authorization process to be medically necessary;

(e) The client's current living setting; and

(f) The availability of supports and services from other sources, including Medicaid state plan and other federal, state and local programs as well as natural and community supports.

(2) As part of the assessment process, the Individual Cost Guidelines (ICG) and the Questionnaire for Situational Information 4.0 (QSI) are hereby adopted by the Agency as valid and reliable assessment instruments. The ICG and the QSI are available at: <http://apd.myflorida.com/waiver/qsi-version-4.pdf>, or <http://apd.myflorida.com/waiver/>. The ICG is only valid for tier assignments through December 31, 2009. The QSI is valid in all other instances.

(3) The services described by the Developmental Disabilities Waiver Services Coverage and Limitations Handbook, July 2007 (available at: [http://portal.flmmis.com/FLPublic/Portals/0/StaticContent/Public/HANDBOOKS/CL_08_070701_Waiver_DevSev_ver1%203%20\(2\).pdf](http://portal.flmmis.com/FLPublic/Portals/0/StaticContent/Public/HANDBOOKS/CL_08_070701_Waiver_DevSev_ver1%203%20(2).pdf) or <http://apd.myflorida.com/waiver/> (hereinafter referred to as the "DD Handbook"), adopted by Rule 59G-13.083, F.A.C. and incorporated herein by reference, are available to clients of the Developmental Disabilities Waiver (hereinafter called "the Tier One Waiver"), the Developmental Disabilities Tier Two Waiver (hereinafter called "the Tier Two Waiver"), and Developmental Disabilities Tier Three Waiver (hereinafter called "the Tier Three Waiver"). The following services described in the DD Handbook are available to clients assigned to the Tier Four Waiver (presently known as The Family and Supported Living Waiver):

(a) Adult Day Training;

(b) Behavior Analysis;

(c) Behavior Assistance;

(d) Consumable Medical Supplies;

(e) Durable Medical Equipment;

(f) Environmental Accessibility Adaptations;

(g) In-Home Support Service;

(h) Personal Emergency Response System;

(i) Respite Care;

(j) Support Coordination;

(k) Supported Employment;

(l) Supported Living Coaching; and

(m) Transportation.

(4) For all Tiers the client must utilize all available State Plan Medicaid services including, but not limited to, personal care assistance, therapies, medical services, and nursing services, that duplicate the waiver services proposed for the client; the client must also utilize all services available through other state and federal programs and any private benefits available to the client. A client shall not be provided waiver services that duplicate available State Plan Medicaid Services including, but not limited to, personal care assistance, therapies, medical services, and nursing services.

(5) The Agency will review a client's tier eligibility when a client has a significant change in circumstance or condition that impacts on the client's health, safety, or welfare or when a change in the client's plan of care is required to avoid institutionalization. The information identifying and documenting a significant change in circumstance or condition that necessitates additional or different services must be submitted by the client's Waiver Support Coordinator to the appropriate Agency Area office for determination.

(6) The following services, if approved through the Agency's prior authorization process, will be used as the basis for making a tier assignment or determining whether a tier change is required:

(a) Personal Care Assistance;

(b) Behavior Analysis;

(c) Behavior Assistance;

(d) Supported Living Coaching;

(e) In-home Supports;

(f) Skilled, Residential or Private Duty Nursing Services;

(g) Intensive Behavioral Residential Habilitation Services;

(h) Behavior Focus Residential Habilitation Services at the moderate or above level of support;

(i) Behavior Focus Residential Habilitation Services at the minimal level of support;

(j) Standard Residential Habilitation at the extensive 1, or higher, level of support;

(k) Standard Residential Habilitation at the moderate level of support;

(l) Live-in Residential Habilitation;

(m) Special Medical Home Care;

(n) Occupational Therapy;

(o) Physical Therapy;

(p) Speech Therapy;

(q) Respiratory Therapy;

(r) Specialized Mental Health Services; or

(s) ADT at the 1:1 ratio.

(7) In determining tier level assignment for clients with behavioral needs, the Agency may consider less costly services not listed in paragraph (5) for those clients who choose less costly services to address a documented behavioral need.

Rulemaking Authority 393.0661(3) FS. Law Implemented 393.0661(3) FS. History--New _____.

65G-4.0022 Tier One Waiver.

(1) The Tier One Waiver is limited to clients that the Agency has determined meet at least one of the following criteria:

(a) The client's needs for medical or adaptive services are intense and cannot be met in Tiers Two, Three, and Four and are essential for avoiding institutionalization, or

(b) The client possesses behavioral problems that are exceptional in intensity, duration, or frequency with resulting service needs that cannot be met in Tiers Two, Three, and Four, and the client presents a substantial risk of harm to themselves or others.

(2) Tier One shall include, but is not limited to clients who are authorized by the Agency to receive the following services which are defined in the DD Handbook:

(a) 180 hours or more of intensive Personal Care Assistance;

(b) Supported Living Coaching and In-home Supports, in combination with any of the following additional services: Physical Therapy, Occupational Therapy, Respiratory Therapy or Behavior Analysis;

(c) Behavior analysis and Behavior Assistance services of sixty or more hours per month, if living in the family home; or

(d) Four or more hours of continuous Nursing Services.

(3) Clients living in a licensed residential facility receiving any of the following services, defined in Rule 59G-13.084, F.A.C., shall be assigned to the Tier One Waiver:

(a) Intensive Behavioral Residential Habilitation services;

(b) Behavior Focus Residential Habilitation services at the moderate or above level of support; or

(c) Standard Residential Habilitation at the extensive 1, or higher, level of support; or

(d) Special Medical Home Care, as defined in the DD Handbook.

(4) Needs for services described in subsections (2) and (3) that can be met through the Tier Two, Tier Three, or Tier Four Waivers are not "services" or "service needs" that support assignment to the Tier One Waiver.

Rulemaking Authority 393.0661(3) FS. Law Implemented 393.0661(3) FS. History--New _____.

65G-4.0023 Tier Two Waiver.

The total budget in a cost plan year for each Tier Two Waiver client shall not exceed \$55,000. The Tier Two Waiver is limited to clients who meet the following criteria:

(1) The client's service needs include placement in a licensed residential facility and authorization for a moderate level of support for standard residential habilitation services or a minimal level of support for behavior focus residential habilitation services as defined in the DD Handbook; or

(2) The client is in supported living and is authorized to receive more than six hours a day of in-home support services. Supported living and in-home support services are defined in the DD Handbook.

Rulemaking Authority 393.0661(3) FS. Law Implemented 393.0661(3) FS. History--New _____.

65G-4.0024 Tier Three Waiver.

The total budget in a cost plan year for each Tier Three Waiver client shall not exceed \$35,000. A client must meet at least one of the following criteria for assignment to the Tier Three Waiver:

(1) The client resides in a licensed residential facility and is not eligible for the Tier One Waiver or the Tier Two Waiver; or

(2) The client resides in their own home, is authorized by the Agency to receive in-home support services and is not eligible for the Tier One Waiver or the Tier Two Waiver and the need for these services cannot be met in Tier Four; or

(3) The client is authorized by the Agency to receive personal care assistance services at the standard or moderate level of support as defined in the DD Handbook.

(4) The client is authorized by the Agency to receive Skilled or Private Duty Nursing Services and is not eligible for the Tier One Waiver or the Tier Two Waiver; or

(5) The client is authorized by the Agency to receive services of a behavior analyst and/or a behavior assistant and the need for these services cannot be met in Tier Four.

(6) The client is authorized by the agency to receive the combined services of a behavior analyst and/or a behavior assistant for more than 60 hours per month and is not eligible for the Tier One Waiver or the Tier Two Waiver.

(7) The client is authorized by the agency to receive at least one of the following services:

(a) Occupational Therapy;

(b) Physical Therapy;

(c) Speech Therapy; or

(d) Respiratory Therapy.

(8) All services described in this rule are defined in the DD Handbook.

Rulemaking Authority 393.0661(3) FS. Law Implemented 393.0661(3) FS. History--New _____.

65G-4.0025 Tier Four Waiver.

(1) The total budget in a cost plan year for each Tier Four Waiver client shall not exceed \$14,792 per year.

(2) Clients who are not eligible for assignment to the Tier One Waiver, the Tier Two Waiver, or the Tier Three Waiver shall be assigned to the Tier Four Waiver:

Rulemaking Authority 393.0661(3) FS. Law Implemented 393.0661(3) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Celeste Sanders, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)922-0371

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jim DeBeaugrine, Director, Agency for Persons with Disabilities, 4030 Esplanade Way, Tallahassee, Florida 32399

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 2, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 25, 2009

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF TRANSPORTATION

RULE NOS.:	RULE TITLES:
14-26.0041	Definitions and Terms
14-26.00411	Procedure for Issuance of Permits
14-26.0042	Exemption from Permit Requirements
14-26.00425	Criteria for Issuance of Permits
14-26.0043	Multi-State Travel
14-26.0044	Interstate Movements
14-26.0051	Criteria for Issuance of Permits (Transferred to 14-26.00425)
14-26.006	Procedure for Issuance of Road Use Permits (Transferred to 14-26.00411)
14-26.007	Liability of Permittee
14-26.008	Schedule of Fees
14-26.009	Exemptions from Fee Requirement
14-26.0091	Tire Requirements
14-26.010	Weight Limitations
14-26.011	Waiver of Axle Limitations
14-26.012	Movement Conditions and Restrictions
14-26.013	Permits to Move Buildings
14-26.01311	Permits to Move Sealed Containerized Loads
14-26.014	Non-Compliance
14-26.015	Penalties

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 34, August 28, 2009 issue of the Florida Administrative Weekly.

The Proposed Rules for Rule Chapter 14-26, F.A.C., did not contain some of the language to be stricken from the rules language. The published rule did, however, contain all new proposed language. The complete rule language, including language to be stricken is published below.

14-26.0041 Definitions and Terms.

All terms in this rule chapter shall have the same meaning as defined in Section 316.003, F.S., except that “Department” shall refer to the Department of Transportation. Additionally, the following terms are defined: As used in this Rule Chapter, the following terms shall have the following meanings:

(1) “Applicant” means a person or entity requesting a permit. “Agricultural” means pertaining to, or dealing with husbandry, agriculture, or farm, including horticulture, floriculture, dairying, poultry, livestock, and other commodities with a situs of production upon the farm.

(2) “Axle Spacing Measurements” means the measurement between the centers of the axles as measured from center-to-center of wheel hubs.

(3) “Escort” means a person authorized in the manner prescribed in subsection 14-26.012(3), F.A.C., to perform accompanying duties for overweight or overdimensional vehicles. “Blanket Permit” means the same as “Multi-Trip Permit.”

~~(4) “Daytime Hours” is as defined by Section 316.003(7), F.S. Movement is prohibited at any time when visibility is impaired due to smoke, fog, rain, or visibility is less than 1,000 feet.~~

~~(5) “Department’s Permit Office” means the Permit Section State Maintenance Office, Florida Department of Transportation, with offices located in Tallahassee, Florida. Mailing address is:~~

~~Florida Department of Transportation
Permit Section
605 Suwannee Street, M.S. 62
Tallahassee, Florida 32399 0450.~~

~~(6) “Emergency Move” means movement is necessary anytime life or property is in danger, requiring immediate response.~~

~~(4)(7) “Escort Vehicles” means a separate vehicle independent of the permitted vehicle, equipped with a working, amber warning light device located on top of the escort vehicle, and operated by a qualified escort, law enforcement escort, or any combination shown in Rule 14-26.012, F.A.C.~~

~~(5)(8) “Excluding Weekends and Holidays” means movement on Saturday and Sunday is limited to the period of time beginning one-half hour before sunrise and ending at~~

12:00 Noon, and is prohibited all day on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, the day after Thanksgiving, and Christmas. If any of these holidays fall on Saturday, the preceding Friday shall also be observed as a holiday. If any of these holidays fall on a Sunday, the following Monday shall also be observed as a holiday. ~~When any of these holidays are observed on a day other than the calendar date of that holiday, the observed dates shall be recognized as a holiday for the purposes of this requirement. Further, when additional days are observed around the calendar date of the holiday, such as the day before and the day after Thanksgiving, Christmas, and New Year's Day, the additional observed date(s) shall be recognized as a holiday for the purposes of this requirement.~~

~~(6)(9) "Expired Permit" means a trip permit which has lapsed for less than 24 hours or a multi-trip permit which has lapsed for less than 30 days; all other lapsed permits shall cause the vehicle to be considered to be operating without a permit.~~

~~(7)(10) "External Bridge" (also called "outer bridge") or "outer bridge" means the distance from the center of the front steering axle of the vehicle (or combination of vehicles) to the center of the last axle of the vehicle (or combination of vehicles).~~

~~(8)(11) "Fifth Wheel" means a device mounted on a truck tractor or similar towing vehicle (e.g., converter dolly) which interfaces with and couples to the upper coupler assembly of a semitrailer, mechanism designed to couple a semi-trailer to a truck tractor which supports the forward portion of the semi-trailer and is designed to allow swivel or turning of the trailer at the point located over the rear axles of the truck.~~

~~(9)(12) "Flag" means a red or florescent orange device at least 18 1/2 inches square made of red or florescent orange cloth or plastic used to warn approaching traffic of a safety hazard.~~

~~(13) "Gross Vehicle Weight Rating" (GVWR) means the loaded weight of a single vehicle specified by the manufacturer and as provided in 49 C.F.R. Section 383.5.~~

~~(14) "Gross Weight" means the total weight imposed on the road surface by all axles on the vehicle, including weight of the vehicle and any load thereon.~~

~~(10) "Government Entity" means a unit of government, or any officially designated public agency or authority of a unit of government, that has the responsibility for planning, construction, operation, maintenance, or jurisdiction over transportation facilities.~~

~~(15) "Implement of Husbandry" is as defined in Section 316.003(16), F.S.~~

~~(11)(16) "Inner-Bridge" means the distance between the centers of any two or more consecutive axles on a vehicle (or combination of vehicles) traveling on the interstate system only, exclusive of the external bridge, refers to the following: For the Interstate Highway System, inner-bridge legal weight~~

~~limits are established. There is a weight limit for the truck tractor portion of the truck tractor/semi-trailer combination and a weight limit for the latter part of the combination. The extreme axle distances for each of the two portions are both designated as inner-bridge limits. The inner-bridge for the truck tractor portion is the distance from the center of the steering axle to the center of the last truck tractor axle. The inner-bridge for the latter portion is the distance from the center of the rear axle of the tractor or the center of the first axle of the rear axle group of the tractor to the center of the last axle of the trailer.~~

~~(12)(17) "Kingpin Setting" means the distance between the kingpin or other peg which locks into the fifth wheel and the center of the rear axle or the center of the rear axle grouping group (whichever applies).~~

~~(13)(18) "Law Enforcement Escort" means any vehicle, including police motorcycles, recognized as police vehicle equipped with a permanent, external, blue light bar and operated by a police officer as defined in Section 316.003(32), F.S., operating any vehicle owned by a law enforcement agency using blue or red and blue warning lights to accompany an oversize/overweight vehicle. A law enforcement escort may be used in place of a qualified escort. However, a qualified escort may not be used in place of a law enforcement escort.~~

~~(19) "Legal Loads" means the truck and item being hauled do not exceed the maximum length, width, height, and weight limitations established in Florida Statutes.~~

~~(20) "Limited Access Facility" is as defined in Section 316.003(19), F.S.~~

~~(14)(21) "Local Moves" means hauling not more than a 50 mile radius from the point of origin.~~

~~(22) "Local Road" means a route providing service which has relatively low average traffic volume, short average trip length or minimal through traffic movements, and high land access for abutting property.~~

~~(15)(23) "Manufactured Building" or "modular building" means a closed structure, building assembly, or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems made for installation or erection as a finished building or part of a finished building, which shall include, but not be limited to residential, commercial, institutional, storage, and industrial structures. The term includes buildings not intended for human habitation such as lawn storage buildings and storage sheds made and assembled offsite by a manufacturer certified in conformance with Section 553.381, F.S. is as defined in Section 553.36(11), F.S.~~

~~(16)(24) "Manufactured Home" means is as defined in Section 320.01(2)(b), F.S.~~

~~(25) "Maximum Dimension" means the maximum out-to-out dimensions of the vehicle and load thereon, including all protrusions.~~

~~(17)~~(26) “Mobile Home” means is as defined in Section 320.01(2)(a) ~~553.36(12)~~, F.S.

~~(18)~~(27) “Multiple Loading” means the placing of more than one item on a vehicle so as to cause the overall measurements to exceed in a manner which exceeds the maximum length, width, height, or weight limitations established in Sections 316.515 and 316.535, F.S.

~~(19)~~(28) “Multi-Trip Permit” or “blanket” or “annual permit” means authorization a permit issued to allow authorize multiple trips for a period not to exceed 12 months. ~~With the exception of inner-bridge and wrecker permits, multi-trip permits shall not be used in combination with other permits.~~

~~(20)~~ “Non-Routine Permit” means authorization issued with a structural evaluation or override authorization.

~~(21)~~ “Overdimensional” or “oversize” means any vehicle configuration, including the load, which exceeds the limitations provided in Section 316.515, F.S.

~~(22)~~(29) “Overhang” means that portion of a load or vehicle attachment that projects beyond the front or rear wheels of a vehicle or the front or rear bumper of a vehicle if it is equipped with a front or rear bumper.

~~(23)~~ “Overweight” means any vehicle configuration, including the load, which exceeds the limitations provided in Section 316.535, F.S.

~~(24)~~ “Permit Office” means the Permit Section of the Office of Maintenance, Florida Department of Transportation, with offices located in Tallahassee, Florida. Website: www.fdotmaint.com/permit/.

~~(25)~~(30) “Permittee” means the applicant person to whom an oversize/overweight permit is issued.

~~(26)~~ “Routine Permit” means authorization issued by the Department for an overweight or overdimensional load that did not require a structural evaluation, local movement restrictions, or override authorization.

~~(31)~~ “Qualified Escort” means a person qualified to perform escort duties who has been qualified in the manner prescribed in Section 14-26.012(1)(b) and (c), F.A.C.

~~(27)~~(32) “Self-Propelled Equipment” means a single rigid frame unit propelled with its own power source; which does not transport a divisible load, and includes equipment such as earth handling equipment, cranes (which may include a dolly attachment), derricks, and fire trucks.

~~(33)~~ “Semi-trailer” is as defined in Section 316.003(46), F.S.

~~(34)~~ “Straight Truck” is as defined in Section 316.003(70), F.S.

~~(35)~~ “Trailer” is as defined in Section 316.003(58), F.S.

~~(28)~~(36) “Trip Permit” means authorization a permit issued to allow a single authorize hauling of a load from point of origin to destination, one trip only. ~~With the exception of inner-bridge and wrecker permits, trip permits shall not be used in combination with other permits.~~

~~(37)~~ “Truck” is as defined in Section 316.003(59), F.S.

~~(29)~~(38) “Truck Crane” means any ~~motorized truck~~ vehicle (which may include a dolly attachment) designed and constructed to be used primarily for lifting, lowering, or traversing while operating from either a secure stationary position, or in a rolling position if specifically designed for rolling operation.

~~(39)~~ “Truck Tractor” is as defined in Section 316.003(60), F.S.

~~(40)~~ “Unrestricted Movement” means ~~movement is allowed all days, all hours.~~

~~(30)~~(41) “Valid Permit” means a special permit authorization issued pursuant to Section 316.550, F.S., including attachments thereto, that has been issued by the Department and that has not been altered, changed, or otherwise modified, except unless in writing by the Department, accompanied by original issuing authority and such written amendment accompanies the original permit.

~~(42)~~ “Vertical Height Indicator” means a device located on the escort vehicle used to determine vertical clearance. This device must be manufactured of non-conductive and non-destructive material and must be a minimum of 6 inches higher than the load being escorted.

~~(31)~~(43) “Warning Light” means an electrical lighting device located on permitted vehicle and escort vehicles, used to warn all approaching traffic of a possible safety hazard. The device shall be any one or combination of the following:

- ~~(a)~~ Rotating;
- ~~(b)~~ Strobe;
- ~~(c)~~ Flashing.

~~(32)~~(44) “Warning Sign” means a sign device, located on permitted vehicle and escort vehicles, used to warn all approaching traffic of a possible safety hazard.

~~(33)~~(45) “Wrecker Permit” means a special permit authorization issued for the operation of a wrecker where the combined weight of the wrecker plus towed disabled vehicle exceeds the maximum weight established by Section 316.535, F.S. It may be used in combination with a disabled vehicle’s permit.

Rulemaking Specific Authority 316.550(5), 334.044(2) FS. Law Implemented 316.515(5), 316.550 FS. History—New 9-15-87, Amended 7-21-91, 6-23-96, 11-10-98, _____.

14-26.00411 Procedure for Issuance of Permits.
(Moved from 14-26.006).

(1) Purpose. The purpose of this ~~r~~Rule ~~c~~Chapter is to protect the public safety, to reduce interference with traffic flow on state owned highways and structures maintained roads, and to preserve the state’s transportation facilities by providing standards and procedures to govern issuance of permits for overweight and overdimensional vehicles and loads operating over state owned roadways and structures maintained roads. ~~All Department actions taken pursuant to this Rule Chapter~~

~~shall be in accordance with Chapter 120, Florida Statutes. The These rules of this rule chapter apply to all persons or entities, companies, or organizations operating overweight and overdimensional vehicles and loads not specifically exempt under Chapter 316, F.S., over state maintained roads.~~

(2) Intent. It is the intent of the Department to require that all reasonable steps be taken to reduce the vehicle load to legal limits of weight and dimensions. ~~The Permits for overweight and overdimensional vehicles and loads are intended for a single item load which cannot reasonably be dismantled or disassembled and which cannot reasonably be shipped by rail, water, or air. The Department encourages shipment of overweight or overdimensional loads by rail or water whenever possible.~~

(3) The administration of these rules is assigned to the Department's Permit Office, located in Tallahassee, Florida, whose mailing address is:

Florida Department of Transportation
Permit Section
605 Suwannee Street, M.S. 62
Tallahassee, Florida 32399-0450

Travel authorization and/or permits for travel on local roadways and structures must be obtained from local authorities.

(4) Permitting Process. Payment for permits shall be in cash, by cashier's check, personal or company check, money order, credit card, or bond/escrow account. Permit requests must be received at least ten business days before scheduled movement for non-routine permits. The applicant must complete all required fields on Form 850-040-02, Request for Special Road Use Oversize/Overweight Blanket Permit Application or Request For Special Road Use Oversize/Overweight Trip Permit Application, rev. 08/09, incorporated herein by reference and provide the following: When requesting a permit, the following information should be furnished three days before the proposed date of movement:

- ~~(a) Requested date for permit to begin.~~
- ~~(b) Date and time request was made.~~
- ~~(c) Type of vehicle/vehicle combination to be permitted (Example: truck, special mobile equipment, factory home, tractor/trailer, truck/trailer, etc.).~~
- ~~(d) Method of movement (Example: hauled, towed, or self-propelled).~~
- ~~(e) Name and phone number of permittee/applicant.~~

(a)(f) Total gross weight of vehicle/vehicle combination to include permitted load if over legal weight. Otherwise, the applicant must state that the gross weight is legal.

(b)(g) External bridge Extreme axle measurement and individual axle spacings of vehicle/vehicle combination (center of hub to center of hub) if over legal weight.

~~(c)(h) Total number of axles and total weight on each axle of vehicle/vehicle combination if over legal weight. Otherwise, the applicant must state that the axle weights are legal.~~

~~(d)(i) Total wWidth of vehicle and/or load at widest point if over legal requirements.~~

~~(e)(j) Total length of the vehicle/vehicle combination and/or load from front to rear to include front and rear overhang. If there is any overhang, separate measurements are to be provided in addition to the total length.~~

~~(f) Total height of the vehicle and/or load from the pavement to the highest point of the vehicle and/or load.~~

~~(g)(k) Description of load to be transported.~~

~~(l) Origin and destination of load.~~

~~(h)(m) Requested route(s) of travel containing should contain detailed information, such as state highway and interstate route numbers.~~

~~(n) Permit applications, other than requests for multi-state permits, must be on Form 850-040-02, Request for Special Road Use Permit, Rev. 08/98, incorporated herein by reference. Copies of this form are available from the Department's Permit Office.~~

(5) No permit will be issued until it has been verified that the route can accommodate the vehicle and load. The Department is responsible for verifying the load carrying capacity of the route. The applicant is responsible for verifying adequate vertical (height) and horizontal (length and width) clearance. Permit applications requesting a height greater than 15 feet and/or a width greater than 22 feet shall be supported by an affidavit from the applicant. The affidavit must include the name of the transporting company, the signature of the applicant, a statement verifying that the route has been surveyed, and clearances exceed the requested permitted dimension by a minimum of 6 inches for height and 2 feet on each side for width. The surveyed route and the route shown on the application must be identical. The survey must be completed by a qualified escort as described in this rule or a driver with a valid Commercial Driver's License. Special Request. A request requiring structural analysis must be submitted in writing at least ten working days before proposed date of movement. In addition to the information required for issuance of a permit, a schematic of vehicle showing all spacings, axle weights, and dimensions must be provided.

(6) Structural Evaluation. In addition to the information required for issuance of a permit, a schematic of the vehicle showing all longitudinal and transverse spacings, axle weights and dimensions must be provided at least ten business days before a proposed move when the vehicle's gross weight exceeds 199,000 pounds so that a structural analysis can be performed. Applicants, whose vehicles have a gross weight of less than 199,000 pounds, will be required to provide a schematic as well when an Engineer of the Office of Maintenance, Bridge Section, determines that a structural

~~analysis is needed. Multi-Trip Permits. With the exception of “inner bridge” multi-trip permits, all multi-trip permits include a Department map and list indicating routes over which the permitted vehicle and load can or cannot travel. In order for the permit to be valid, the map and list must be attached to the permit. With the exception of an “inner bridge” and wrecker permit, multi-trip permits shall not be used in combination with other permits.~~

~~(7) Operational use of permits. A valid permit is defined in subsection 14-26.0041(4), F.A.C. The configuration and weight(s) of a vehicle and its load traveling under a special permit must match the configuration and weight(s) described on the permit and any authorized amendments to that permit. For vehicles traveling under a trip permit, the vehicle or load must match either the truck tag number, trailer tag number, vehicle identification number, the bill of lading number, or the load identification number identified in the permit; for vehicles traveling under a multi-trip permit, the vehicle type and load must match the vehicle type and load described in the permit. Under both types of permits, the permitted vehicle’s size, weight, number of axles, axle spacings, and any unique characteristics must comply with the limits for that item if addressed in the permit or any amendment to that permit.~~

~~Rulemaking Specific Authority 316.550, 334.044(2) FS. Law Implemented 316.515, 316.535, 316.550 FS. History—New 8-26-82, Formerly 14-26.06, Amended 9-15-87, 7-21-91, 6-23-96, 11-10-98,_____.~~

14-26.0042 Exemption from Permit Requirements.

Certain dimensional (width, height, length) exemptions from permit requirements are enumerated in Section 316.515, F.S. and Section 316.535, F.S. Exempted entities ~~Entities so exempted~~ are also ~~exempt~~ exempted from the requirements for qualified escorts. No permit exemptions are allowed for weight.

~~Rulemaking Specific Authority 316.550, 334.044(2), 316.535 FS. Law Implemented 316.515(5)(a), 316.535(6) FS. History—New 9-15-87, Amended 7-21-91, 4-19-94, 6-23-96, 11-10-98,_____.~~

14-26.00425 Criteria for Issuance of Permits.

(Moved from 14-26.0051)

~~(1) The Department must consider interference with traffic flow, effect on public safety, and the preservation of state maintained roads. The Department shall consider the following criteria when exercising the discretion to issue or deny a permit evaluating permit requests and when prescribing conditions limiting which limit the use of said permit:~~

~~(a) All details relevant to the proposed move as presented by the applicant and as requested by the Department.~~

~~(a)(b) Whether the load can be reasonably dismantled or disassembled;~~

~~(b)(e) Protection of the motoring public from traffic hazards created by the movement of overweight and overdimensional vehicles or loads on state owned highways and structures; maintained roads~~

~~(c)(d) Prevention of The convenience and comfort of the other motorists including undue delays in the normal flow of traffic;~~

~~(d)(e) Prevention of damage to the highway pavement, facilities, and structures;~~

~~(e)(f) Assistance needed for by persons, companies, or organizations with special transportation problems involving excess size or weight;~~

~~(f)(g) Whether vehicle(s) meet the Department’s established minimum axle load and axle spacing requirements based upon structural analysis of the bridge structures to be crossed;~~

~~(g)(h) The number of lanes, width of lanes, and the condition of the pavement to be traversed;~~

~~(h)(i) The number, adequacy, and availability of access routes;~~

~~(j) The adequacy of the width of the driving lanes to be used;~~

~~(i)(k) The number and types of accidents and fatalities occurring on the roads of the proposed route;~~

~~(j)(l) The shoulder conditions and widths on the proposed route;~~

~~(k)(m) The average daily volume of traffic;~~

~~(l)(n) The volume of traffic during peak periods;~~

~~(m)(o) The number of traffic signals per mile;~~

~~(n)(p) The frequency of necessary vehicular lane changes;~~

~~(o)(q) The availability of emergency lanes;~~

~~(p) Temporary conditions such as construction or impending adverse weather;~~

~~(q)(r) The applicant’s certification of available vertical clearance on the proposed route for all loads/vehicles over 15 feet high;~~

~~(r) The applicant’s certification of available horizontal clearance on the proposed route for all loads/vehicles over 22 feet wide;~~

~~(s) The applicant’s previous permit compliance history: Failure to comply with this Rule Chapter when operating overweight or overdimensional vehicles or loads over state maintained roads pursuant to previously issued permits, consistent with the provisions of Section 316.550(5), F.S.;~~

~~(t) Other items which affect traffic flow or safety: Failure to comply with the permitting requirements of this Rule Chapter.~~

~~(u) All details relevant to the proposed move as presented by the applicant and as requested by the Department.~~

~~(2) Override Authority. Authority to override Sections 316.550 and 336.535, F.S. Florida Statutes, and Rule Chapter 14-26, F.A.C.~~

(a) ~~Normal legal vehicle and load dimensional and weight operations consist of operating within maximum width, height, length, and weight limitations as addressed in Sections 316.515 and 316.535, Florida Statutes. However Pursuant to Section 316.550, F.S., those in authority over the Department of Transportation operations, such as the Governor, Secretary of the Department of Transportation, Assistant Secretary for Engineering and Operations Transportation Policy, and the State Highway Engineer have powers by which they, in extenuating circumstances, may authorize the Department's Permit Office to issue permits for vehicles or loads not specifically authorized by statute or rule, thereby exceeding the normal daily operational safety standards and procedures of Sections 316.515 and 316.535, F.S. Chapter 316, Florida Statutes and Rule Chapter 14-26, F.A.C.~~

(b) ~~To obtain a permit for vehicles or loads not specifically authorized in this rule chapter, an applicant must include, with the permit application, a letter of essentiality from a government entity or the ultimate recipient of an essential service, providing justification for issuance of a non-routine permit. A letter from the hauler, distributor, or manufacturer will not be accepted. The letter must verify that the load has been reduced to the smallest size possible, cannot be shipped by any other means of transportation, and state why the move is essential in the interest of public safety, national defense or other extenuating circumstances. These permits must be:~~

- ~~1. Initiated with a letter signed by the person in authority authorizing issuance of the permit.~~
- ~~2. Documented in the Department's Permit Office files.~~
- ~~3. Concurred with by state coordinators (military and civilian) listed in the Department of Army's Mobilization Movement Control (MOBCON) Coordinators directory for all military defense movements.~~

(c) ~~The applications, supporting documentation, authorizations, and permits will be documented and maintained by the Department.~~

(d)(e) ~~In case of Emergencies, Upon a Governor's Declaration of Emergency, in order to allow response to the emergency, and after safety considerations, the Department may temporarily suspend certain permit restrictions by issuing an emergency permit letter.~~

- ~~1. Authorized persons may verbally authorize permit issuance, if authorization is documented with a letter within 48 hours with a letter to be filed in the Department's Permit Office files.~~
- ~~2. All military defense movement operations need concurrence with state coordinators (military and civilian) listed in the Department of Army's Mobilization Movement Control (MOBCON) Coordinators directory.~~

(d) ~~Under no circumstances shall a permit be issued until it has been verified that the route can accommodate the vehicle and load. The Department is responsible for verifying the load carrying capacity of the route. The applicant is responsible for verifying adequate vertical and horizontal clearance. Permit applications requesting a height greater than 15 feet shall be supported by an affidavit from the applicant. The affidavit must include the name of the transporting company, the signature of the permittee, and a statement verifying that the route has been surveyed, and clearances exceed the requested permitted dimension by a minimum of 6 inches, thereby allowing all loads to clear the route safely. The surveyed route and the route shown on the application must be identical.~~

~~Rulemaking Specific Authority 316.550, 334.044(2) FS. Law Implemented 316.515, 316.550, 316.565, 334.044(27) FS. History--New 9-15-87, Amended 6-23-96, 11-10-98, _____.~~

~~14-26.0043 Multi-State Travel SASHTO Agreement on Multi State Permitting of Oversize and Overweight Vehicles.~~

~~The Southeastern Association of State Highway Transportation Organizations (SASHTO) Multi-State Permit Agreement For Oversize and Overweight Vehicles, Rev. 08/03 Agreement on Multi State Permitting of Oversize and Overweight Vehicles, dated August 21, 2003, dated July 26, 1994, and the standard permit application form, approved therein, entitled "Multi State Overweight/Oversize Application/Permit", and effective November 22, 1994, are hereby incorporated by reference and made a part of the rules of the Department. The Florida Department of Transportation, representing the State of Florida, is a member state to of SASHTO and signator to the agreement. Copies of this agreement may be obtained at no more than cost pursuant to the provisions of Section 120.53(2), F.S., by contacting Florida Department of Transportation, State Permits Engineer, 605 Suwannee Street, Mail Station 62, Tallahassee, Florida 32399-0450. Permittees seeking permits for multi-state moves which include travel in the State of Florida must either apply for permits pursuant to the SASHTO Agreement on Multi-State Permitting of Oversize and Overweight Vehicles, or apply for permits under the provisions otherwise provided in this rule chapter.~~

~~Rulemaking Specific Authority 316.550 FS. Law Implemented 316.550, 320.0104(2) FS. History--New 11-22-94, Amended _____.~~

The following rule is hereby repealed:

14-26.0044 Interstate Movements.

~~Rulemaking Specific Authority 316.550, Law Implemented 316.550, 310.0104(2) FS. History New 3-28-95, Repealed _____.~~

14-26.007 Liability of Permittee.

Permits are granted with the specific understanding that the permittee shall be responsible and liable for any damage to state roadways and structures ~~accident, damage or injury to any person or property resulting from the operation of the equipment, including escorts, upon public streets and highways of the state.~~ The permittee shall hold blameless and harmless and shall indemnify the State of Florida Department of Transportation and members thereof, its officers, agents and employees against any and all claims, demands, loss, injury, damage, actions and costs of actions whatsoever, which they or any of them may sustain by reason of any and all unlawful or negligent ~~negligent~~ acts of omission or commission arising in any manner out of the issuance of the permit or the operation of the vehicle, load, or escort and load.

(1) In order to obtain a permit to operate a vehicle or combination of vehicles and load in excess of the legal height, legal length, and a width, or weight limitations of 316.515, F.S., or 316.535, F.S., ~~of ten feet six inches,~~ the permittee will be required to have one of the following:

(a) Insurance in the amount of \$100,000 per person and \$200,000 per accident or occurrence for property damage; or

(b) A bond in the amount of \$100,000 per person and \$200,000 per accident or occurrence made payable to ~~the~~ Governor of the State of Florida.

(2) Permittees operating a commercial motor vehicle as defined in Section 207.002(2), F.S., shall be required to comply with the minimum insurance requirements of Section 627.7415, F.S.

Rulemaking Specific Authority 316.550, 334.044(2) FS. Law Implemented 316.535, 316.550, 316.560 FS. History—New 8-26-82, Formerly 14-26.07, Amended 9-15-87, Repromulgated 4-22-92, Amended 6-23-96, _____.

14-26.008 Schedule of Fees.

The following schedule of fees shall be charged by the Department ~~of Transportation~~ for permits for overweight and/or overdimensional vehicles operating on state owned roadways and bridges maintained roads:

TABLE 1A- SCHEDULE OF FEES FOR OVERDIMENSION PERMITS		
	TRIP PERMIT 5 Days	MULTI-TRIP 12 Months
(1) OVERDIMENSION		
(a) † Straight † Trucks and † Semi-truck-tractor-trailer.		
Up to 12 † Feet † Wide, or up to 13 † Feet 6 † Inches † High or up to 85 † Feet † Long.	\$5.00	\$20.00
Up to 14 † Feet † Wide or up to 14 † Feet 6 † Inches † High or up to 95 † Feet † Long.	\$15.00	\$150.00
Up to 14 † Feet † Wide or up to 18 † Feet † High or up to 120 † Feet † Long.	\$25.00	\$250.00
Over 14 † Feet † Wide or over 18 † Feet † High or over 120 † Feet † Long.	\$25.00	NOT ISSUED
(b) † Overlength † Qualifying † Semi-trailers of † Legal † Width, † Height, and † Weight, † Which † Exceed 53 † Feet in † Length up to 57 feet 6 inches in length or overlength semi-trailer with kingpin setting greater than 41 feet. (Movement Allowed all Days and All Hours).	\$10.00	\$30.00
(c) † Overlength Semi-trailer with Greater than 41 feet Kingpin Setting (legal Width, Height, and Weight).	\$10.00	\$30.00
(c)(d) † Truck † Crane or † Earth † Handling † Equipment † Moving under † Own † Power, up to 12 † Feet † Wide or 14 Feet 6 † Inches † High, or 85 † Feet † Long.	\$15.00	\$150.00
(e)(d) † Trailers or † Equipment † Towed with † Ball or † Pintle (i.e., Mobile Homes, Modular Buildings, Trailer Chassis, Swimming Pools, Boats, Portable Buildings).		
Up to 10 Feet † Wide or up to 13 † Feet 6 † Inches † High or up to 80 † Feet † Long.	\$5.00	\$20.00
† Up to 12 Feet † Wide or up to 13 † Feet 6 † Inches † High or up to 105 † Feet † Long.	\$5.00	\$330.00
† Up to 14 Feet † Wide or up to 14 † Feet 6 † Inches † High or up to 105 † Feet † Long.	\$15.00	\$500.00
† Over 14 Feet † Wide or over 14 † Feet 6 † Inches † High or over 105 † Feet † Long.	\$25.00	NOT ISSUED
† Towed Farm Equipment (local Moves Only).	\$25.00	\$250.00
† SPECIFIED ROUTES ONLY – When applicable, the specified routes shall be on the permit.		
† Maximum Length 105 feet providing the length of the towed housing does not exceed 81 feet including all overhangs and tongue.		
NOTE: All permitted dimensions (length, height, width) must be within limits shown for permit fee.		

TABLE 1B – SCHEDULE OF FEES FOR OVERWEIGHT VEHICLES		
	TRIP PERMIT 5 Days	MULTI-TRIP 12 Months
(2) OVERWEIGHT		
(a) Up to 95,000 pounds.	\$0.27 Per Mile	**\$240.00
(b) Up to 112,000 112,100 pounds.	\$0.32 Per Mile	**\$280.00
(c) Up to 122,000 pounds.	\$0.36 Per Mile	**\$310.00
(d) Up to 132,000 pounds.	\$0.38 Per Mile	**\$330.00
(e) Up to 142,000 pounds.	\$0.42 Per Mile	**\$360.00
(f) Up to 152,000 pounds.	\$0.45 Per Mile	**\$380.00
(g) Up to 162,000 pounds.	\$0.47 Per Mile	**\$400.00
(h) Up to 199,000 Over 162,000 pounds.	\$0.003 Per 1,000 Pounds Per Mile	\$500.00 NOT ISSUED
(i) Over 199,000 pounds.	\$0.003 Per 1,000 Pounds Per Mile	NOT ISSUED
(j)(+) Containerized Cargo Unit.	\$0.27 Per Mile	\$500.00
(k)(+) Overall Wheel Base (Inner Bridge/External Bridge).	\$10.00	\$35.00
(3) SPECIAL PERMIT FEES		
Transmission Fee	\$5.00	NOT APPLICABLE NA

~~*SPECIFIED ROUTES ONLY~~ When applicable, the specified routes shall be on the permit.
 **Dimensions greater than 12 feet wide or 13 feet 6 inches high or 85 feet long will have an additional dimension fee with a combined fee not to exceed \$500.00.
 NOTE: For weights over 80,000 pounds [Items (2)(a) through (h) above], add an administrative cost of \$3.33 for issuance of permit ~~by the Permit Office,~~ which does not include the costs charged by wire services for their services. Permit fees shall be based on 25 mile increments rounded up to the nearest dollar. Example: A 112,000 pound load traveling 67.5 miles would cost (75 miles X \$0.32) plus \$3.33 = \$27.33 rounded up to \$28.00 in addition to the \$5.00 transmission fee when applicable.

Rulemaking Specific Authority 316.550, 334.044(2) FS. Law Implemented 316.550 FS. History--New 8-26-82, Formerly 14-26.01, Amended 12-6-83, Formerly 14-26.08, Amended 9-15-87, 7-21-91, Amended 4-22-92, 3-1-94, 6-23-96, 11-10-98,_____.

14-26.009 Exemptions from Fee Requirement.

The following entities governmental agencies are exempt from the fee requirements specified in Rule 14-26.008, F.A.C., above:

- (1) The United States Government.
- (2) Departments of the State of Florida.
- (3) The Florida National Guard.
- (4) Counties.
- (5) Cities.
- (6) Municipalities.
- (7) Special taxing districts.

(8) Seminole Tribe as “Tribe” is defined in Chapter 285, F.S.

(9) Any person or entity moving portable public school buildings.

(10) Implement of husbandry, farm equipment, agricultural trailers and forestry equipment.

(11) Movement of loads in response to a Governor’s Declaration of Emergency.

The above entities or agencies are exempt from the fee requirements ~~requirement~~ only when being operated for non-commercial purposes. ~~The overweight/overdimensional permit is issued, in the name of an entity or a governmental agency and when the vehicles are being operated for non-commercial purposes by the entities or agencies. Proof may be required to verify the identity of the entity or agency. The fee will be waived in all cases where the movement of~~

~~portable public school buildings is contemplated, regardless of where the title rests to the vehicles used in the movement. In the event of officially declared state or national emergencies, permit fees will be waived by the Department where it is determined that the movement is necessary to provide timely support. These vehicles must obtain an overweight and/or overdimensional permit to operate on state owned roadways.~~

~~Rulemaking Specific Authority 316.550 FS. Law Implemented 316.550, 316.565 FS. History–New 8-26-82, Formerly 14-26.09, Amended 6-23-96, 11-10-98, _____.~~

14-26.0091 Tire Requirements.

(1) Each axle must have tires of the same size and construction. Tires must be properly inflated for the load to be carried. In no event shall any tire, wheel or rim exceed the manufacturer’s maximum load-carrying limit. Tires and tire usage must be consistent with the requirements of 49 C.F.R., Section 393.75, rev. 10/08, as required by Section 316.302(1), F.S.

(2) A vehicle equipped with dual tires may have the dual tires replaced by a single tire so long as the vehicle, axle, and tire load ratings are not exceeded.

(3) No tire may exceed 550 pounds per inch of tire section width (plus scale tolerance) as defined by the rating molded in the tire sidewall. For example, a designation of 445/50R22.5 designates a tire section width of 445 mm (17.5 inches).

~~Rulemaking Authority 316.302(1), 334.044(2) FS. Law Implemented 316.302(1), 316.535(6) FS. History–New _____.~~

The following rule is hereby repealed:

14-26.011 Waiver of Axle Limitations.

~~Rulemaking Specific Authority 316.550 FS. Law Implemented 316.550 FS. History–New 8-26-82, Amended 12-6-83, Formerly 14-26.11, Amended 11-10-98, Repealed _____.~~

14-26.012 Movement Conditions and Restrictions.

(1) Operational use of permits. The configuration and weight(s) of a vehicle and its load traveling under permit must match the configuration and weight(s) described on the permit and any authorized amendments to that permit. For vehicles traveling under a trip permit, the vehicle or load must match either the truck tag number, trailer tag number, vehicle identification number, the bill of lading number, or the load identification number identified in the permit. Vehicles traveling under a multi-trip permit, the vehicle type and load must match the vehicle type and load described in the permit. Under both types of permits, the permitted vehicle’s size, weight, number of axles, axle spacings, and any unique characteristics must comply with the limits for that item if addressed in the permit or any amendment to that permit. Trip permits are valid only for those routes specified in the permit. Multi-trip permit vehicles are not allowed to travel on any restricted bridges or any restricted roadways identified in the

permit or its attachments. No vehicle may cross any posted bridge when the vehicle exceeds the prescribed limits of the bridge.

(2) Multi-Trip Permits. With the exception of “inner-bridge” multi-trip permits, all multi-trip permits include a Department map and list indicating routes over which the permitted vehicle and load can travel. The map and list must remain attached to the permit. With the exception of “inner-bridge” and wrecker permits, multi-trip permits shall not be used in combination with other permits.

(3)(4) Escorts accompanying overdimensional loads as required by permit or pursuant to subsection 14-26.012(6), (7), or (8), F.A.C., are limited to:

(a) Law enforcement escorts.

~~1. For nighttime moves.~~

~~2. When required by permit pursuant to Rule 14-26.012(6), (7), or (8), F.A.C.~~

~~3. Must be a currently certified law enforcement person having jurisdiction within the State of Florida.~~

(b) Escorts qualified by another state state’s authorizing agency, provided that the other state has equal or more stringent standards as those required by Florida for qualified escorts and the escort has been qualified or re-qualified within the past four years.

(c) Qualified escorts.

~~1. Up to and including July 1, 2000, escorts qualified by successfully completing a Department worksite traffic course currently offered by sponsors approved by the Department’s Maintenance of Traffic Committee will be allowed to escort overdimensional loads. Such sponsors are selected according to prior experience and performance record in presenting instruction courses, demonstrated course content and methods of instruction, familiarity with state and federal standards, and familiarity with Department goals and objectives for the training to be presented.~~

~~2. After July 1, 2000, the Department Worksite Traffic Course will no longer be recognized and will be replaced by a requirement to complete an Escort Qualification Course offered by Department approved sponsors.~~

~~3. Mandatory requirements:~~

~~1.a. Must be at least 18 years of age and must possess a valid driver’s license in the state or jurisdiction in which he or she is a resident.~~

~~2.b. Must have successfully completed a minimum eight hour defensive driving course as provided by a National Safety Council qualified instructor or hold a currently valid Commercial Driver’s License (CDL) (Class A, B, or C). The instructor shall not be an employee of the employing escort service.~~

~~3.e. Must have successfully completed a minimum eight hour pilot/escort flagging course in management of highway movements or oversize vehicles and loads and must be qualified to perform such functions within Florida or any other~~

~~state in the nation.~~ The qualification must be current and must be from an entity approved by the Department based upon that entity's course content, methods of instruction, and familiarity with state and federal standards.

~~4.d.~~ Shall maintain in his or her possession, for prompt presentation upon request by a law enforcement person or Department representative, a copy or copies of the qualification document or documents verifying completion of the required qualification courses, ~~required in Rule 14-26.012(2)(b)2. and 3., F.A.C., above.~~

~~5.e.~~ Shall be requalified every four years by successfully completing a four hour Department approved refresher course.

~~(2)(4) Escort Vehicle and Equipment Requirements for Qualified Escorts Non-Law Enforcement Escort Vehicles.~~

~~(a) Qualified escorts and flagpersons may, when actively escorting permitted loads, perform necessary traffic control functions as defined in Section 316.079(2), Florida Statutes.~~

~~(a)(b) Escort Vehicles.~~

1. Escort vehicle(s) must be a single unit vehicle with a gross vehicle weight rating of at least weighing more than 2,000 pounds and with a manufacturer's gross vehicle weight rating less than 26,000 45,000 pounds. ~~The vehicle~~ must be properly licensed, registered, and ~~must be~~ operated by a qualified escort.

2. Identification signs or placards showing the name of the company or the owner or driver of the escort vehicle must be in a conspicuous place on both the right and left sides of the escort vehicle. The signs or placards shall be at least 8 inches x 12 inches, or contain the equivalent square inches, and shall also contain the telephone number of the owner or driver plainly legible and visible to the motoring public.

3. All escort vehicles must be equipped with high visibility rotating, strobe or flashing class 2 Class 2 amber warning lights mounted so as to be seen by all approaching traffic at a distance of at least 500 feet that meet (Society of Automotive Engineers Recommended Practice) SAE J845 or SAE J1318, incorporated herein by reference. Copies of this document are available from the Department's Permit Office.

4. Escort vehicles shall display either a bumper mounted or a roof mounted yellow sign (or may display both) reading "OVERSIZE LOAD" with black letters with a minimum brush stroke of 10 inches high and 1 1/2 inches wide, which must be visible from front and rear.

5. Two flags, either red or fluorescent orange in color, which must be at least 18 42 inches x 18 42 inches, shall be mounted at approximately a 40 to 70 degree angle on the escort vehicle's roof rack.

(b) On board Equipment. During escort operations, all escort vehicles shall have onboard the following equipment and such equipment shall be in working order:

1. Operable two-way electronic communications. Qualified escorts must be in radio contact with load drivers at all times during movements.

2. Two fire extinguishers (minimum five pounds each).

3. "STOP" and "GO" or "STOP" and "SLOW" ~~paddles~~ paddle a (minimum 18 inches in diameter with 6 inch high letters).

4. A high visibility, flourescent class 2 sSafety orange vest for flagging during daytime hours or, shirt, or jacket a high visibility, fluorescent class 3 safety vest when flagging at night.

5. One hand-held flag, either red or fluorescent orange in color, which must be at least 18 42 inches x 18 42 inches.

6. Two warning signs oversized load banners (yellow with black lettering) with a minimum brush stroke of 10 inches high and 1 1/2 inches wide (for use if the permitted vehicle or load loses its sign(s)). Each warning sign shall have a total dimension of not less than 7 feet long by 18 inches high. These signs shall be used in the event the permitted vehicle or load loses its sign(s).

7. Hard hat ~~(no color specified).~~

8. Three 36 inch reflective triangles or 18 inch traffic cones. Traffic cones must be reflective if used at night.

9. For over height loads, the lead vehicle must have a vertical height indicator, i.e., height pole used to determine vertical clearance. This device must be manufactured of non-conducive and non-destructive material and must be positioned at a height of at least 6 inches above the height of the load being escorted.

~~10. Additional equipment recommended, but not mandated:~~

~~a. Hand held two way electronic communications~~

~~b. Flares or approved alternatives.~~

~~c. Map(s)~~

~~d. Height indicator for all loads.~~

~~(5)(3) Escort Functions. Escorts are required to watch and direct traffic or the load to ensure public safety. Escorts may, when actively escorting permitted loads, perform necessary traffic control functions as defined in Section 316.079(2), F.S. Florida Statutes. No escort or escort vehicle may be used to perform any other function that could distract from the escort responsibilities. The total number of escorts required will be determined based upon safety considerations. If In cases where one qualified escort is required for an over width load, the qualified escort shall should precede the load on two lane highways or follow the load on four lane divided highways. In cases where If two qualified escorts are required, one must precede the load and one must follow. If the load is over length only, the escort vehicle shall should be in the rear of the load at all times. Qualified Escorts shall operate no more than 300 feet in front of or behind the load unless road conditions or permit stipulations dictate otherwise. Escort vehicles in the process of escorting a permitted vehicle or load must proceed through weigh stations and must not bypass such stations.~~

~~(6)(4) Other Safety Requirements and Restrictions for on he Permitted Load/ and Vehicle.~~

(a) ~~Flags.~~ Flags shall be clean, have high visibility, and be at least ~~18 1/2~~ inches x ~~18 1/2~~ inches. They shall be displayed so as to wave freely on all four corners of ~~the vehicle over width loads~~ and at the extreme ends of all protrusions, projections, or overhangs.

(b) Warning Lights.

~~1. Required Display.~~ All ~~V~~vehicles or loads exceeding ~~10 ten~~ feet in width, ~~80~~ feet in length (or over 3 feet of front overhang for self-propelled equipment), or 14 feet 6 inches in height shall have warning lights: ~~which shall:~~

~~1.a. Be high visibility rotating, strobe or flashing amber warning lights; and~~

~~2.b. Be mounted so as to be seen by all approaching traffic at a distance of at least 500 feet.~~

~~2. Description.~~ Warning lights shall be Class 2 amber warning lights that meet SAE J845 or SAE J1318.

~~3. Mounting.~~ Warning lights are to be mounted so as to be seen by approaching traffic at all distances between 500 feet and 50 feet under clear atmospheric conditions.

(c) Warning Signs.

1. Required Display. All ~~V~~vehicles or loads exceeding 10 feet in width, ~~80 feet in exceeding legal length (or 60 feet in length for self-propelled equipment), or 14 feet 6 inches in height, or exceeding legal overhang~~ must display two warning signs. ~~Voids (holes) can be cut in warning signs for lights.~~

2. ~~Description.~~ Each warning sign shall:

~~a. Ceonsist of black letters 12 inches high with a brush stroke of not less than 1 1/2 inches wide on a yellow background.~~

~~b. The sign shall Sstate "OVERSIZE LOAD."~~

~~c. Each warning sign shall Hhave a total dimension of not less than 7 feet long by 18 inches high.~~

~~3. Location.~~

~~d. One sign shall Bbe fastened with one sign at the front of the power unit and the other at the rear of the towed unit or at the rear of the load. Voids (holes) may be cut in warning signs as sSigns must not cover any vehicle light or reflector.~~

(d) Movement During Periods of Poor Visibility. No travel is allowed when ~~road conditions, weather conditions or~~ horizontal visibility is less than 1,000 feet. Vehicles which are underway when inclement weather occurs must exit the road at the first available safe location and park ~~in a safe place~~ until the weather clears or until road conditions improve.

(e) Movements on Weekends and Holidays. Unless otherwise noted on the permit, movements are prohibited on weekends and holidays. ~~A At the request of a government entity, meeting when~~ the criteria of Rule 14-26.0051, F.A.C., ~~are met, movement~~ shall be allowed to travel all days, all hours ~~with a valid permit.~~

(f) ~~Nighttime movement Unrestricted Movement.~~ When the criteria of Rule 14-26.00425 and 14-26.012, F.A.C., are met, trip or multi-trip permits shall be issued providing: Movement other than daytime hours must comply with the following requirements:

1. Nighttime travel is recommended by the Department's District Traffic Engineering Office(s) or determined to be a requirement of the permit by the Office of Maintenance.

2. Law enforcement escort(s) are used.

3.1. Warning Steady burning, amber lights shall delineate the shape and size of the load.

4.2. The sides and rear of trailers and loads shall be lighted in the manner prescribed in 49 C.F.R. Sections 393.11 through 393.26, as required by Section 316.302(1)(a), F.S Florida Statutes.

3. Qualified escorts will be required when, based upon a consideration of the nature of the load, the road to be traveled, the area to be traversed, and the time of travel, it is determined that a qualified escort is necessary to ward or direct traffic or the load.

(7) Permitted vehicles must proceed through all open weigh stations. All vehicles, including vehicles equipped with an automatic vehicle identification system, must stop at the weigh station when directed by a motor carrier compliance officer or other law enforcement officer.

(8)(5) Width Limitations.

(a) Vehicles Limitations up to 10 Feet. When the criteria of Rule ~~14-26.00425 14-26.0051~~, F.A.C., are met, trip or multi-trip permits shall be issued. Movement is permitted all days, during daytime hours only. Flags are required.

(b) Vehicles oOver 10 Feet up to 12 Feet. When the criteria of Rule ~~14-26.00425 14-26.0051~~, F.A.C., are met, trip or multi-trip permits shall be issued. Movement permitted daytime hours only, excluding weekends and holidays. Flags, warning signs, and warning lights are required. Except for local moves, this is the maximum width allowed on a straight truck.

(c) Vehicles oOver 12 Feet up to 14 Feet. When the criteria of Rule ~~14-26.00425 14-26.0051~~, F.A.C., are met, trip or multi-trip permits shall be issued. Movement is permitted during daytime hours only, excluding weekends and holidays; as defined by Rule 14-26.0041(8), F.A.C. Flags, warning signs, and warning lights are required. Except for local moves, minimum 26,001 pound registered GVW vehicle is required. A mMinimum of one escort vehicle, with qualified escort, is required at all times.

1. All manufactured buildings, manufactured homes, mobile homes, modular buildings, sheds, and swimming pools shall use a minimum of four warning lights mounted, with two in the front and two in the rear at each corner of the towed or hauled unit.

2. All other loads shall have a minimum of ~~two one~~ warning ~~lights light~~ mounted ~~with one on~~ at the front and one ~~warning light mounted at on~~ the rear of the load.

3. On roadway lanes less than 12 feet wide, bridges with less than 30 feet curb to curb, and in rural areas with traffic volume greater than 12,000 Average Daily Traffic (~~hereinafter~~ ADT) per lane or in urbanized areas (more than 50,000 population) with ADT greater than 8,000 vehicles per lane, two qualified escorts are required except on loads with a minimum of four warning lights mounted two ~~in~~ the front and two in the rear ~~at each corner~~ of the towed or hauled unit. ~~Flags, warning signs, and warning lights are required. Except for local moves, minimum 26,001 pound registered GVW vehicle required with minimum four tires on rear axle(s).~~

4. ~~No m~~Movement will be ~~allowed restricted~~ in congested areas during peak traffic hours ~~unless, based upon a consideration of the size and shape of the load and the anticipated times of travel through a congested area, the distance of travel in the congested area and the length and time of day of the peak traffic periods, it is shown that the safety and efficiency of state maintained roads will not be adversely affected.~~

(d) Vehicles oOver 14 Feet up to 16 Feet. When the criteria of Rule ~~14-26.00425 14-26.0051~~, F.A.C., are met, trip permits only shall be issued. Movement is permitted during daytime hours only, excluding weekends and holidays. Flags, warning signs, and warning lights are required. Except for local moves, minimum 26,001 pound registered GVW vehicle is required. Two escort vehicles, with qualified escorts, are required at all times during the move, one in the front and one in the rear of the load.

1. All loads consisting of manufactured buildings, manufactured homes, mobile homes, modular buildings, sheds, and swimming pools shall use a minimum of four warning lights mounted with two on the front and two on ~~in~~ the rear at each corner of the towed or hauled unit.

2. All other loads shall have a minimum of ~~two one~~ warning ~~lights~~ mounted ~~with one on~~ at the front and one on ~~warning light mounted at~~ the rear of the load. ~~Flags, warning signs, and warning lights are required. Permits will not be issued for two lane roadways except for delivery.~~

3. Two lane roadways shall not be used as a connector route whenever viable four lane routes are available. Requests for two lane roadways as connector routes may require justification from the customer and ultimate approval from the Department. No mMovement will be allowed may be restricted in congested areas during peak traffic hours.

4. The maximum width for manufactured buildings is 16 feet. ~~Except for local moves, minimum 26,001 pound registered GVW tow vehicle required.~~

(e) Vehicles oOver 16 Feet. When the criteria of Rule ~~14-26.00425 14-26.0051~~, F.A.C., are met, only trip permits only shall be issued. Same as criteria for “Vehicles oOver 14

Feet up to 16 Feet” except movement will be restricted to local moves ~~unless, based upon a consideration of the size and shape of the load, and the anticipated times of travel through a congested area, the distance of travel in the congested area, and the length and time of day of the peak traffic periods, it is shown that the safety and efficiency of state maintained roads will not be adversely affected. Applications for permits over 16 feet wide are subject to review by the Department’s District Traffic Engineering Office(s).~~

1. Law enforcement escort(s) shall be required for all moves.

2. ~~Items Item~~ must be moved by rail, air, or water when possible available.

3. Trip permit requests for vehicles over 22 feet wide will require an affidavit verifying that the proposed route has adequate horizontal clearance to accommodate the requested width in addition to two feet on each side.

~~(9)(6)~~ Height Limitations.

(a) Vehicles uUp to 14 Feet 6 Inches. When the criteria of Rule ~~14-26.00425 14-26.0051~~, F.A.C., are met, trip or multi-trip permits shall be issued. Movement is permitted all days, and all hours. Except for local moves, this is the maximum height for loads hauled on straight trucks. ~~Automobile transporters may obtain a trip or multi-trip permit for a load up to 14 feet high.~~

(b) Vehicles oOver 14 Feet 6 Inches up to 16 Feet. When the criteria of Rule ~~14-26.00425 14-26.0051~~ F.A.C. are met, trip or multi-trip permits shall be issued. Movement is permitted daytime hours only, excluding weekends and holidays, ~~as defined by Rule 14-26.0041(8), F.A.C.~~ Flags, warning signs, and warning lights are required. A minimum of two wWarning ~~lights light~~ are required; one mounted on the front and one on the rear of the load. An eEscort vehicle ~~traveling in front of the load with a vertical height indicator is required to precede the load. Trip permit requests for movement of vehicles over 15 feet high will require an affidavit verifying the proposed route has clearance to accommodate the requested height plus six inches. Movement over 16 feet will be restricted to local moves only with no movement allowed on limited access facilities unless, based on a consideration of the size and shape of the load and the anticipated times of travel through a congested area, the distance of the travel in the congested area and the length and time of day of the peak traffic periods, it is shown that the safety and efficiency of the state highway system will not be adversely affected. Law enforcement escort and utilities will be required whenever the load will encounter low barriers, such as overhead structures, traffic signals and low wires. Applications for both trip and multi-trip permits will be accepted. Multi-trip permits shall be limited to 18 feet.~~

(c) Vehicles oOver 16 Feet. When the criteria of Rule ~~14-26.00425 14-26.0051~~, F.A.C., are met, trip or multi-trip permits shall be issued. Multi-trip permits shall be limited to

~~vehicles up to 18 feet. Movement is permitted during daytime hours only, excluding weekends and holidays. Flags, warning signs, and warning lights are required. A minimum of two warning lights are required with one mounted on the front and one on the rear of the load. In addition, movement is will be restricted to local moves only, with no movement allowed on limited access facilities unless, based upon a consideration of the size and shape of the load, the anticipated times of travel through a congested area, the peak traffic periods, the distance of the travel in the congested area, and the length of the transported load, it is shown that the safety and efficiency of the state maintained road will not be adversely affected.~~

~~1. Trip permit requests for movement of vehicles over 15 feet high will require an affidavit verifying the proposed route has clearance to accommodate the request requested height plus six inches.~~

~~2. Two qualified escorts are required, a minimum of one must be law enforcement. One law enforcement escort in addition to one escort is required. One escort must precede the load with a vertical height indicator.~~

~~3. Appropriate utility personnel will also be required whenever the load will encounter low barriers; such as overhead structures, traffic signals, and low wires.~~

~~(10)(7) Length Limitations.~~

~~(a) Vehicles Limitations 65 feet up to 80 Feet. When the criteria of Rule 14-26.00425 14-26.0051, F.A.C., are met, trip or multi-trip permits shall be issued. Applicable to all permitted vehicles (combination vehicles, e.g., semi-trailer truck combinations, and straight trucks and trailers) and all hours. Minimum 26,001 pound registered GVW vehicle required. Movement is permitted all days; and all hours.~~

~~1. Rear overhang, as defined by Rule 14-26.0041(28), F.A.C., is limited to a maximum of 10 feet during nighttime movement unless otherwise stated on the permit.~~

~~2. When overhang exceeds 4 feet, a warning light is required on the top of the vehicle. At the extreme rear of the load there must shall be two red lamps and two red reflectors and on each side of the load shall be one red lamp. Each required warning lamp shall be visible from a distance of at least 500 feet.~~

~~(b) Vehicles Over 80 Feet. When the criteria of Rule 14-26.00425 14-26.0051, F.A.C., are met, trip or multi-trip permits shall be issued. Minimum 26,001 pound registered GVW vehicle required. Movement is permitted during daytime hours only, excluding weekends and holidays. Flags, warning signs, and warning lights are required. A minimum of two warning lights are required to be mounted: one on the front top of the vehicle and one on the rear of the load.~~

~~1. No movement will be allowed in congested areas during peak traffic hours for vehicles over 85 feet in length.~~

~~2. An eEscort vehicle(s) is required when the length exceeds 95 feet.~~

~~3. Truck tractor semi-trailers with three points of articulation are allowed up to 105 feet without an escort, vehicle.~~

~~4. Maximum length for a manufactured home, tractor combination is 105 feet provided the length of the towed housing does not exceed 81 feet, including all overhangs and tongue. Movement over 85 feet shall have time restrictions in areas with traffic volume greater than 12,000 ADT per lane or in urbanized areas (more than 50,000 population) with ADT greater than 8,000 vehicles per lane.~~

~~5. Two qualified escorts are required when the length exceeds 150 feet unless the vehicle is traveling on a limited access facility, then only one qualified escort is required.~~

~~6. One law enforcement escort and one qualified escort are required when the length exceeds 250 feet.~~

~~(c) Self-Propelled Equipment Length Limitations. When the criteria of Rule 14-26.00425, F.A.C., are met, trip or multi-trip permits shall be issued. For all self-propelled equipment, the boom must be fully retracted and all attachments removed. Nighttime movement requires that the front overhang has a minimum of 80 inches clearance above the roadway. In addition, no movement is allowed on limited access facilities with units designed for off road use. Flags and one warning light are required. In addition the following restrictions will apply:~~

~~1. Total length up to 40 Feet.~~

~~a. Front Overhang over 3 Feet up to 9 Feet. When the criteria of Rule 14-26.0051, F.A.C. are met, trip or multi-trip permits shall be issued. Movement may be permitted all days; all hours. Warning light is required to be mounted at the extreme end of the boom.~~

~~b. Front Overhang over 9 Feet. When the criteria of Rule 14-26.0051, F.A.C. are met, trip or multi-trip permits shall be issued. Movement is permitted daytime hours only unless required in direct support of emergency utility operations, all days. Flag and warning light required. Warning light is required to be mounted in such a way as to be seen by all approaching traffic.~~

~~1.2. Total length up to 60 50 Feet.~~

~~a. Front Overhang over 3 Feet up to 9 Feet. When the criteria of Rule 14-26.0051, F.A.C. are met, trip or multi-trip permits shall be issued. Movement is may be permitted on all days, all hours. A warning light is required to be mounted at the extreme end of the protrusion in such a way as to be seen by all approaching traffic boom.~~

~~b. Front Overhang over 9 Feet. When the criteria of Rule 14-26.0051, F.A.C. are met, trip or multi-trip permits shall be issued. Movement is permitted all days, during daytime hours only unless required in direct support of emergency utility operations, all days. Flag and warning light required. A warning light is required to be mounted at the extreme end of the protrusion in such a way as to be seen by all approaching traffic.~~

~~3. Total Length over 50 Feet up to 60 Feet. When the criteria of Rule 14-26.0051, F.A.C., are met, trip or multi-trip permits shall be issued. Movement permitted daytime hours only unless required in direct support of emergency utility operations, all days. Flags and warning light required. Warning light is required to be mounted in such a way as to be seen by all approaching traffic.~~

~~2.4. Total Length over 60 Feet up to 85 Feet Maximum. When the criteria of Rule 14-26.0051, F.A.C. are met, trip or multi-trip permits shall be issued. Movement is permitted during daytime hours only, excluding weekends and holidays. Flag and warning signs required. A warning light is required to be mounted at the extreme end of the protrusion in such a way as to be seen by all approaching traffic. The extreme end of the boom or block shall be painted high-visibility fluorescent for not less than five feet or equipped with a warning light mounted at the extreme end of the boom.~~

~~(11)(8) Multiple Loading. When the criteria of Rule 14-26.00425 14-26.0051, F.A.C., are met, trip or multi-trip permits only shall be issued. Multiple loading will be permitted providing:~~

~~(a) Multiple loading does not cause an increase in the overdimension being permitted (either width, length, or height) the dimensions of the load to exceed those limits established in Section 316.515, F.S., and~~

~~(b) Multiple loading does not cause the gross vehicle weight to exceed those limits established in Section 316.535, F.S. The other dimensional characteristics of the load remain within legal dimensions, and~~

~~(c) Legal weight (gross vehicle weight of vehicle tag) is not exceeded:~~

~~1. Legal weight may be exceeded when the gross vehicle weight does not exceed 100,000 pounds and no more than two overlength items are being carried by the permitted vehicle; and~~

~~(d)2. Vehicles will only be allowed to exceed the gross vehicle weight limits established in Section 316.535, F.S. when components:~~

~~1. Attachments (e.g. blade, rake, bucket, counterweights) that are a normal part of the permitted working equipment have been removed to reduce the size of the load for safety reasons. e.g. blade, rake. For example, a load consisting of a bulldozer along with an unattached blade and rake, both of which can be attached to the bulldozer, would be acceptable; however, a bulldozer may not be transported with two blades where only one blade can be attached for normal use on the bulldozer. Multiple attachments may be transported if they are attachable to the equipment and necessary for operation.~~

~~2. The gross vehicle weight does not exceed 100,000 pounds and no more than two overlength items are being hauled.~~

~~(12)(9) Designated Permits.~~

~~(a) An "Implements of Husbandry," will be issued trip or multi-trip permits for local moves on local roads in farming areas when, based upon a consideration of the size and shape of the load and the anticipated times of travel through a congested area, the distance of travel in the congested area and the length and time of day of the peak traffic periods, it is shown that the safety and efficiency of the state maintained roads will not be adversely affected. farm equipment, agricultural trailers, and forestry equipment are exempt by Section 316.515, F.S., from certain size requirements, however, these vehicles are not exempt from any overweight limitations set forth in Section 316.535, F.S. When the vehicle configurations exceed any of the weight limits described in Section 316.535, F.S., an overweight permit must be obtained from the Department.~~

~~(b) Movement of an empty truck tractor semi-trailers up to 11 feet in width and not over, not exceeding 105 feet in length, traveling on or within five miles of limited access roadways, when operating with an existing valid permit will be allowed to travel during nighttime hours. Warning lights are required to be mounted in such a way as to be seen by all approaching traffic. The truck tractor semi-trailer must be lighted in accordance with Florida Statutes and have at least one 360 degree amber warning light located on the top of the truck tractor, visible from front, rear, and sides. When traveling empty, it is acceptable to load extra axles and stingers may be hauled on the trailer onto the associated trailer to reduce overall dimensions for safety purposes.~~

~~(c) Semi-trailers greater than 53 feet up to but not exceeding 57 feet 6 inches in length may haul with no overhang of load in a truck trailer combination hauling a divisible load when operating in a truck tractor semi-trailer combination with a valid may obtain a trip or multi-trip permit when the criteria of Rule 14-26.0051, F.A.C. are met.~~

~~(d) Truck tractor semi-trailer combinations hauling automobiles/boats trailers may obtain a trip or multi-trip permit when the semi-trailer is greater than 50 feet up to 53 feet with an overall length not to exceed 80 feet inclusive of any overhang. This applies to both stinger and non-stinger steered vehicles.~~

~~(e) Straight truck and trailer combinations hauling automobiles/boat may obtain a trip or multi-trip permit when the trailer exceeds 28 feet with an overall length not to exceed 80 feet. No overhang is allowed.~~

~~(f) Trip or multi-trip permits will be issued to truck tractor semi-trailers combinations may obtain a trip or multi-trip permit to deviate from inner-bridge requirements when traveling on interstate highways and when the criteria of Rule 14-26.00425 14-26.0051, F.A.C., are met. These vehicles are not allowed to exceed the external bridge or The vehicle must comply with all outer bridge and axle weight limitations described in Section 316.535, F.S. requirements.~~

~~(10) Proceeding through Weigh Station. Escort vehicles in the process of escorting a permitted vehicle or load must proceed through weigh stations and must not bypass such stations.~~

~~(13)(14) Wrecker Permits.~~

~~(a) When the combined weight of the wrecker and disabled vehicle being towed exceeds the maximum weight limits established by Section 316.535, F.S., the wrecker must be operating under a current wrecker special use permit or permits as provided in Section 316.550(4), F.S. Florida Statutes.~~

~~(b) Escort requirements, if any, for towing disabled permitted vehicles shall be as prescribed in the original permit or amendment thereto for the towed vehicle.~~

~~(c) It is the responsibility of the wrecker operator to secure permits necessary to cover the attached load when otherwise required.~~

~~(d) In all instances where legal weight is exceeded, all available brakes on the towed vehicle will be functional and in operation at all times while being towed actuated.~~

~~(e) An illegally loaded vehicle shall not become legal by being attached to a permitted wrecker. A legally permitted wrecker shall not cause an illegally loaded vehicle to become legal by attaching to it.~~

~~(f) The combined gross vehicle weight of the wrecker and towed vehicle shall Blanket permits shall be issued, when the criteria of Rule 14-26.0051, F.A.C., are met, for weights not to exceed 132,000 pounds and lengths not to exceed 120 feet.~~

~~(g) The combined weight or length of the wrecker and the towed disabled vehicle) shall not exceed 120 feet.~~

~~(h) The permitted vehicle combination must be operated with attached map(s) showing acceptable routes for specific axle and vehicle configurations.~~

~~(i)(g) Trip permits shall be issued, When the criteria of Rule 14-26.00425 14-26.0051, F.A.C., are met trip permits shall be issued, if specific vehicle information concerning the number of axles, axle spacing, axle weights and specified route of travel are provided for the combination and vehicle weight (wrecker and disabled vehicle is provided.~~

~~Rulemaking Specific Authority 316.515, 316.550, 334.044(2) FS. Law Implemented 316.550, 334.044(27) FS. History–New 8-26-82, Amended 12-6-83, Formerly 14-26.12, Amended 9-15-87, 5-2-90, 7-21-91, 6-23-96, 11-10-98, _____.~~

14-26.013 Permits to Move Buildings.

~~Rulemaking Specific Authority 316.550, 334.044(2) FS. Law Implemented 316.550 FS. History–New 8-26-82, Formerly 14-26.13, Amended 7-21-91, 6-23-96, Repealed _____.~~

14-26.01311 Permits to Move Sealed Containerized Loads.

(1) Definitions. For the purposes of this rule:

(a) In accordance with Section 316.302(4), F.S., “~~Hazardous waste~~” or “~~hazardous materials~~” means ~~are those~~ as defined in Title 49, C.F.R., Part 171, Subpart A, Sec.171.8 172.504 Table 1 and hazard classes 2.1, 2.2, 3, 4.2, and 6.1 in Table 2.

(b) A “~~Sealed Ceontainerized Lload~~” means is a freight container as defined by the International Standards Organization, Series 1, Freight Containers – Classification, dimensions and ratings, ISO668-1988 [E], which freight container may or may not have wheels.

(c) “~~Destination point~~” means is the location where the packer’s seal or U.S. Customs’ seal is broken.

(d) “~~Point of origin~~” means is the location where the packer’s seal is affixed.

(2) General. ~~The Department shall treat a Sealed containerized loads load~~ being moved via a truck or trucks and rail in conjunction with a maritime shipment will be considered as a “nondivisible” load, eligible for an overweight or overdimensional permit, when the following conditions are met:

(a) The sealed ~~container~~ containerized load does not transport hazardous waste or hazardous materials, ~~as defined in subsection (1)(a).~~ exceptions for materials packaged as provided in which require placarding per Title 49, C.F.R., Part 172.101, Subpart F, as required by Section 316.302, F.S.; and Hazardous materials meeting these packaging exceptions will be eligible for overweight permits; and

(b) The sealed containerized load ~~container~~ is being moved by a vehicle qualified to do so under the provisions of this rule:

1. From a maritime port to the destination point; or
2. From a maritime port to a railroad facility for movement to the destination point; or
3. From the point of origin to a maritime port; or
4. From the point of origin to a railroad facility for movement to a maritime port; and

(c) The sealed containerized load ~~container~~ retains the original unbroken seal or a replacement U. S. Customs’ seal throughout its transit until reaching its destination point of destination.

~~(3) Unless at least one of the conditions in (2)(b) above is met, no sealed containerized load movements will be permitted under this rule for overweight loads moved by truck or truck and rail from one point to another within the state or from a point within the state to a point in another state.~~

~~(3)~~(4) Required On-Board Documents.

(a) The operators of vehicles transporting sealed containerized loads ~~by under the provisions of permits issued pursuant to this rule shall at all times have on board at least one of the following documents and under their control and available for inspection at least one of the following documents:~~

1. A short form master bill of lading;
2. A copy of an electronically transmitted way bill; or
3. A completed U.S. Customs Service Authority to move (Form 75-12) valid for the permitted load.

(b) The document(s) ~~in paragraph (a) required in Section 14-26.01311(3)~~ shall include the following readily identifiable information:

1. Consignor;
2. Point of origin;
3. Consignee;
4. Point of destination;
5. Either the number of the packer's cargo seal or the number of the U.S. Customs seal; and
6. A statement that the load being transported does not contain any hazardous material or that any hazardous material is packaged as provided in Title 49 C.F.R. Part 172.101 Hazardous Material Table as defined in Section 14-26.01311(1)(a).

(c) The document(s) ~~in paragraph (a) required in Section 14-26.01311(3)(a)~~ shall be in the form of a hard copy having a signature on each document authenticating the document or a certification signed and dated ~~or by an authorized agent of the permit holder stating that the attached documents are authentic. The required document(s) may be either originals or copies. Original documents shall bear original signatures and copies shall bear original signatures unless they bear a copy of a signature made before copying.~~

~~(4)~~(5) No Straight Trucks. Because of the nature of the load to be carried and the potential for increased wear to the highway from vehicles so loaded, no straight truck, as defined in Section 316.003(70), F.S., shall be eligible for a permit to haul sealed containerized loads ~~be issued pursuant to this rule.~~

~~(5)~~(6) Trip or Multi-Trip Permits. When applying for ordering a trip or multi-trip permit to transport sealed containerized loads, the hauler must furnish all relevant details on the proposed move to the Department's Permits Section. At a minimum, this shall include:

- (a) Maximum gross weight;
- (b) Axle spacing (center to center of each axle); ~~and~~
- (c) The total number of axles and total weight on each axle of the vehicle/vehicle combination;

~~(d)~~(e) The origin and destination of the highway move (for trip permits), specifying intersections at which the vehicle will enter and leave the State Highway System;

~~(e)~~(d) Either the number of the packer's cargo seal or the number of the U.S. Customs' seal; ~~and~~

~~(f)~~(e) The State highway(s) requested to be traveled (for trip permits); and

~~(f)~~ An affidavit providing:

~~(g)~~ 1. A reasonable description of the contents of the sealed containerized load to be moved, ~~under the requested trip permit;~~

~~2. A statement that movements under the requested trip permit will not contain any hazardous material as defined in paragraph (1)(a) of this rule; and 3. A statement that the sealed containerized loads to be moved under the requested trip permit will involve domestic maritime movements, international maritime movements or both;~~

~~(7)~~ Multi-Trip Permits. When requesting a multi trip permit, the applicant shall furnish the following details on the proposed move:

~~(a) The maximum gross vehicle weight (GVW) of the vehicle and load to be transported under the requested multi-trip permit; and~~

~~(b) The axle spacing from center to center of each axle of vehicles to be utilized under the requested blanket permit.~~

~~(c)~~ An affidavit providing:

~~1. A reasonable description of the probable cargo uses to be made of the sealed containers to be moved under the requested blanket permit;~~

~~2. A statement that movements under the requested trip permit will not contain any hazardous material as defined in (1)(a) of this rule; and~~

~~3. A statement that the sealed containerized loads to be moved under the requested trip permit will involve domestic maritime movements, international maritime movements or both;~~

~~(8)~~ Allowable Axle Weights. The gross weight imposed on the highway by the wheels of any axle of a vehicle operating under a permit issued pursuant to this rule shall not exceed the legal limit for the type of axle configuration being assessed as provided in Section 316.535, Florida Statutes.

~~(6)~~(9) Overall Gross Vehicle Weight. Vehicles operating under a permit issued pursuant to this rule shall not exceed an overall gross vehicle weight (GVW) of 95,000 pounds.

~~(7)~~(40) Axle Spacings. All vehicles operating under a permit issued pursuant to this rule shall meet the minimum axle spacing requirements described in the permit, dictated by structural analyses of the bridge structures to be involved.

~~(8)~~(41) Number of Axles. All vehicles operating under a permit issued pursuant to this rule shall have a minimum of five ~~full-time~~, load-bearing axles in operation at all times during movement.

~~(9)~~(42) Outer Bridge Length. All vehicles operating under a permit issued pursuant to this rule shall have an outer bridge length of 51 feet or greater ~~(the outer bridge length is described~~

~~in Section 316.535(3), Florida Statutes, as being the distance between the first and last axle of the vehicle or combination of vehicles, measured longitudinally to the nearest foot).~~

~~(13) The provisions of Sections 14-26.005 and 14-26.0051 shall not apply to permits to move sealed containerized loads.~~

~~Rulemaking Specific Authority 20.05(5), 120.53(1)(b), 316.550, 334.044(2) FS. Law Implemented 316.535, 316.550, 334.044(27) FS. History—New 9-14-93, Amended 6-23-96, _____.~~

14-26.014 Non-Compliance.

(1) Suspension or revocation of permits.

(a) The Department, for good cause, ~~will~~ may suspend for a specified period of time or revoke a ~~multi-trip blanket permit or a trip permit~~. Good cause ~~shall include~~ includes, but is not limited to ~~the following circumstances as follows:~~

1. The permittee fails to comply with the regulations of this rule chapter or the requirements of Florida Statutes.
2. ~~The permittee~~ The Department determines that has submitted a false, deceptive, or fraudulent permit application.
3. The permittee fails to comply with the terms of the permit.
4. The permittee travels on other than approved routes.
5. The permittee fails to submit a list of specified routes over which the load can or cannot travel, when required.
6. The permittee fails to pay fees/penalties owed to the Department or its agent(s).
7. The company has been placed out-of-service based upon a compliance review performed by Motor Carrier Compliance.
8. The Department determines that continued operation under an existing valid permit poses a safety issue for state owned bridges or roadways.

~~(b) Notice of the Department's intended action will be provided in accordance with Rule 28-106.111, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rules 28-106.104, 28-106.201, and 28-106.301, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule 28-106.111, F.A.C.~~

(2) Denial of future permits.

~~(a) In addition to a suspension or revocation of a current permit for good cause as set forth in subsection (1) of this rule, the Department, for good cause, as defined by paragraph (1)(a) of this rule, will deny issuance of future permits as follows:~~

VIOLATION	PERMIT DENIAL PERIOD
(a) First	Written warning
(b) Second	30 Days
(c) Third	90 Days
(d) Fourth	12 Months

~~(b) The Applicant shall be informed by written notice that the Department intends to deny the application for permit(s). Notice of the Department's intended action will be provided in~~

~~accordance with Rule 28-106.111, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rules 28-106.104, 28-106.201, and 28-106.301, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule 28-106.111, F.A.C.~~

~~Rulemaking Specific Authority 316.550, 334.044(2) FS. Law Implemented 120.569, 120.57, 120.60, 316.550 FS. History—New 8-26-82, Amended 12-6-82, 3-18-84, Formerly 14-26.14, Amended 9-15-87, 4-22-92, 6-23-96, 1-17-99, _____.~~

14-26.015 Penalties.

~~(1) Any vehicle in violation of any permit criteria, or operating without a permit where one is required, will be required to correct all offending irregularities or obtain a new permit based on the vehicle's actual load prior to release of the vehicle. Additionally, the following penalties for violation of permit requirements will apply:~~

~~(a) Vehicle operated WITH a special permit that has been FORGED or ALTERED shall be reported to the appropriate State Attorney's Office for filing of criminal charges as a prerogative of the said State Attorney.~~

~~(a)(b) An oversize or overweight vehicle eligible for a special permit but is being operated without a WITHOUT such permit will have penalties assessed in accordance with Section 316.545, F.S., for overweight vehicles and Section 316.515, F.S., for overdimensional vehicles.:~~

1. For overweight vehicles, the penalties as provided in Section 316.545, F.S.
2. For vehicles which exceed the dimensional criteria of Section 316.515, F.S., the penalties as provided in Section 316.516, F.S.
3. Where both overweight and overdimensional violations occur, both overweight and overdimensional penalties shall apply.
4. Prior to release of the vehicle, the driver shall either correct all offending irregularities or obtain a special permit in accordance with Section 316.550, F.S.

~~(c) An oversize or overweight vehicle not eligible for a permit. Penalties prescribed in paragraph (1)(b) shall apply, but the cited vehicle shall be detained until the load is modified or can be moved safely, as determined by the enforcement officer or Department weight inspector, as provided in Section 316.545(10), F.S.~~

~~(b)(d) A vehicle operated with WITH a valid special permit which exceeds the weight criteria EXCEEDS WEIGHT CRITERIA contained in the permit, will be assessed a the penalty for every per pound or portion thereof exceeding the permitted weight as provided in Section 316.545, F.S. Florida Statutes~~

~~(c)(e)~~ Δ ~~v~~Vehicle operated with ~~WITH~~ a valid special permit which exceeds the dimensional criteria EXCEEDS DIMENSIONAL CRITERIA contained in the permit, will be assessed a penalty for every foot or portion thereof exceeding to the extent that the violation exceeds the permitted dimension, as provided in Section 316.516, F.S., except that the total penalty for the vehicle shall not exceed \$1,000.00, as provided in Section 316.550(9)(b), F.S. Florida Statutes.

~~(d)(f)~~ Δ ~~v~~Vehicle operated with ~~WITH~~ a valid special permit which vehicle violates an operational or safety provision VIOLATES AN OPERATIONAL OR SAFETY STIPULATION OR PROVISION contained in the permit, will be assessed a penalty of \$100.00 per safety violation (lights, flags, signs, etc.) and \$250.00 per absent escort as provided below, except that the total penalty for the vehicle shall not exceed \$1,000.00, as provided in Section 316.550(9)(e), F.S.:

1. Per safety stipulation (lights, flags, signs, etc.) violation: \$100.00.
2. Per absent escort: \$250.00.
3. The cited vehicle shall be detained until the qualified or law enforcement escort(s) required by the permit is provided at owner's expense and responsibility.

~~(e)(g)~~ Δ ~~v~~Vehicle operated with ~~WITH~~ a valid special permit which vehicle violates daytime, nighttime, or restricted hours of travel VIOLATES DAYTIME restrictions shown on the permit; which vehicle violates weekend and holiday travel VIOLATES WEEKEND and HOLIDAYS restrictions shown on the permit; or which vehicle which violates the PROHIBITION AGAINST MOVEMENT DURING PERIODS OF POOR VISIBILITY: restrictions against movement during periods of poor visibility will be

1. Assessed a penalty of \$1,000.00- and the
2. vVehicle will be parked at owner's expense and responsibility until the next authorized travel period.

~~(h)~~ Vehicle operated WITH a valid special permit which vehicle VIOLATES OUTER BRIDGE DIMENSION because the outer bridge dimension is less than the minimum specified on the permit and the permit has not been declared null and void under paragraph 14-26.015(2)(i), F.A.C.:

1. One foot or any portion thereof: 0.20 x \$.05/lb x (actual weight less legal statutory weight as defined in Sections 316.535 and 316.540, F.S.):
2. Two feet or any portion thereof: 0.40 x \$.05/lb x (actual weight less legal statutory weight as defined in Sections 316.535 and 316.540, F.S.):
3. Three feet or any portion thereof: 0.60 x \$.05/lb x (actual weight less legal statutory weight as defined in Sections 316.535 and 316.540, F.S.):
4. Four feet or any portion thereof: 0.80 x \$.05/lb x (actual weight less legal statutory weight as defined in Sections 316.535 and 316.540, F.S.):
5. Five feet or more: \$.05/lb x (actual weight less legal statutory weight as defined in Sections 316.535 and 316.540, F.S.):

~~(i)~~ Vehicle operated WITH a special permit BUT which permit has been declared to be NULL AND VOID under subsection 14-26.015(2), F.A.C.:

1. Penalties will be assessed based upon those dimensions and weights which, respectively, exceed the limits established in Sections 316.515 and 316.535, F.S.
2. For weight category violations per Section 14-26.015(1)(d), F.A.C.: As provided in Section 316.545, F.S.
3. For all other violation categories per Sections 14-26.015(1) (a), (b), (c), (e), (f), (g), and (h), F.A.C.: As prescribed per violation but not to exceed the per category limit plus:
4. Total penalty per vehicle. Cumulative for the vehicle. However, such total assessed penalty will not exceed a combined amount equal to:
 - a. For weight penalty assessments: The amount of the penalty based upon the weight of the vehicle and load as provided in Section 316.535, F.S.; plus
 - b. For all other penalty assessments. An amount not to exceed \$2,000.
5. Where the cited vehicle is eligible for a permit, penalties shall be in addition to the requirement that the appropriate permit be obtained prior to release of the cited vehicle. Where the cited vehicle/load is not otherwise eligible for a permit, accrued penalty(ies) shall apply and the cited vehicle shall be detained until disposition can be resolved by appropriate authorities.

(2) Null and Void Criteria. Any vehicle found to be operating under one or more of the following conditions shall be determined to be out of conformity with the provisions of the permit, in which case the vehicle is considered to be in non-compliance and the permit will be declared to be null and void for that vehicle for that trip. Penalties will be assessed as provided in Sections 316.516 and 316.545, F.S., and the vehicle must remain until the load is brought into compliance.

- (a) The vehicle does not have the required number of axles. Penalty to be assessed for the weight only.
- (b) The vehicle has an expired blanket permit (lapsed for less than 30 days). Penalty to be assessed for both weight and size.
- (c) The vehicle is not on the route designated on the permit or on an approved route on the multi-trip permit attachments. Penalty to be assessed for both weight and size.
- (d) The vehicle is a self-propelled truck crane towing a motor vehicle that exceeds the 5,000 pound limit allowed in Section 316.550, F.S. Penalty to be assessed for weight only.
- (e) The vehicle is operating with a permit which has been altered or forged. Penalty to be assessed for both weight and size.
- (f) The vehicle is not as represented by the facts on the permit application. Penalty to be assessed for both weight and size. NOTE: This item will not be utilized This violation will not be applicable if it duplicates another violation non-conforming factor noted in a specific citation.

(g) The vehicle contains multiple loading (except as allowed per this rule for safety). Penalty to be assessed based upon the nature of the violation (weight or size).

(h) The vehicle was operating during nighttime hours when not allowed by the permit or its attachments but the permit prohibited operations during those hours. Penalty to be assessed for size only.

(i) The tires on the vehicle are smaller than those specified on the permit. Penalty to be assessed for weight only.

(j) The vehicle has an outer-bridge dimension which is less than the minimum specified on the permit and the outer-bridge dimension cannot be adjusted to meet the permit requirements or the difference exceeds five feet. Penalty to be assessed for weight only.

(k) The vehicle is being operated under a multi-trip permit and there is no attached map and list indicating routes over which the load can or cannot travel if the requirement for such map and list is stated on the permit is not accompanied by the attachments described in the permit. Penalty to be assessed based upon the nature of the violation (weight or size).

(l) The vehicle is being operated with a permit which does not meet the definition of expired permit. Penalty to be assessed for both weight and size.

(m) The vehicle bypasses an open weigh station. Penalty to be assessed for both weight and size.

Rulemaking Specific Authority 316.516(4), 334.044(2) FS. Law Implemented 316.516(4), 316.550(6), (8) FS. History--New 6-23-96, Amended 11-10-98,_____.

DEPARTMENT OF TRANSPORTATION

RULE NOS.:	RULE TITLES:
14-85.001	Definitions
14-85.002	Responsibilities of Program Administrator and Department
14-85.003	Qualification of Interchanges
14-85.004	Logo Sign Program
14-85.005	Logo Structures
14-85.006	Configuration of Business Logos
14-85.007	Business Logos and Dual Business Logos
14-85.008	Installation, maintenance and Removal of Logo Structures and Business Logos
14-85.009	Qualification of Businesses
14-85.010	Permits
14-85.011	Priority of Applications
14-85.012	Permit Renewal
14-85.013	Rotation
14-85.014	Denial, Revocation, Suspension, or Cancellation of Permit

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 35, September 4, 2009 issue of the Florida Administrative Weekly.

Due to the published rule numbers having previously been used, the following technical changes shall be made:

<u>Rule No(s)</u>	<u>Adopted as Rule No(s).</u>
14-85.001	14-85.013
14-85.002	14-85.014
14-85.003	14-85.015
14-85.004	
14-85.005	14-85.017
14-85.006	14-85.018
14-85.007	14-85.019
14-85.008	14-85.020
14-85.009	14-85.021
14-85.010	14-85.022
14-85.011	14-85.023
14-85.012	14-85.024
14-85.014	14-85.025

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-208.003	Range of Disciplinary Actions

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. 38, September 25, 2009 issue of the Florida Administrative Weekly.

33-208.003 Range of Disciplinary Actions.

Offense or Deficiency	First Occurrence	Second Occurrence	Third Occurrence	Fourth Occurrence
(1) Gambling	Oral or Written Reprimand	Written Reprimand or up to 10 day Suspension	Up to 30 days Suspension or dismissal	Dismissal
(2) Horseplay or Fighting	Same	Same	Same	Same
(3) Loafing	Same	Same	Same	Same
(4) Tardiness (within With a 2-month period)	Same	Same	Same	Same
(5) Excessive Absenteeism	Same	Same	Same	Same
(6) Malicious Use of Profane or Abusive Language Toward Inmates, Visitors, or Persons Under Supervision	Same	Same	Same	Same
(7) Absence Without Authorized Leave	Same	Same	Same	Same
(8) Unauthorized Distribution of Written or Printed Material of any Description	Same	Same	Same	Same
(9) Unauthorized Solicitations or Sales on DC Premises or While on Duty	Same	Same	Same	Same
(10) Substandard Quality and/or Quantity of Work	Same	Same	Same	Same
(11) Reporting to Work Improperly Dressed for Job Assignment	Same	Same	Same	Same
(12) Sleeping on Job	Written Reprimand, up to 30 days Suspension or Dismissal	Dismissal		
(13) Negligence	Same	Same		
(14) Revealing Confidential Information in DC records to unauthorized person	Same	Same		
(15) Possession of an Unauthorized Intoxicant, Narcotic, Barbiturate, Hallucinogenic drug, Central nervous system stimulant, Weapon or Firearm on DC Property	Same	Same		
(16*) Reporting to Work under the Influence of an Intoxicant, Narcotic, Barbiturate, Hallucinogenic drug, or Central nervous system stimulant	Same	Same		
(17*) Drinking an Intoxicant or using a Narcotic, Barbiturate, Hallucinogenic drug, or Central nervous system stimulant on the job	Same	Same		

~~‡The Governor and Cabinet by Resolution adopted July 17, 1973, have established the State Policy on Alcoholism which recognized alcoholism as treatable illness, a medical and public health problem and an employment problem. When an employee drinks to the extent that it affects his or her work performance, the employee is a problem drinker. As with any health liability, alcoholism is of serious concern to the employee and employer alike. Therefore, it is the policy of this~~

~~state to recognize alcoholism as a disease. The Career Service Personnel Rules and Regulations (Rule 60K-4.010, F.A.C.) requires that a dismissal action taken against an employee for habitual drunkenness shall be in accordance with the State Policy on Alcoholism as adopted by the Administration Commission and the guidelines issued by the Secretary of Administration.~~

(18) Failure to maintain direct (sight) supervision of assigned medium, close or maximum custody inmates while outside the institution security perimeter	Written Reprimand, up to 30 days of Suspension or Dismissal	Dismissal
(19) Leaving the Assigned Work Station without Authorization	Same	Same
(20) Use of Corporal Punishment, Verbal or Physical Abuse of an Inmate	Same	Same
(21) Falsification of Forms or Records	Same	Same
(22) Conduct Unbecoming a Public Employee	Same	Same
(23) Stealing DC Property, Property of an Inmate Visitor or Employee	Same	Same
(24) Willful Violation of Rules, Regulations, Directives or Policy Statements	Same	Same
(25) Unauthorized Use of DC Equipment, Property, or Weapons	Same	Same
(26) Insubordination	Same	Same
(27) Destruction or Abuse of DC Property or Equipment	Same	Same
(28) Destruction of Evidence or Giving False Testimony	Written Reprimand, up to 30 days Suspension or Dismissal	Dismissal
(29) Unlawfully Obtaining Money from or on behalf of an Inmate or Person under Supervision	Same	Same
(30) Failure to Report and Turn in Without Delay all Property Found, Seized, or Taken Officially	Same	Same
(31) Failure to Submit to a Required Physical Exam	Same	Same
(32) Failure to Follow Oral or Written Instructions	Same	Same
(33) Abuse of Sick Leave Privileges	Same	Same
(34) Careless or Unsafe Handling of Firearms or Other Weapons	Same	Same
(35) Cowardice	Same	Same
(36) Failure to report for duty when instructed to do so in time of emergency or potential emergency	Same	Same

Rulemaking Authority 944.09 FS. Law Implemented 110.227, 944.09, 944.14, 944.35, 944.36, 944.37, 944.38, 944.39, 944.47 FS. History—New 10-8-76, Formerly 33-4.03, Amended 1-30-96, Formerly 33-4.003, Amended 8-5-07, 11-13-07, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-1.659
 RULE TITLE: Forms and Instructions
 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. 41, October 16, 2009 issue of the Florida Administrative Weekly.

Changes are made to adopt a corrected version of the Small General Water Use Permit Application – Public Supply Attachment, Form No. LEG-R.045.00, incorporated by reference in paragraph 40D-2.101(2)(c)4., F.A.C., and listed in paragraph 40D-1.659(1)(gg), F.A.C. The instruction on the form for calculating an allowable significant use deduction

from per capita water rate for individual regional health facilities is corrected to clarify that the fraction of patients outside of a facility’s service area is multiplied by the total projected annual average water quantities for that facility and not by projected and current quantities. The corrected form will now be dated (12/09) instead of (9/09). The rule changes are as follows:

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this chapter or into a specific District rule as indicated. Copies of these forms may be obtained from the District offices or the District’s website at www.watermatters.org.

(1) GROUND WATER

(a) through (ff) No change.

(gg) SMALL GENERAL WATER USE PERMIT APPLICATION – PUBLIC SUPPLY ATTACHMENT, FORM NO. LEG-R.045.00 (12/09) (~~9/09~~), incorporated by reference in subparagraph 40D-2.101(2)(c)4., F.A.C.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:
40D-2.101 Content of Application
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 41, October 16, 2009 issue of the Florida Administrative Weekly.

Changes are made to adopt a corrected version of the Small General Water Use Permit Application – Public Supply Attachment, Form No. LEG-R.045.00, incorporated by reference in subparagraph 40D-2.101(2)(c)4., F.A.C., and listed in paragraph 40D-1.659(1)(gg), F.A.C. The instruction on the form for calculating an allowable significant use deduction from per capita water rate for individual regional health facilities is corrected to clarify that the fraction of patients outside of a facility’s service area is multiplied by the total projected annual average water quantities for that facility and not by projected and current quantities. The corrected form will now be dated (12/09) instead of (9/09). The rule changes are as follows:

40D-2.101 Content of Application.

(1) through (2) No change.

(a) through (c) No change.

1. through 3. No change.

4. Small General Water Use Permit Application – Public Supply Attachment, Form No. LEG-R.045.00 (12/09) ~~(9/09)~~.

(3) through (6) No change.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.: RULE TITLES:
62-709.201 Definitions
62-709.300 General Provisions
62-709.305 Exemptions
62-709.320 Yard Trash Processing Facilities
62-709.350 Specific Criteria for Registration of
 Facilities Composting Vegetative
 Wastes, Animal Byproducts or
 Manure, or Blending Manure
62-709.460 Special Permitting Criteria for Solid
 Waste Organics Recycling Pilot
 Projects
62-709.530 Testing, Recording and Reporting
 Requirements

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. 44, November 6, 2009 issue of the Florida Administrative Weekly.

**CRITERIA FOR ORGANICS PROCESSING AND RECYCLING FACILITIES
~~THE PRODUCTION AND USE OF COMPOST MADE FROM SOLID WASTE~~**

62-709.201 Definitions.

(1) “Anaerobic digestion” means the process by which biological decomposition of organic products is carried out under controlled anaerobic conditions, and that stabilizes the organic fraction into a material which can easily and safely be stored, handled, and used in an environmentally acceptable manner.

(2)(4) “Animal byproducts” means source-separated organic solid waste that is animal in origin, such as meat, fat, dairy, or eggs, and is generated by commercial, institutional, agricultural, or industrial operations. This term includes waste generated by prison facilities, grocery stores and ~~manufacturing or packaging plants, butcher shops, restaurants and abattoirs, but does not include waste generated by manufacturing or packaging plants, abattoirs, and butcher shops, including butcher shops in grocery stores. This term also includes packaging that has come into contact with animal byproducts.~~ These wastes will be viewed as putrescible waste in this chapter.

(2) through (19) renumbered (3) through (20) No change.

(21)(20) “Stabilized” means that biological and chemical decomposition of the wastes has ceased or diminished to a level so that such decomposition no longer poses a pollution, health, or safety hazard. The term means that biological decomposition of the waste that was composted or anaerobically digested has occurred to a sufficient degree that will allow beneficial use. As regards composting, it also means that the compost has at least passed through the thermophilic stage, and that biological decomposition of the solid waste has occurred to a sufficient degree that will allow beneficial use.

(21) through (25) renumbered (22) through (26) No change.

62-709.300 General Provisions.

(1) through (9) No change.

(10) Nothing in the chapter is intended to prohibit the beneficial use of sludge or other byproducts, generated from an anaerobic digestion process, that is not expected to pose a significant threat to public health or the environment.

62-709.305 Exemptions.

The following activities do not require a permit or registration under this chapter provided no public nuisance or any condition adversely affecting the environment or public health is created and the activity does not violate other state or local laws, ordinances, rules, regulations, or orders.

(1) No change.

(2) Normal farming operations. For purposes of this chapter, the following will be considered normal farming:

(a) Composting or anaerobic digestion of wastes generated on the farm, as part of agronomic, horticultural or silvicultural operations, for use on the farm, as part of agronomic, horticultural or silvicultural operations;

(b) No change.

(c) Composting or anaerobic digestion of yard trash, manure, or vegetative wastes generated from off the farm, for use on the farm, as part of agronomic, horticultural or silvicultural operations;

(d) through (e) No change.

(3) through (5) No change.

62-709.320 General Provisions for Registrations.

(1) No change.

(2) Design and operating requirements.

(a) through (d) No change.

(e) Solid waste received at a registered facility must be processed timely as follows:

1. Any yard trash, including clean wood, received at the facility shall be ~~size-~~ ~~sized~~ reduced or removed within 6 months, or within the period required to receive 3,000 tons or 12,000 cubic yards, whichever is greater ~~greatest~~. However, logs with a diameter of 6 inches or greater may be stored for up to 12 months before they are size-reduced or removed, provided the logs are separated and stored apart from other materials on site.

2. No change.

(f) through (g) No change.

(3) Registration. Owners or operators of solid waste facilities, that qualify for registration, shall register with the Department before beginning operation, unless they are operating under a solid waste management facility permit as specified in paragraph (1)(c) of this rule.

(a) through (c) No change.

(d) The application for registration shall include the annual report required in subsection (4) of this rule. Owners and operators of solid waste organics recycling facilities that are submitting registration applications and have not begun operating during the applicable calendar year are not required to submit the annual report for that calendar year ~~subject to this requirement of this paragraph.~~

(4) Record keeping and reporting.

(a) Monthly records of incoming and outgoing materials shall be kept on site or at another location as indicated on the registration form for at least three years. The values may be in cubic yards or tonnage, but the same unit of measurement shall be used to record both incoming and outgoing materials. An annual report, based on the preceding calendar year, shall summarize the monthly records and shall be submitted by July 1 to the Department using Form 62-709.901(3), Application for Registration and Annual Report for a Yard Trash Transfer Station or Solid Waste Organics Recycling Facility, effective date XXX, hereby adopted and incorporated by reference. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or from the Department web page at http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-709.htm. The registrant may submit the annual report to the Department electronically. The initial annual report for existing facilities shall also include a current site inventory of materials.

(b) No change.

62-709.350 Specific Criteria for Registration of Facilities Composting Vegetative Wastes, Animal Byproducts or Manure, or Blending Manure.

(1) through (5) No change.

(6) ~~The owner or operator of a facility producing compost produced, or the manure blended with yard trash or soil, must demonstrate that disinfection has been achieved~~ be disinfected using one of the options in paragraph subsection 62-709.300(8)(a), F.A.C. However, such ~~that~~ ~~disinfection has been achieved~~ is not required if the compost was made from pre-consumer vegetative waste, with or without yard trash.

(7) No change.

62-709.460 Special Permitting Criteria for Solid Waste Organics Recycling Pilot Projects.

(1) through (3) No change.

(4) A permit application for a pilot project shall be submitted on Form 62-709.901(4), Permit Application for a Solid Waste Organics Recycling Pilot Project, effective [eff date], hereby adopted and incorporated by reference. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or from the Department web page at http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-709.htm. The application shall include the following:

(a) through (f) No change.

(g) The methods to be used to disinfect the solid waste processed, and the option specified in paragraph 62-709.300(8)(7)(a), F.A.C., that will be used to demonstrate that disinfection has been achieved;

(h) through (k) No change.

(5) through (9) No change.

62-709.530 Testing, Recording and Reporting Requirements.

(1) through (2) No change.

(3) Owners and operators of facilities producing compost made from solid waste shall submit to the Department an annual report by June 1. The report shall be submitted on Form 62-709.901(2), Annual Report for a Solid Waste Management Facility Producing Compost Made from Solid Waste, effective date XXX, hereby adopted and incorporated by reference. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or from the Department web page at http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-709.htm. The owner or operator of the facility may submit the annual report to the Department electronically. The report shall include:

(a) through (f) No change.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: RULE TITLE:
64B10-11.003 Reexamination

NOTICE OF CORRECTION

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. 38, September 25, 2009 issue of the Florida Administrative Weekly.

The correction amends the publication date of the Notice of Proposed Rule Development from March 24, 2009, to August 7, 2009. The foregoing change does not affect the substance of the Notice. The person to be contacted regarding the above change is Joe R. Baker, Jr. Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3257.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: RULE TITLE:
64B10-15.002 Criteria for Approved Continuing Education

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 38, September 25, 2009 issue of the Florida Administrative Weekly.

The correction amends the publication date of the Notice of Proposed Rule Development from March 27, 2009 to March 20, 2009. The foregoing change does not affect the substance of the Notice. The person to be contacted regarding the above

change is: Joe R. Baker, Jr. Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: RULE TITLE:
64B10-16.001 General Information

NOTICE OF CORRECTION

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. 38, September 25, 2009 issue of the Florida Administrative Weekly.

The correction amends the publication date of the Notice of Proposed Rule Development from March 27, 2009, to March 20, 2009. The foregoing change does not affect the substance of the Notice. The person to be contacted regarding the above change is Joe R. Baker, Jr. Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3257.

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: RULE TITLE:
64B14-4.100 Requirements for Prosthetic or Orthotic Residency or Internship

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. 35, September 4, 2009 issue of the Florida Administrative Weekly.

The change updates the revision date on the two forms incorporated by reference. The changes are as follows:

64B14-4.100 Requirements for Prosthetic or Orthotic Residency or Internship.

(1) through (7) No change.

(8) To register for an orthotic or prosthetic internship or residency program. The applicant must submit a completed ~~Registration Form for Orthotic or Prosthetic Internship/Residency Program~~, Application Form for Internship/Residency form number DH-MQA 1126, ~~H/08 07/09~~, which is incorporated by reference and is available from the Board office or at the Board's website: <http://www.doh.state.fl.us/mqa/OrthPros/index.html>.

(9) If a change in supervisor is required, the applicant must submit a completed Update Supervisor Form Registration in an Orthotic or Prosthetic Internship/Residency Program, form number DH-MQA 1133.07/09, which is incorporated by reference and which is available from the Board office or the Board's web site: <http://www.doh.state.fl.us/mqa/OrthPros/index.html>.

Rulemaking Authority 468.802, 468.803 FS. Law Implemented 468.803 FS. History--New 11-1-99, Amended 7-2-07, 5-28-09,

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.1003 RULE TITLE: Active License Renewal Fees

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 38, September 25, 2009 issue of the Florida Administrative Weekly.

The Notice of Proposed Rulemaking summarized a Statement of Estimated Regulatory Costs (SERC). An updated SERC has been approved by the Board. The following is a SUMMARY of the updated Statement of Estimated Regulatory Costs:

- The estimate of the number of individuals likely to be required to comply with this rule amendment is approximately 25,344 active pharmacist licensees and 2,352 active consultant pharmacist licensees.
- There will be no additional costs incurred by the agency for enforcing the proposed change to the rule.
- The recurring additional transactional cost of \$5.00 would be incurred biennially for active registered pharmacists and \$50.00 for active consultant pharmacists.
- Small businesses will not be affected. The rule does not require the small business to pay the renewal fee, but if the small business chooses to pay the renewal fee, the impact of the rule amendment will be \$5.00 for each registered pharmacist and \$50.00 for each consultant pharmacist.
- There is no small county or small city that will be impacted by the proposed rule.

This correction does not affect the substance of the rule as it appeared in the Florida Administrative Weekly as outlined above.

THE PERSON TO BE CONTACTED REGARDING THE ABOVE CORRECTION IS: Rebecca R. Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-11.005 RULE TITLE: Supervised Experience Requirements

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. 39, October 2, 2009 issue of the Florida Administrative Weekly.

The change is in response to comments stated at the October 16, 2009 Board meeting. The Board determined that the Statement of Regulatory Costs previously prepared and approved was appropriate and no modifications were necessary with the changes.

The change is as follows:

64B19-11.005 Supervised Experience Requirements.

The law requires 4,000 hours of supervised experience for licensure. The Board recognizes that the applicant’s internship satisfies 2,000 of those hours. This rule concerns the remaining 2,000 hours.

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

(a) “Association” or “in association with”: the supervisory relationship between the supervisor and the psychological resident.

(b) “Psychology ~~Psychological~~ Resident or ~~Post-Doctoral Fellow psychology Applicant.~~” A psychology ~~psychological~~ resident ~~or post-doctoral fellow psychology~~ is a person who has met Florida’s educational requirements for licensure and intends from the outset of the supervised experience to meet that part of the supervised experience requirement for licensure which is not part of the person’s internship.

(c) “Supervisor.” A supervisor is either a licensed Florida psychologist in good standing with the Board, or a doctoral-level psychologist licensed in good standing in another state providing supervision for licensure in that state. However, where the psychology resident or post-doctoral fellow psychology applicant is on active duty with the armed services of the United States, the supervisor may be a doctoral-level psychologist licensed in good standing in any state, regardless of where the supervision is conducted.

(d) All applicants for licensure shall use the title psychology resident or post-doctoral fellow until licensed as a psychologist.

(e) The psychology resident or post-doctoral fellow shall inform all service users of her or his supervised status and provide the name of the supervising psychologist. All written work, consultation, reports, and summaries shall be cosigned by the supervising psychologist. Progress notes may be cosigned at the discretion of the supervision psychologist.

(2) Requirements and Prohibitions. All applicants for licensure must complete at least 2,000 hours of post doctoral experience under a supervisor whose supervision comports with subsection (3) of this rule.

(a) No change.

(b) A ~~psychology resident or post-doctoral fellow psychology applicant~~ may be supervised by more than one supervisor. If there is more than one supervisor, however, then one of the supervisors must be identified as the primary supervisor. The primary supervisor shall be the supervisor who enters into the agreement with the applicant for licensure, for supervision, and who integrates all of the applicant's supervisory experiences.

(c) No change.

(3) Supervisors' Responsibilities. The Board requires each primary supervisor to perform and to certify that the primary supervisor has:

(a) Entered into an agreement with the applicant for licensure, which details the applicant's obligations and remuneration as well as the supervisor's responsibilities to the applicant;

(b) Determined that the psychology resident or post-doctoral fellow psychology applicant was capable of providing competent and safe psychological service to that client;

(c) Maintained professional responsibility for the psychology resident or post-doctoral fellow's psychology applicant's work;

(d) No change.

(e) Prevailed in all professional disagreements with the psychology resident or post-doctoral fellow psychology applicant;

(f) Kept informed of all the services performed by the psychology resident or post-doctoral fellow psychology applicant;

(g) Advised the Board if the supervisor has received any complaints about the psychology resident or post-doctoral fellow psychology psychological applicant or has any reason to suspect that the resident is less than fully ethical, professional, or qualified for licensure.

(4) No change.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF HEALTH

Division of Emergency Medical Operations

RULE NOS.:	RULE TITLES:
64J-1.001	Definitions
64J-1.006	Neonatal Transports

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 26, July 2, 2009 issue of the Florida Administrative Weekly.

The Bureau of Emergency Medical Services submitted a Statement of Estimated Regulatory Costs (SERC). A summary of the SERC reads as follows:

- The 200 or more Emergency Medical Ambulance Services currently authorized to perform Neonatal Transports will be required to comply with the rules.
- The only costs to be incurred by the Department are rulemaking costs. No effect on state or local revenue is expected.
- The proposed change will impact 100-499 small businesses. No small county or city will be impacted by the rule.
- The costs to be incurred by individuals and entities required to comply with the rules will either remain the same or be reduced.
- The costs to be incurred on small businesses required to comply with the rules will either remain the same or be reduced.

The foregoing change does not affect the substance of the Notice. The person to be contacted regarding the above change is: Lisa Walker, Government Analyst II, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C-18, Tallahassee, FL 32399, phone: (850)245-4440, ext. *2733, email: Lisa_Walker2@doh.state.fl.us.

DEPARTMENT OF HEALTH

Division of Emergency Medical Operations

RULE NOS.:	RULE TITLES:
64J-1.001	Definitions
64J-1.006	Neonatal Transports

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. 26, July 2, 2009 issue of the Florida Administrative Weekly.

64J-1.001 Definitions.

In addition to the definitions provided in Sections 395.401, 395.4001, 401.107, and 401.23, F.S., the following definitions apply to these rules:

(14) Neonatal Ambulance – means an ALS ~~permitted~~ vehicle permitted solely for Neonatal Transport.

(15) Neonatal Transport – means critical care interfacility transport of any neonate from a hospital licensed under Chapter 395, F.S., to a hospital facility licensed under Chapter ~~395~~ 408, F.S., to deliver Level II or Level III neonatal intensive care services as defined in Rule 59C-1.042, F.A.C.

(16) No change.

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

64J-1.006 Neonatal Transports ~~Transfers~~.

(1) A Neonatal Ambulance shall meet the requirements listed in Table V, paragraphs 64J-1.006(1)(c) and (d) and subsections 64J-1.006(2) and (3), F.A.C., and shall be exempt

from meeting the equipment and medical supply requirements ~~supplies~~ listed in Rule 64J-1.002, Table I, ~~F.A.C.~~, and in Rule 64J-1.003, Table II, ~~F.A.C.~~.

(2) For any Neonatal Transport, the Medical Director and the receiving neonatologist ~~and the Medical Director~~ shall confirm that the level of care, staffing, and equipment is commensurate to the needs of the Neonate being transported.

(3) No change.

(4) Any EMS provider operating a Neonatal Ambulance shall have a Medical Director for all Neonatal Transports who meets the requirements of paragraphs 64J-1.004(1)-(4)(a)-(f); F.A.C., except as follows:

(a) through (e) No change.

TABLE V
(Reference Section 64J-1.006, F.A.C.)
Neonatal Transports ~~Transfers~~

ITEM	QTY.
1. Direct two-way communications with the designated neonatologist or attending physician and or receiving ICU.	
2. A standby or backup power source other than the one contained in the isolette.	One.
3. A source of electrical power sufficient to operate the isolette and ancillary electrically powered equipment.	One.
4. A transport incubator with portable power supply, portable oxygen tanks or liquid oxygen, and a source of compressed air, including appropriate valves, meters, and fittings.	One.
5. Portable heart rate monitor with visual or audible display and alarm system.	One per patient.
6. Portable blood pressure monitor with assortment of cuff sizes suitable for infants.	One each.
7. Battery powered mechanical I.V. pumps capable of delivering as low as 1 CD. increments for I.V. fluids.	Two.
8. Battery or self-powered oxygen sensor and transcutaneous oxygen monitor or oxygen saturation monitor.	One.
9. Oxygen delivery device and tubing capable of administering high	One.

concentrations of oxygen.		
10. Temperature monitoring device.		One.
11. Portable ventilator appropriate for neonatal patients.		One.
12. Anesthesia and/or self-inflating bag with oxygen reservoir less than 750 ml and manometer (pressure gauge); premature, newborn and infant size clear masks.		
13. Laryngoscope handle.		One.
14. Blades.		Miller 00, Miller 0.
15. Bulbs and batteries.		Two each.
16. Endotracheal tubes.		2.0, 2.5, 3.0, 3.5, 4.0.
17. Stylet.		Two each.
18. Adapters.		Assortment of sizes.
19. Oral Airways.		Assortment of sizes.
20. Suction equipment with low suction capabilities of less than 80 mm of hg.		One.
21. Sterile Gloves assorted sizes for all crew members.		Sufficient quantity
22. Suction catheters.	Size 5.0, 6.0, 6.5 , 8, & 10	Two each.
23. Syringes sizes 1 cc. through 60 cc.		Assortment of sizes.
24. Medication access device.		Two each.
25. Vascular access devices 23-27 gauge.		Assortment of sizes.
26. I.V. extension tubing.		Sufficient length to administer I.V.
27. Securing device.		Assorted sizes.
28. I.V. filters.		Two.
29. Umbilical catheters.	Size 3.5 & 5	Two.
30. Antiseptic solution.		Ten.
31. Blood sugar device.		One.
32. Lancets.		Five.
33. Neonatal stethoscope.		One.
34. Flashlight.		One.
35. Gauze pads.		Assortment of sizes.
36. No. 5 & No. 8 French feeding tubes.		One each.
37. High intensity light capable of transillumination.		One.
38. Approved biomedical waste plastic bag or impervious container and used sharps container per Chapter 64E-16, F.A.C.		One each.
39. Gloves latex or other suitable materials.		Sufficient quantity for all crew members.
40. Respiratory face masks.		Sufficient quantity for all crew members.
41. Special procedure tray or instruments with capability for performing		One.

- umbilical catheterization, venous
- cutdown and thoracostomy.
- 42. Bulb syringe. (Additional to OB kit) One.
- 43. Cord clamp. One.
- 44. Chest tube evacuation device. One.
- 45. Needle aspiration device or chest tubes. Appropriate sizes for neonate.

MEDICATION	WT/VOL	QTY.
1. Atropine Sulfate.	1 mg./10 ml.	One.
2. Injectable Vitamin K.	1 mg./0.5 ml.	One.
3. Antibiotics, to be determined by medical director.		
4. Calcium Gluconate.	10% 10- ml.	One.
5. Digoxin ped.	0.1 mg./ml.	One.
6. Anticonvulsant as required by medical director.		
7. Dextrose.	50% 50 cc.	One.
8. Dopamine or dobutamine.	Depends on medication	One.
9. Epinephrine.	1:10,000	One.
10. Eye prophylaxis.		One.
11. Furosemide (Lasix).	20 mg./2 ml.	One.
12. Heparin.		One.
13. Lidocaine.	1%/2 mg.	One.
14. Naloxone (Narcan).	1.0 mg./ml or .4 mg./ml.	One.
15. Paralyzing agent.		One.
16. Phenobarbital.		One.
17. Prostin VR. (available for transport)	500 mcg/ml.	One.
18. Sodium Bicarbonate.	4.2% soln.	One.
19. Sedative as determined by the Medical Director.		One.
20. Volume expander.		One each.
21. I.V. fluid.	Bags of D5W and D10W	One each.
22. Injectable non-preservative sterile water.		One.
23. Injectable non-preservative normal saline.		One.

(5)(2) Each Neonatal Transport shall be staffed with a minimum of two persons, excluding the driver or pilot. One person shall be a Registered Nurse (RN), the second person shall be either an RN, a respiratory therapist (RT), or a paramedic. Physicians may be substituted by the Medical Director for either of the two persons. The staffing for each Neonatal Transport shall be determined by the Medical

Director. The Medical Director shall confirm that the staffing for each Neonatal Transport is capable of performing neonatal advanced life support procedures, as referenced by the American Academy of Pediatrics in *Guidelines for Air and Ground Transport of Neonatal and Pediatric Patients, 3rd ed., 2007*, which is incorporated by reference and available at <http://www.aap.org>.

(a) The Medical Director shall confirm the RN is licensed in accordance with Chapter 464, F.S.; has a minimum of 4,000 hours RN experience, which includes 2,000 hours of Level II or Level III Neonatal Intensive Care Unit (NICU) nursing experience; has an American Heart Association (AHA) Neonatal Resuscitation Program (NRP) Certification ~~or equivalent certification; has successfully completed a neonatal transport stabilization program within 2 years prior to application to Neonatal Transport, approved in writing by a Medical Director;~~ and has accompanied a minimum of six Neonatal Transports prior to staffing a Neonatal Transport as the only RN in attendance.

(b) The Medical Director shall confirm the RT is registered by the National Board of Respiratory Care with a minimum of 2,000 hours of Level II or Level III NICU experience or is certified as a RT with a minimum of 3,000 hours of Level II or Level III NICU experience. The Medical Director shall also confirm that the RT has:

1. An AHA NRP Certification ~~or an equivalent certification; and~~
2. ~~Successfully completed a neonatal transport stabilization program within 2 years prior to application to Neonatal Transport, approved in writing by a Medical Director; and~~
- 2.3. Accompanied a minimum of six Neonatal Transports prior to staffing a transport as the only RT in attendance.

(c) The Medical Director shall confirm the paramedic is ~~either a Florida-licensed paramedic with a minimum of 2,000 hours of Level II or Level III NICU experience or a Florida-licensed paramedic with a minimum of 5,000 3,000 hours experience and has an.~~ The Medical Director shall also confirm that the paramedic has:

1. An AHA NRP Certification ~~or equivalent certification;~~
2. ~~Successfully completed a neonatal transport stabilization program within 2 years prior to application to Neonatal Transport, approved in writing by a Medical Director; and~~
3. Accompanied a minimum of six Neonatal Transports ~~prior to staffing a Neonatal Transport.~~

- (d) No change.
- (6) No change.

Rulemaking Specific Authority 381.0011, 383.19, 395.405, 401.251(6), 401.35 FS. Law Implemented 381.001, 383.15, 395.405, 401.24, 401.25, 401.251, 401.252, 401.26, 401.265, 401.27, 401.30, 401.31, 401.35, 401.41, 401.411, 401.414, 401.421 FS. History—New 11-30-93, Amended 1-26-97, Formerly 10D-66.0525, Amended 8-4-98, 9-3-00, 12-18-06, Formerly 64E-2.006, Amended _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS:	RULE TITLES:
65C-35.001	Definitions
65C-35.002	Behavioral Health Services
65C-35.003	Authority to Provide Psychotropic Medications to Children and Youth in Out-of-Home Care Placements
65C-35.004	Parental and Caregiver Involvement
65C-35.005	Medication Monitoring
65C-35.006	Special Requirements for Children Ages Birth through 5 years
65C-35.007	Requests for Second Opinions
65C-35.008	Preconsent Review for Provision of Psychotropic Medications for Children Ages Birth through 5 Years
65C-35.009	Parent/legal Guardian Rights Terminated; Parent/Legal Guardian Refuses to Participate; or Parent/legal Guardian Location/Identify Unknown
65C-35.010	Emergency Administration of Psychotropic Medication
65C-35.011	Medication Administration and Monitoring
65C-35.012	Requests for Second Opinions
65C-35.013	Medical Report

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 43, October 30, 2009 issue of the Florida Administrative Weekly. The spelling of the hearing location scheduled December 7, 2009 from 1:00 p.m. – 4:00 p.m. is incorrect. The original notice misspelled Winewood as “Winnowed.” The correct place of the hearing is as follows: Department of Children and Families, Winewood Complex, 1317 Winewood Boulevard, Building 4, Tallahassee, Florida 32399.

**Section IV
Emergency Rules**

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NO.:	RULE TITLE:
12DER09-5	Disclosure and Certification of Compliance; Filing of Documents Relating to Millage Levy Compliance Commencing 2009

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Chapter 2008-173 (Senate Bill 1588), Laws of Florida, authorized the Department of Revenue to adopt emergency rules that could remain in effect for 18 months and that could be renewed. These acts further provided that all conditions imposed by Chapter 120, Florida Statutes, were deemed to be met.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized the Department of Revenue to adopt emergency rules that implement the provisions of and Chapter 2008-173 (Senate Bill 1588), Laws of Florida. The law provides that these emergency rules remain in effect for a period of 18 months and that they may be renewed. The forms included here are based on the requirements of Chapter 2008-173 (Senate Bill 1588), Laws of Florida, as passed by the Legislature, and will replace the forms used in previous years. The Department of Revenue has taken several actions to inform interested parties about the forms, procedures, and emergency rules that are being developed to implement this new law, and to give such parties an opportunity to review and comment. These interested parties include Property Appraisers and the professional associations that represent them, taxing authorities, including counties, municipalities, and independent districts, school districts, their associations, and practitioners who have told the Department that they want to receive all information associated with property tax rulemaking. The actions that the Department has taken include: making the proposed drafts available via the Internet for public review and comments, establishing a new Department email address to make it easier for interested parties to submit comments and questions to the agency; emailing copies of the draft forms to interested parties, as well as receiving and incorporating public comments on the drafts of forms.

SUMMARY: Emergency Rule 12DER09-5 (Disclosure and Certification of Compliance; Filing of Documents Relating to Millage Levy Compliance Commencing 2009), provides assistance regarding certain actions to be taken by local governments and officials. This rule explains the certification process as provided in Section 200.065(5), Florida Statutes, to county, municipality, independent special districts and their related dependent special districts, municipal service taxing units, and each local taxing authority for 2009 compliance. These requirements apply to all taxing jurisdictions, other than school districts.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Janice Forrester, Department of Revenue, Property Tax Technical Unit, 725 S. Calhoun Street, Tallahassee, Florida 32399-0100; telephone (850)922-7945; Fax (850)488-9482; email address: forrestj@dor.state.fl.us

THE FULL TEXT OF THE EMERGENCY RULE IS:

12DER09-5 Disclosure and Certification of Compliance: Filing of Documents Relating to Millage Levy Compliance Commencing 2009.

(1) Each taxing authority other than a school district shall submit copies of the resolutions or ordinances to the Department of Revenue when the certification of the adopted millage is made to the property appraiser and the tax collector, pursuant to paragraph 12D-17.003(3)(f), Florida Administrative Code. These submissions shall be made within 3 days from the date of the final budget hearing and within 101 days of the certification date.

(2) Each taxing authority other than a school district must certify to the Department within 30 days of adopting an ordinance or resolution levying a millage, as described in Section 200.068, Florida Statutes, that the taxing authority has complied with Chapter 200, Florida Statutes.

(3) The certification must include maximum millage rates calculated pursuant to Section 200.065(5), Florida Statutes, together with values and calculations upon which the maximum millage rates are based.

(4) Certification of compliance for each taxing authority other than a school district shall be made by filing with the Department of Revenue, Form DR-487, Certification of Compliance (R. 06/09), as required in Rule Section 12D-17.004, Florida Administrative Code, together with the following forms: Form DR-420, Certification of Taxable Value (R. 06/09), Form DR-420TIE, Tax Increment Adjustment Worksheet (R. 06/09), Form DR-420DEBT, Certification of Voted Debt Millage (N. 06/09) if used, Form DR-420MM, Maximum Millage Levy Calculation – Final Disclosure (R. 06/09), Form DR-487V, Vote Record for Final Adoption of Millage Levy (R. 06/09), Form DR-422, Certification of Final Taxable Value (R. 06/09), and Form DR-422DEBT, Certification of Final Voted Debt Millage (N. 06/09) if used. These forms are adopted and incorporated by reference in Rule 12DER09-03, which was effective October 13, 2009.

(5) If any county or municipality, dependent special district of such county or municipality, or municipal service taxing unit of such county is in violation of Section 200.065(5), Florida Statutes, because total county or municipal ad valorem taxes exceeded the maximum total county or municipal ad valorem taxes, respectively, that county or municipality, and any municipal service taxing unit and/or dependent district, shall be subject to notification.

(6)(a) As provided in Section 200.065(5), Florida Statutes, as an alternative to the county or municipality forfeiting the half-cent sales tax revenues, if any county or municipality, dependent special district of such county or municipality, or municipal service taxing unit of such county is in violation of Section 200.065(5), Florida Statutes, because total county or municipal ad valorem taxes exceeded the maximum total county or municipal ad valorem taxes, one or more taxing

authorities whose taxes are included in the maximum total taxes levied must reduce their millage sufficiently so that the maximum total taxes levied is not exceeded.

(b) If a taxing authority does not reduce its millage so that the maximum total taxes levied is not exceeded, or if any such county or municipality, dependent special district of such county or municipality, or municipal service taxing unit of such county has not remedied the noncompliance or recertified compliance with Chapter 200 as provided in Section 200.065(13)(e), Florida Statutes, the county or municipality shall forfeit the distribution of local government half-cent sales tax revenues during the 12 months following a determination of noncompliance, as described in Sections 218.63(2) and (3), 200.065(13), Florida Statutes.

(7) This emergency rule shall replace emergency rule 12DER08-28, Disclosure and Certification of Compliance: Filing of Documents relating to 2008 Millage Levy Compliance (effective October 31, 2009), and shall supersede any existing rule in Chapter 12D-17, F.A.C., including Rules 12D-17.001, 12D-17.002, 12D-17.003, 12D-17.0035, 12D-17.004, 12D-17.005, 12D-17.006, 12D-17.007, 12D-17.008, 12D-17.009, and 12D-17.010, F.A.C., to the contrary to the extent necessary to implement Chapter 2008-173 (Senate Bill 1588), Laws of Florida.

(8) Copies of these forms are available, without cost, by downloading selected forms from the Department's internet site at <http://dor.myflorida.com/dor/property/codownloads.html>.

Rulemaking Authority Section 13 of Ch. 2008-173, L.O.F. Law Implemented Section 11 of Ch. 2008-173, L.O.F. History—New 12-1-09.

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: December 1, 2009

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER09-64
 RULE TITLE: Instant Game Number 1034, 9's IN A LINE

SUMMARY: This emergency rule describes Instant Game Number 1034, "9's IN A LINE," 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:

53ER09-64 Instant Game Number 1034, 9's IN A LINE.

(1) Name of Game. Instant Game Number 1034, "9's IN A LINE."

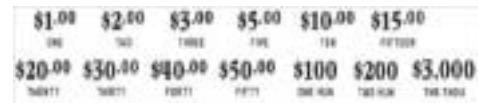
(2) Price. 9's IN A LINE lottery tickets sell for \$1.00 per ticket.

(3) 9's IN A LINE 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 9's IN A LINE 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 legend is as follows:



(7) Determination of Prizewinners.

(a) A ticket having three "9" play symbols and corresponding play symbol captions in any vertical, horizontal or diagonal row shall entitle the claimant to the prize shown in the "PRIZE BOX."

(b) The prizes are: \$1.00, \$2.00, \$3.00, \$5.00, \$10.00, \$15.00, \$20.00, \$30.00, \$40.00, \$50.00, \$100, \$200 and \$3,000.

(8) The estimated odds of winning, value and number of prizes in Instant Game Number 1034 are as follows:

GAME PLAY	WIN	ESTIMATED	
		ODDS OF	NUMBER OF WINNERS IN 66 POOLS OF 240,000 TICKETS
\$	\$1	1 IN 10.71	1,478,400
\$2	\$2	15.00	1,056,000
\$3	\$3	37.50	422,400

\$5	\$5	150.00	105,600
\$10	\$10	150.00	105,600
\$15	\$15	300.00	52,800
\$20	\$20	300.00	52,800
\$30	\$30	2,400.00	6,600
\$40	\$40	4,000.00	3,960
\$50	\$50	4,800.00	3,300
\$100	\$100	3,000.00	5,280
\$200	\$200	24,000.00	660
\$3,000	\$3,000	120,000.00	132

(9) The estimated overall odds of winning some prize in Instant Game Number 1034 are 1 in 4.81. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(10) For reorders of Instant Game Number 1034, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(11) Payment of prizes for 9's IN A LINE lottery tickets shall be made in accordance with rule 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 11-25-09.

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: November 25, 2009

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER09-65
 RULE TITLE: Instant Game Number 1043, POWER PLAY® CROSSWORD

SUMMARY: This emergency rule describes Instant Game Number 1043, "POWER PLAY® CROSSWORD," 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:

53ER09-65 Instant Game Number 1043, POWER PLAY® CROSSWORD.

(1) Name of Game. Instant Game Number 1043, "POWER PLAY® CROSSWORD."

(2) Price. POWER PLAY CROSSWORD lottery tickets sell for \$3.00 per ticket.

(3) "POWER PLAY CROSSWORD" lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning POWER PLAY CROSSWORD lottery ticket, the ticket must meet the applicable requirements of Rule 53ER08-89, F.A.C.

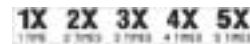
(4) The "YOUR LETTERS" play symbols are as follows:



(5) The "CROSSWORD PUZZLE" play symbols are as follows:



(6) The POWER PLAY MULTIPLIER play symbols and play symbol captions are:



(7) The legend is as follows:

POWER PLAY

(8) Determination of Prizewinners.

(a) The holder of a ticket whose letters (Play Symbols) under the caption YOUR 18 LETTERS match the letters (Play Symbols) in the CROSSWORD PUZZLE to form at least two (2) different complete words wins the corresponding prize in the PRIZE LEGEND. A word must contain at least three (3) letters. A word cannot be formed by linking letters diagonally or by reading the letters from the bottom to top. Letters combined to form a word must appear in an unbroken horizontal or vertical string of letters in the CROSSWORD PUZZLE that is not interrupted by a black space and contains every single letter square between two black spaces. Every letter in the unbroken string must be revealed in YOUR 18 LETTERS and be included to form a word. The possible complete words are shown in the CROSSWORD PUZZLE. Each possible complete word consists of three or more letters and occupies an entire word space. All of the letters in a possible complete word must be matched in order to complete the word. The three letters that appear in the YOUR LETTERS box under the scratch-off coating on the ticket that are smaller in size than the 18 YOUR LETTERS are not play symbols to be used in playing the game.

(b) A winning ticket matching at least two (2) different complete words shall entitle the claimant to multiply the amount won in the PRIZE LEGEND by the number shown in the POWER PLAY MULTIPLIER play area.

(9) The estimated odds of winning, value and number of prizes in Instant Game Number 1043 are as follows:

		ESTIMATED	NUMBER OF WINNERS IN 70 POOLS OF
REVEAL 2 OR MORE COMPLETE WORDS	WIN	ODDS OF 1 IN	180,000 TICKETS PER POOL
2 WORDS	\$3	10.00	1,260,000
3 WORDS	\$6	25.00	504,000
2 WORDS w/ 2X Multiplier	\$6	25.00	504,000
2 WORDS w/ 3X Multiplier	\$9	100.00	126,000
4 WORDS	\$10	100.00	126,000
2 WORDS w/ 4X Multiplier	\$12	166.67	75,600
3 WORDS w/ 2X Multiplier	\$12	250.00	50,400
2 WORDS w/ 5X Multiplier	\$15	100.00	126,000
5 WORDS	\$20	250.00	50,400
4 WORDS w/ 2X Multiplier	\$20	166.67	75,600
6 WORDS	\$30	900.00	14,000
4 WORDS w/ 3X Multiplier	\$30	900.00	14,000
3 WORDS w/ 5X Multiplier	\$30	900.00	14,000
4 WORDS w/ 4X Multiplier	\$40	800.00	15,750
5 WORDS w/ 2X Multiplier	\$40	800.00	15,750
7 WORDS	\$50	900.00	14,000
4 WORDS w/ 5X Multiplier	\$50	900.00	14,000
5 WORDS w/ 3X Multiplier	\$60	1,800.00	7,000
6 WORDS w/ 2X Multiplier	\$60	1,800.00	7,000
8 WORDS	\$100	4,500.00	2,800
5 WORDS w/ 5X Multiplier	\$100	3,600.00	3,500
7 WORDS w/ 2X Multiplier	\$100	3,600.00	3,500
9 WORDS	\$200	9,000.00	1,400
7 WORDS w/ 4X Multiplier	\$200	9,000.00	1,400
8 WORDS w/ 2X Multiplier	\$200	9,000.00	1,400
10 WORDS	\$1,000	45,000.00	280
9 WORDS w/ 5X Multiplier	\$1,000	45,000.00	280
11 WORDS	\$50,000	630,000.00	20

(10) The estimated overall odds of winning some prize in Instant Game Number 1043 are 1 in 4.16. 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 1043, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) Payment of prizes for POWER PLAY CROSSWORD lottery tickets shall be made in accordance with the rule 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 11-25-09.

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: November 25, 2009

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER09-66
 RULE TITLE: Instant Game Number 1049, RED HOT \$200's

SUMMARY: This emergency rule describes Instant Game Number 1049, "RED HOT \$200's," 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 Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER09-66 Instant Game Number 1049, RED HOT \$200's.

(1) Name of Game. Instant Game Number 1049, "RED HOT \$200's."

(2) Price. RED HOT \$200's lottery tickets sell for \$2.00 per ticket.

(3) RED HOT \$200's 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 RED HOT \$200's lottery ticket, the ticket must meet the applicable requirements of Rule 53ER08-89, F.A.C.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX	7 SEVEN	8 EIGHT	9 NINE	10 TEN
11 ELEVEN	12 TWELVE	13 THIRTEEN	14 FOURTEEN	15 FIFTEEN	16 SIXTEEN	17 SEVENTEEN	18 EIGHTEEN	19 NINETEEN	20 TWENTY

(5) The “WINNING NUMBERS” play symbols and play symbol captions are as follows:

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX	7 SEVEN	8 EIGHT	9 NINE	10 TEN
11 ELEVEN	12 TWELVE	13 THIRTEEN	14 FOURTEEN	15 FIFTEEN	16 SIXTEEN	17 SEVENTEEN	18 EIGHTEEN	19 NINETEEN	20 TWENTY

(6) The prize symbols and prize symbol captions are as follows:


\$1.00 ONE	\$2.00 TWO	\$4.00 FOUR	\$5.00 FIVE	\$10.00 TEN	\$20.00 TWENTY
\$25.00 TWO FIVE	\$50.00 FIFTY	\$100 ONE HUNDRED	\$200 TWO HUNDRED	\$2,000 TWO THOUSAND	\$20,000 TWO TEN THOUSAND

(7) The legends are as follows:

WINNING NUMBERS YOUR NUMBERS

(8) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the “YOUR NUMBERS” play area that matches a play symbol and corresponding play symbol caption in the “WINNING NUMBERS” play area shall entitle the claimant to the corresponding prize shown for that symbol. A

ticket having a “” symbol and corresponding caption in the “YOUR NUMBERS” play area shall entitle the claimant to all ten prizes shown.

(b) The prizes are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$200, \$2,000 and \$20,000.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 1049 are as follows:

\$2 x 10	\$20	750.00	16,080
\$4 x 5	\$20	750.00	16,080
\$10 x 2	\$20	750.00	16,080
\$20	\$20	750.00	16,080
(\$2 x 8) + \$4 + \$5 (HOT)	\$25	750.00	16,080
(\$2 x 8) + \$4 + \$5	\$25	750.00	16,080
(\$5 x 3) + \$10	\$25	750.00	16,080
\$5 + (\$10 x 2)	\$25	750.00	16,080
\$25	\$25	750.00	16,080
\$10 x 10 (HOT)	\$100	3,600.00	3,350
\$10 x 10	\$100	3,600.00	3,350
\$20 x 5	\$100	3,600.00	3,350
\$50 x 2	\$100	3,600.00	3,350
\$100	\$100	3,600.00	3,350
\$20 x 10 (HOT)	\$200	7,200.00	1,675
\$20 x 10	\$200	7,200.00	1,675
(\$10 x 6) + (\$20 x 2) + \$100	\$200	7,200.00	1,675
(\$20 x 5) + (\$50 x 2)	\$200	7,200.00	1,675
\$200	\$200	7,200.00	1,675
\$200 x 10 (HOT)	\$2,000	180,000.00	67
\$200 x 10	\$2,000	180,000.00	67
\$2,000	\$2,000	180,000.00	67
\$20,000	\$20,000	603,000.00	20

(10) The estimated overall odds of winning some prize in Instant Game Number 1049 are 1 in 4.64. 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 1049, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) Payment of prizes for RED HOT \$200’s lottery tickets shall be made in accordance with the rule 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 Marietta Drive, Tallahassee, Florida 32399-4011.

Remaking 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 11-25-09.

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: November 25, 2009

GAME PLAY	WIN	ESTIMATED ODDS OF 1 IN	NUMBER OF WINNERS IN 67 POOLS OF 180,000 TICKETS PER POOL
\$2	\$2	10.71	1,125,600
\$1 x 4	\$4	50.00	241,200
(\$1 x 2) + \$2	\$4	75.00	160,800
\$2 x 2	\$4	50.00	241,200
\$4	\$4	50.00	241,200
\$1 x 5	\$5	375.00	32,160
(\$1 x 3) + \$2	\$5	375.00	32,160
(\$2 x 2) + \$1	\$5	375.00	32,160
\$1 + \$4	\$5	375.00	32,160
\$5	\$5	375.00	32,160
\$1 x 10 (HOT)	\$10	250.00	48,240
\$1 x 10	\$10	250.00	48,240
\$2 x 5	\$10	250.00	48,240
\$5 x 2	\$10	250.00	48,240
\$10	\$10	250.00	48,240
\$2 x 10 (HOT)	\$20	750.00	16,080

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER09-67
 RULE TITLE: Instant Game Number 1046, SHERLOCK HOLMES

SUMMARY: This emergency rule describes Instant Game Number 1046, "SHERLOCK HOLMES," 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 Seconder, Legal Analyst, Department of the Lottery, 250 Marietta Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER09-67 Instant Game Number 1046, SHERLOCK HOLMES.

(1) Name of Game. Instant Game Number 1046, "SHERLOCK HOLMES."

(2) Price. SHERLOCK HOLMES lottery tickets sell for \$5.00 per ticket.

(3) SHERLOCK HOLMES 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 SHERLOCK HOLMES lottery ticket, the ticket must meet the applicable requirements of Rule 53ER08-89, F.A.C.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:



(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:



(6) The prize symbols and prize symbol captions are as follows:



(7) The legends are as follows:



(8) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the "YOUR NUMBERS" play area that matches a play symbol and corresponding play symbol caption

in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that symbol. A ticket having a "HAT" symbol and corresponding caption in the "YOUR NUMBERS" play area shall entitle the claimant to ten times the prize shown for that symbol.

(b) The prizes are: \$2.00, \$5.00, \$10.00, \$20.00, \$30.00, \$40.00, \$50.00, \$100, \$200, \$500, \$1,000, \$5,000, \$10,000, \$50,000 and \$200,000.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 1046 are as follows:

GAME PLAY	WIN	ESTIMATED ODDS OF 1 IN	NUMBER OF WINNERS IN 52 POOLS OF 120,000 TICKETS PER POOL
\$5	\$5	10.00	624.000
\$5 x 2	\$10	30.00	208.000
\$10	\$10	20.00	312.000
\$2 x 10	\$20	150.00	41.600
\$5 x 4	\$20	150.00	41.600
(\$5 x 2) + \$10	\$20	150.00	41.600
\$10 x 2	\$20	150.00	41.600
\$20	\$20	150.00	41.600
\$5 x 6	\$30	1,600.00	3.900
(\$5 x 4) + \$10	\$30	1,600.00	3.900
\$10 x 3	\$30	1,600.00	3.900
\$10 + \$20	\$30	1,600.00	3.900
\$30	\$30	1,600.00	3.900
\$5 x 8	\$40	2,400.00	2.600
(\$5 x 2) + (\$10 x 3)	\$40	2,400.00	2.600
\$10 x 4	\$40	2,400.00	2.600
\$20 x 2	\$40	2,400.00	2.600
\$40	\$40	2,400.00	2.600
\$5 (HAT)	\$50	1,200.00	5.200
(\$5 x 4) + (\$10 x 3)	\$50	1,200.00	5.200
\$10 x 5	\$50	1,200.00	5.200
\$10 + (\$20 x 2)	\$50	1,200.00	5.200
\$50	\$50	1,200.00	5.200
\$10 (HAT)	\$100	1,333.33	4.680
(\$5 x 4) + (\$10 x 8)	\$100	1,333.33	4.680
\$20 x 5	\$100	1,333.33	4.680
\$50 x 2	\$100	1,333.33	4.680
\$100	\$100	1,333.33	4.680
\$50 (HAT)	\$500	7,500.00	832
(\$20 x 5) + (\$50 x 6) + \$100	\$500	12,000.00	520
(\$50 x 8) + \$100	\$500	12,000.00	520
\$100 x 5	\$500	12,000.00	520
\$500	\$500	12,000.00	520
\$100 x 10	\$1,000	40,000.00	156

(\$50 x 4) + (\$100 x 8)	\$1,000	40,000.00	156
\$200 x 5	\$1,000	40,000.00	156
\$500 x 2	\$1,000	40,000.00	156
\$1,000	\$1,000	40,000.00	156
\$5,000	\$5,000	208,000.00	30
\$1,000 x 10	\$10,000	416,000.00	15
\$10,000	\$10,000	416,000.00	15
\$10,000 x 5	\$50,000	624,000.00	10
\$50,000	\$50,000	624,000.00	10
\$200,000	\$200,000	1,248,000.00	5

(10) The estimated overall odds of winning some prize in Instant Game Number 1046 are 1 in 4.34. 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 1046, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) Payment of prizes for SHERLOCK HOLMES lottery tickets shall be made in accordance with the rule 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 11-25-09.

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: November 25, 2009

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER09-68
 RULE TITLE: Extension of Entry Date for and Postponement of Grand Prize Drawings for the Florida Gator FAN Experience Second Chance Promotion, the Ultimate Canes® Experience Second Chance Promotion and the VIP Football FAN Experience Second Chance Promotion

SUMMARY: The Department of the Lottery will extend the voucher entry date for and postpone the grand prize drawings of the Florida Gator FAN Experience Second Chance Promotion, the Ultimate Canes® Experience Second Chance Promotion and the VIP Football FAN Experience Second Chance Promotion.

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:

53ER09-68 Extension of Entry Date for and Postponement of Grand Prize Drawings for the Florida Gator FAN Experience Second Chance Promotion, the Ultimate Canes® Experience Second Chance Promotion and the VIP Football FAN Experience Second Chance Promotion.

The voucher entry deadline for the grand prize drawings in the Florida Gator FAN Experience Second Chance Promotion, the Ultimate Canes® Experience Second Chance Promotion and the VIP Football FAN Experience Second Chance Promotion is extended to midnight on December 1, 2009. The grand prize drawing in each promotion will be held on December 2, 2009.

Rulemaking Authority 24.105(9), 24.109(1) FS. Law Implemented 24.105(9), 24.115(1) FS. History—New 11-30-09.

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: November 30, 2009

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

NOTICE IS HEREBY GIVEN THAT on October 15, 2009, the Department of Highway Safety and Motor Vehicles, received a petition for Emergency Variance on October 15, 2009, from Christine Holmes on behalf of the David Lawrence Mental Health Center, Inc., 2806 South Horseshoe Dr., Naples, Florida 34104. Pursuant to Section 120.542, Florida Statutes, the Petitioner is seeking a variance from or a waiver of paragraph 15A-10.022(4)(b), Florida Administrative Code, to extend for an additional six months, or until June 1, 2010 the recognition of Ms. Holmes to perform the functions of a clinical supervisor. This rule limits the period of such recognition to six months.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Judson M. Chapman, Senior Assistant General Counsel, Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, A-432 MS-02, Tallahassee, Florida 32399-0504. The Department will accept comments concerning the Petition for 5 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. on December 18, 2009.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF THE LOTTERY

NOTICE IS HEREBY GIVEN THAT on November 13, 2009, the Department of the Lottery has issued an order.

The order is in response to a petition for a rule waiver filed on August 9, 2009, by Louis Tolentino, Jr. The Petition was published in Vol. 35, No. 35, F.A.W., on September 4, 2009.

Petitioner sought a waiver of Rule 53ER08-89, Florida Administrative Code, with respect to certain requirements for payment of prizes on tickets. The Department determined that Petitioner has demonstrated that the purpose of the underlying statute has been achieved by other means and that application of the rule would create a substantial hardship. Therefore, the petition was GRANTED, subject to conditions that are stated in the Final Order.

A copy of the Order may be obtained by contacting: Office of the General Counsel, Florida Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011, or by calling (850) 487-7777.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on December 1, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Lucinda L. Shaffer, Sunset Captiva Bayside Condo, Captiva, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until October 31, 2010 (VW 2009-232).

A copy of the Order 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 December 1, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety

has received an order. That order granted a variance to Pierre Thiemann, Port Belleair 3, Belleaire Beach, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until December 1, 2011 (VW 2009-286).

A copy of the Order 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 December 1, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Rick Chapman, Anheuser Bush, Jacksonville, FL, to not comply with Rules 3.11.3, 3.11.1 and 2.7.4, ASME A17.3, 1996 edition until June 1, 2010 (VW 2009-327).

A copy of the Order 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 November 25, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That the order is denied as the petitioner has not met its burden to meet the intent of the code within a reasonable period of time, as submitted by Shawn Linton, Florida Institute of CPAs and, as specified in Section 120.542, Florida Statutes, titled Petition for Variance and Waiver (VW 2009-445).

A copy of the Order 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 December 1, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to B. A. Bobanic, University Community Medical Center, Inc., Tampa, FL, to not comply with Rules 3.11.3, 3.3.2 and 2.7.4, ASME A17.3, 1996 edition until December 1, 2010 (VW 2009-345 and 516).

A copy of the Order 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 December 1, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to William Snyder, Lido Surf & Sand Condominium, Sarasota, FL, to not comply with Rules 3.11.3, 3.3.2 and 2.7.4, ASME A17.3, 1996 edition until June 1, 2012 (VW 2009-452).

A copy of the Order 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 December 1, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to William Snyder, The Mirasol Apartments, Tampa, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition (VW 2009-450). A copy of the Order 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 December 1, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Kimberly Rosemurgy, The Forum Apartments, Boca Raton, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until April 1, 2010 (VW 2009-468). A copy of the Order 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 December 1, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Karen S. Padgett, Maitland Green I, Maitland, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until September 30, 2010 (VW 2009-504). A copy of the Order 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 December 1, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Thomas W. Cook, Ironwood Fifteenth Condominium Association, Inc., Bradenton, FL, to not comply with Rules 3.11.3, 3.10.4(t) and 2.7.4, ASME A17.3, 1996 edition until May 1, 2010 (VW 2009-519 and 580). A copy of the Order 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 December 1, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Carole S. Bowdenm Ironwood Seventh Condominium Association,

Inc.m Bradenton, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until April 30, 2012 (VW 2009-541).

A copy of the Order 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 December 1, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Carole S. Bowden, Ironwood Fourteenth Condominium Association, Inc., Bradenton, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until April 30, 2012 (VW 2009-564).

A copy of the Order 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 December 1, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Carole S. Bowden, Ironwood Ninth Condominium Association, Inc., Bradenton, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until April 30, 2012 (VW 2009-565).

A copy of the Order 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 December 1, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Jane Bentley, Central Manor Apartments, Daytona Beach, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until March 15, 2010 (VW 2009-570).

A copy of the Order 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 December 1, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Howard Brody, Lake Howard Heights, Winter Haven, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until October 31, 2012 (VW 2009-576).

A copy of the Order 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 December 1, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Robert Mastrippolito, Islander Club, Longboat Condominium Association, Longboat Key, FL, to not comply with Rules 3.10.4(t) and 2.7.4, ASME A17.3, 1996 edition until December 1, 2011 (VW 2009-584).

A copy of the Order 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 December 1, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Cheri Johnson, Fairway Bay Association, Longboat Key, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until December 31, 2011 (VW 2009-586).

A copy of the Order 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 December 1, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Larry Woodard, Ocean Trail Condominium Association No. 1, Inc., Jupiter, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until November 30, 2010 (VW 2009-594).

A copy of the Order 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 December 1, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Anita Danna, Otter Key Condominium, St. Petersburg, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until July 31, 2010 (VW 2009-652).

A copy of the Order 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 November 20, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. The request for variance is withdrawn by the Petitioner, Steve Zook, The Beachcomber Condominiums, as specified in Section 120.542, Florida Statutes, titled Petition for Variance and Waiver (VW 2009-703).

A copy of the Order 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 November 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That the order is denied as the petitioner has not met its burden to meet the intent of the code within a reasonable period of time, as submitted by William Wedral, Pelican Walk Condominium and, as specified in Section 120.542, Florida Statutes, titled Petition for Variance and Waiver (VW 2009-540).

A copy of the Order 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 November 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That the order is denied as the petitioner has not met its burden to meet the intent of the code within a reasonable period of time, as submitted by Lee Rigby, The Enclave Hotel & Suites and, as specified in Section 120.542, Florida Statutes, titled Petition for Variance and Waiver (VW 2009-560).

A copy of the Order 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 November 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That the order is denied as the petitioner has not met its burden to meet the intent of the code within a reasonable period of time, as submitted by Mark Stich, Orlando World Center Marriott, Inc. and, as specified in Section 120.542, Florida Statutes, titled Petition for Variance and Waiver (VW 2009-562).

A copy of the Order 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 November 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That the order is denied as the petitioner has not met its burden to meet the intent of the code within a reasonable period of time, as submitted by Larry LoCascio, Monroe Park Tower and, as specified in Section 120.542, Florida Statutes, titled Petition for Variance and Waiver (VW 2009-724).

A copy of the Order 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 November 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That the order is denied as the petitioner has not met its burden to meet the intent of the code within a reasonable period of time, as submitted by Soli Bratanatawira, Comfort Inn Universal Studio and, as specified in Section 120.542, Florida Statutes, titled Petition for Variance and Waiver (VW 2009-727).

A copy of the Order 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 November 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That the order is denied as the petitioner has not met its burden to meet the intent of the code within a reasonable period of time, as submitted by Soli Bratanatawira of Comfort Inn Universal Studio and, as specified in Section 120.542, Florida Statutes, titled Petition for Variance and Waiver (VW 2009-728).

A copy of the Order 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 November 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That the order is denied as the petitioner has not met its burden to meet the intent of the code within a reasonable period of time, as submitted by Soli Bratanatawira of Comfort Inn Universal Studio and, as specified in Section 120.542, Florida Statutes, titled Petition for Variance and Waiver (VW 2009-729).

A copy of the Order 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 November 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That the order is denied as the petitioner has not met its burden to meet the intent of the code within a reasonable period of time, as submitted by Soli Bratanatawira, Comfort Inn Universal Studio and, as specified in Section 120.542, Florida Statutes, titled Petition for Variance and Waiver (VW 2009-730).

A copy of the Order 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 November 13, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a temporary variance from Section 399.035(1)(b), F.S. The petitioner, Marriott Oceana Palms, Riviera Beach, FL, and location of the Serial Number 96728-30, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Jennifer Livingston, Project Manager (VW 2009-735).

A copy of the Order 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 November 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a temporary variance from A17.3, Sections 3.11.3 and 2.7.4, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Boca Raton Plaza Hotel & Suites, Boca Raton, FL, and location of the Serial Numbers 14795-96, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from John Wagner, Owner (VW 2009-737).

A copy of the Order 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 November 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a temporary variance to extend the annual inspection due date to December 31, 2009. The petitioner, Windermere Business Center Condo Assoc., Inc., Orlando, FL, and location of the Serial Number 94979-81, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Michael Young, Vice-President (VW 2009-738).

A copy of the Order 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 November 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2

Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Vista De Oro Condo, St. Petersburg, FL, and location of the Serial Number 30247-48, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Madelyn Wood, Property Manager (VW 2009-739).

A copy of the Order 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 November 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a permanent variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Bermuda High South, Delray Beach, FL, and location of the Serial Numbers 4755, 4969, 8328, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Steven C. Lebrun, Secretary (VW 2009-740).

A copy of the Order 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 November 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Bahia Del Mar II, St. Petersburg, FL, and location of the Serial Numbers 30265, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Paul Mullen, Property Manager (VW 2009-741).

A copy of the Order 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 November 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Bahia Del Mar II, St. Petersburg, FL, and location of the Serial Number 30266, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Paul Mullen, Property Manager (VW 2009-742).

A copy of the Order 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 November 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a temporary variance from ANSI/NFPA 70 Section 620-71 and A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, 2790 N. Federal Hwy., Boca Raton, FL, and location of the Serial Number 33772, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Barry S. Stark, Managing Member (VW 2009-743).

A copy of the Order 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 November 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for an emergency temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Casa de Marco, Marco Island, FL, and location of the Serial Number 31580, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Jeffrey Will, Managing Agent (VW 2009-744).

A copy of the Order 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 November 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a temporary variance from A17.3, Section 3.11.3 and 2.7.4, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Raymond Office Plaza of West Palm Beach, and location of the Serial Number 33139-40, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Judy Preefer, Agent (VW 2009-745).

A copy of the Order 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 November 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a temporary variance from A17.3, Section 3.11.3, 3.11.1, 3.10.4(t), 3.3.2 and 2.7.4, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Sun Towers, Sun City Center, FL, and location of the Serial Numbers 24950-51, 25166 and 36315, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from William Snyder, Agent (VW 2009-746).

A copy of the Order 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 November 16, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a temporary variance from A17.3, Section 3.11.3, 3.9.1, 3.3.2 and 2.7.4, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Townview Condo Assoc., St. Petersburg, FL, and location of the Serial Numbers 32626-28, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from William Snyder, Agent (VW 2009-747).

A copy of the Order 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 November 17, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for an emergency temporary variance from A18.1, Section 2.7.1, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Bishop Moore HS Memorial Stadium, Orlando, FL, and location of the Serial Number 61933, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from James Farrow, Agent (VW 2009-748).

A copy of the Order 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 November 17, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for an emergency temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph

61C-5.001(1)(a), F.A.C. The petitioner, Treasure Coast Medical Center, Port St. Lucie, FL, and location of the Serial Numbers 34127-29, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Lee Rigby, Agent (VW 2009-749).

A copy of the Order 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 November 18, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for an emergency temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Key Plaza Apartments, St. Petersburg, FL and location of the Serial Numbers 18294-95, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Aral Abuhan, Manager (VW 2009-750).

A copy of the Order 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 November 25, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for an emergency temporary variance from A17.3, Sections 3.11.3 and 3.3.2, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, FAMU Coleman Library, Tallahassee, FL, and location of the Serial Numbers 11013, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Lee Rigby, Agent (VW 2009-751).

A copy of the Order 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 November 10, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The Department received a Petition on October 19, 2009 for a Routine Variance for subsection 61C-4.010(5), Florida Administrative Code and Paragraph 4-301.12(A), 2001 FDA Food Code from Bay Spirit II, Tampa, FL. The above referenced F.A.C. addresses the requirement that each establishment have facilities for washing, rinsing and

sanitizing dishes and utensils. They are requesting to utilize the dishwashing facilities located within another licensed establishment.

The variance request was published in Vol. 35, No. 45, 11/13/09 contingent upon the Petitioner ensuring the three-compartment sink located within Caribbean Cantina is maintained in a clean and sanitary manner, provided with hot and cold running water under pressure, and available during all hours of operation. If the owner of the Caribbean Cantina changes, an updated signed agreement for use of the three-compartment sink is required immediately. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Lydia.Gonzalez@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on November 24, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subparagraph 61C-1.002(5)(a)2., Florida Administrative Code, from Florida Fast Food Network, Winter Park, FL. The above referenced F.A.C. addresses the requirement that a mobile food dispensing vehicle be self-propelled or otherwise movable. They are requesting to mount the mobile food dispensing vehicle on casters rather than an axle.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lydia.Gonzalez@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on November 10, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The Department received a Petition on October 20, 2009 for a Routine Variance for Subparagraph 3-305.11(A)(2), 2001 FDA Food Code, Paragraph 3-305.14, 2001 FDA Food Code, Paragraph 6-202.15, 2001 FDA Food Code, Paragraph 6-202.16, 2001 FDA Food Code, subsections 61C-4.010(1), (6), Florida Administrative Code, from Mariachi's Grill Inc., Bushnell, FL. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to dispense bulk potentially hazardous foods other than frankfurters from an open air mobile food dispensing vehicle.

The variance request was published in Vol. 35, No. 45, 11/13/09 contingent upon the Petitioner ensuring that each pan within the steam table is properly covered with an individual

lid, the steam table is enclosed within a cabinet with tight-fitting doors and protected by an air curtain installed and operated according to manufacturer's specifications that protects against flying vermin or other environmental contaminants; all steam table foods must be properly reheated for hot holding at approved commissaries per the parameters of the currently adopted FDA Food Code, and held hot at the proper minimum temperature per the parameters of the currently adopted FDA Food Code; and steam table food is to be dispensed by the operator with no customer self-service. The Petitioner shall also strictly adhere to the operating procedures and copies of the variance and operating procedures are to be present on the MFDV during all periods of operation. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Lydia.Gonzalez@DBPR.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on November 19, 2009, the Board of Architecture and Interior Design, received a petition for Danielle Wolf, seeking a variance or waiver of subsection 61G1-22.002(1), F.A.C., which requires that applicants for licensure obtain the diversified interior design experience required by Section 481.209(2), F.S., with a registered interior designer (any state) or registered architect (any state) performing interior design services, unlicensed interior designer (outside of Florida) who has passed the NCIDQ (National Council for Interior Design Qualification) or the AID (American Institute of Designers) examination, or unlicensed interior designer (outside of Florida) who would have met the six-year experience grandfather requirement of Section 21, Chapter 88-383, Laws of Florida. Petitioner also seeks a variance or waiver of subsection 61G1-22.002(4), Florida Administrative Code, which requires that an applicant's experience record shall be based upon written statements as to employment from the employer or supervisors of the applicant that set forth the quality and character of the applicant's duties and responsibilities.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Anthony Spivey, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, FL 32399-0783. Comments on this petition should be filed with the Board of Architecture and Interior Design within 14 days of publication of this notice.

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 November 18, 2009, the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, received a petition for Tracy Bane, LCSW on behalf of Denyce Roberts, MSW, seeking a variance or waiver of Rule 64B4-2.002, F.A.C., with regard to the requirement of face-to-face contact between an intern and supervisor.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258. Comments on this petition should be filed with: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on November 13, 2009, the Department of Health, received a petition for Variance from sub-subparagraph 64E-11.006(5)(b)7.f., Florida Administrative Code (F.A.C.), from Advent Parrish Day School (Episcopal Church of the Advent), 815 Piedmont Dr., Tallahassee, Florida 32312. This rule section states, "Final rinse temperatures in this subsection apply to temperatures at the rinse manifold."

Comments on this petition should be filed with: Sam Power, Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, BIN #A02, Tallahassee, Florida 32399-1703, within 14 days of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Ric Mathis, Bureau of Community Environmental Health, 4052 Bald Cypress Way, BIN #A08, Tallahassee, Florida 32399-1710, (850)245-4277.

NOTICE IS HEREBY GIVEN THAT on November 23, 2009, the Department of Health, Bureau of Community Environmental Health, received a petition for Temporary Variance of Teri L. Donaldson on behalf of Stericycle, Inc. has been granted. The Petition for Temporary Variance and an amended Petition for Temporary Variance was received by the Department on August 27, 2009 and September 2, 2009, respectively. Notice of the Petitions was published by the Department of Health in the Florida Administrative Weekly, Vol. 35, No. 37. The Petitioner sought a temporary variance from subsection 64E-16.005(1) and paragraph 64E-16.005(1)(b), F.A.C. The basis of the approval is financial

hardship to Petitioner for compliance with the requirement set forth in subsection 64E-16.005(1) and paragraph 64E-16.005(1)(b), F.A.C., requiring labeling of sharps containers. Petitioner has offered an alternative method that the department has determined meets the intent of subsection 64E-16.005(1) and paragraph 64E-16.005(1)(b), F.A.C. and the underlying requirements of the statute.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Gina Vallone-Hood, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399, Gina_Vallone@doh.state.fl.us, (850)245-4273.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN THAT on November 18, 2009, the Department of Children and Families, received a petition for waiver of subsection 65C-15.017(2), Florida Administrative Code, from Sherree Rich, assigned Case No. 09-039W. Subsection 65C-15.017(2), F.A.C. require staff of a licensed child-placing agency responsible for supervising casework services shall have a master's or bachelor's degree in social work or a related area of study from accredited college or university.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

BROWARD COUNTY PERMITTING, LICENSING AND CONSUMER PROTECTION

NOTICE IS HEREBY GIVEN THAT on October 9, 2009, the Broward County Elevator Section, received a petition for an Emergency Temporary Variance until October 1, 2013, pursuant to ASME A17.3, Section 1.3, in order to have adequate time to raise funds and to have the work performed necessary to bring elevators into compliance with ASME A17.3, Rule 3.11.3, pertaining to Fire Control operations, as the 30 days allowed under Chapter 399, F.S., is an inadequate period of time to accomplish the work involved. Petitioner: Lee Rigby, President, Vertical Assessment Associates, on behalf of Corporate Park At Inverrary, LLC.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Richard S. Walter, Elevator Section Supervisor, Broward County, Permitting, Licensing & Consumer Protection Division, 1 North University Drive, Plantation, Florida 33324.

NOTICE IS HEREBY GIVEN THAT on October 28, 2009, the Broward County Elevator Section, received a petition for a Temporary Variance until October 1, 2013, in order to have adequate time to raise funds, request bids and have the work

performed necessary to bring elevators into compliance with ASME A17.3, Rule 3.11.3, pertaining to Fire Control operations from Irving Kahn, General Manager for Somerset Phases 4 & 5 LLC.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Richard S. Walter, Elevator Section Supervisor, Broward County, Permitting, Licensing & Consumer Protection Division, 1 North University Drive, Plantation, Florida 33324.

Section VI

Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Pesticide Review Council** announces a public meeting to which all persons are invited.

DATE AND TIME: January 13, 2010, 9:00 a.m.

PLACE: Austin Cary Memorial Forest, Conference Building, 10625 Northeast Waldo Road, Gainesville, Florida 32609, (352)846-0850

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the council during which there will be a review of pertinent pesticide issues impacting on human health and the environment.

A copy of the agenda may be obtained by contacting: Bureau of Pesticides, 3125 Conner Boulevard, Building 6, Mail L-29, Tallahassee, Florida 32399-1650, (850)487-0532.

The **Pesticide Registration Evaluation Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: January 7, 2010, 9:00 a.m.

PLACE: Florida Department of Agriculture and Consumer Services, Bureau of Pesticides Conference Room, 3125 Conner Boulevard, Building 6, Room 606, Tallahassee, Florida 32399, (850)487-2130

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee discusses and makes recommendations on pesticide registration issues impacting human health and safety and the environment.

A copy of the agenda may be obtained by contacting: Pesticide Registration Section at (850)487-2130 or from the PREC Web Site: <http://www.flaes.org/pesticide/pesticideregistration.html>.

For more information, you may contact: Mr. Charlie L. Clark, Administrator, Pesticide Registration Section, 3125 Conner Boulevard, Building 6, Room 601, Tallahassee, Florida 32399-1650, (850)487-2130.

DEPARTMENT OF EDUCATION

The **Division of Blind Services, Direct Support Organization** announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 17, 2009, 1:30 p.m. – 4:00 p.m.

PLACE: Conference Call: 1(877)347-0176, Passcode: 720674#. Blind Services Foundation, 4700 Millenia Boulevard, Suite 175, Orlando, Florida 32839, (850)345-9122

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting.

A copy of the agenda may be obtained by contacting: Craig Kiser, 4700 Millenia Boulevard, Suite 175, Orlando, Florida 32839, (850)345-9122.

Pursuant to the provisions of 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: Craig Kiser at (850)345-9122. If you are 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 public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 13, 2010, 6:00 p.m.

PLACE: Eustis Community Center, 601 North Shore Drive, Eustis, Florida 32726

GENERAL SUBJECT MATTER TO BE CONSIDERED: DOCKET NO. 090346-WU – Application for staff-assisted rate case in Lake County by Brendenwood Water System, Inc. The purpose of this customer meeting is to give customers and other interested persons an opportunity to offer comments regarding the quality of service the utility provides, the proposed rate increase, and to ask questions and comment on other issues. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in this meeting.

EMERGENCY CANCELLATION OF CUSTOMER MEETING: If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely, direct notice to parties. Notice of cancellation of the meeting will also be provided on the Commission's website

(<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

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

For more information, you may contact: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

REGIONAL PLANNING COUNCILS

The **Tampa Bay Regional Planning Council Agency on Bay Management** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 14, 2010, 9:00 a.m.

PLACE: 4000 Gateway Centre Blvd., #100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Agency on Bay Management.

A copy of the agenda may be obtained by contacting: www.tbrpc.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: Suzanne Cooper at (727)570-5151, ext. 32. If you are 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: Suzanne Booper at (727)570-5151, ext. 32.

The **Tampa Bay Regional Planning Council**, Clearinghouse Review Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, January 25, 2010, 9:30 a.m.

PLACE: 4000 Gateway Centre Blvd. #100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Review Committee.

A copy of the agenda may be obtained by contacting: www.tbrpc.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: Ms. Wren Krahl at (727)570-5151, ext. 22. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Mr. Wren Krahl at (727)570-5151, ext. 22.

WATER MANAGEMENT DISTRICTS

The **Water Resources Advisory Commission (WRAC)** Recreation Issues Workshop announces a public meeting to which all persons are invited.

DATE AND TIME: December 14, 2009, 5:00 p.m. – 8:00 p.m.

PLACE: SFWMD, Building B-1, Auditorium, 3301 Gun Club Rd., West Palm Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Public Meeting of the Water Resources Advisory Commission (WRAC) regarding recreation issues. The public is advised that it is possible that one or more members of the Governing Board of the South Florida Water Management District may attend and participate in this meeting.

A copy of the agenda may be obtained by contacting: Rick Smith at (561)682-6517 or at our website: <http://my.sfwmd.gov/wrac>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District's Clerk Office, Jacki McGorty at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Lower West Coast Regional Water Supply Plan**, WRAC Issues Workshop announces a workshop to which all persons are invited.

DATE AND TIME: December 18, 2009, 9:30 a.m. – 12:00 Noon

PLACE: Estero Community Park Recreation Center, 9200 Corkscrew Rd., Room 103A, Estero, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Lower West Coast Overview of Water Supply Planning requirements and update process.

Public water supply population projections and demands.

Goal and proposed objectives for LWC Plan Update.

A copy of the agenda may be obtained by contacting: Terry Bengtsson at email: tbengts@sfwmd.gov or (239)338-2929.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District's Clerk Office, Jacki McGorty at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Water Resources Advisory Commission Issues Workshop, River of Grass Project Planning Phase II announces a workshop to which all persons are invited.

DATE AND TIME: December 18, 2009, 10:00 a.m. – 4:00 p.m.

PLACE: SFWMD, Building B-1, Auditorium, 3301 Gun Club Rd., West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: All interested parties are invited to participate in a Phase II planning workshop for use in identification of alternative plans for the River of Grass Land Acquisition Project. The public is advised that it is possible that one or more members of the Governing Board of the South Florida Water Management District may attend and participate in this meeting.

A copy of the agenda may be obtained by contacting: Joni Warner at (561)682-6537.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District's Clerk Office, Jacki McGorty at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

REGIONAL UTILITY AUTHORITIES

NOTICE OF CANCELLATION – The **Withlacoochee Regional Water Supply Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: December 16, 2009, 4:30 p.m.

PLACE: Withlacoochee Regional Planning Council Headquarters, Conference Room, 1241 S. W. 10th Street (SR 200), Ocala, FL 34474-0323

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting Cancelled.

The **Peace River Manasota Regional Water Supply Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: December 17, 2009, 1:30 p.m.

PLACE: Manatee County Administrative Center, 1112 Manatee Avenue, West, Bradenton, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will convene to conduct regular business of the Authority.

A copy of the agenda may be obtained by contacting: Peace River Manasota Regional Water Supply Authority, 6311 Atrium Drive, Suite 100, Bradenton, Florida 34202.

Pursuant to the provisions of 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: (941)316-1776. If you are 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: (941)316-1776.

DEPARTMENT OF THE LOTTERY

The **Department of the Lottery** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, December 18, 2009, 9:30 a.m.

(ET) continuing from day to day thereafter as may be required

PLACE: 250 Marriott Drive, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Collective bargaining negotiating session for a successor agreement between the Department of the Lottery and the Federation of Public Employees for FY 2010-2011. The meeting will be conducted via telephone conference call. Future meeting date(s) will be determined at the close of each session and will be posted on the Lottery's website: <http://www.flalottery.com>, at least 7 days prior to the meeting.

A copy of the agenda may be obtained by contacting: Terry Perkins or Tammy Fleetwood at (850)487-7731.

Pursuant to the provisions of 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: Terry Perkins or Tammy Fleetwood at (850)487-7731. If you are 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: Terry Perkins or Tammy Fleetwood at (850)487-7731.

DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs, Statewide Public Guardianship Office** announces a telephone conference call to which all persons are invited.

DATES AND TIME: December 22, 2009; January 5, 2010; January 19, 2010; January 26, 2010, 8:30 a.m. – 9:30 a.m. Eastern Standard Time (EST)

PLACE: Conference Call: 1(888)808-6959, 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: Lynn Visk, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2381, email: viskl@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: Lynn Visk, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2381, email: viskl@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: Lynn Visk, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2381, email: viskl@elderaffairs.org.

The **Department of Elder Affairs, Long-Term Care Ombudsman Program** announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 22, 2009, 2:00 p.m. – 3:30 p.m. (EST)

PLACE: Conference Call: 1(888)808-6959, Conference Code: 9382152028#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Ombudsman Program, Executive Committee Business.

A copy of the agenda may be obtained by contacting: Betty Cambor, 11351 Ulmerton Rd., Ste. 303, Largo, FL 33778, (727)518-3913, email: camblorbj@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: Betty Cambor, 11351 Ulmerton Rd., Ste. 303, Largo, FL 33778, (727)518-3913, email: camblorbj@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: Betty Cambor, 11351 Ulmerton Rd., Ste. 303, Largo, FL 33778, (727)518-3913, email: camblorbj@elderaffairs.org.

DEPARTMENT OF MANAGEMENT SERVICES

The **Department of Management Services, Division of Telecommunications**, E911 Board announces the following meeting schedule information whereby two (2) or more Board members will be in attendance and the following meeting schedule.

DATE AND TIME: December 16, 2009, immediately following the monthly scheduled E911 Board Meeting

PLACE: Peabody Hotel, Orlando, FL

DATES AND TIME: January 13-14, 2010, 9:00 a.m. – until conclusion of business

PLACE: World Golf Village, 500 South Legacy Trail, St. Augustine, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida E911 Board Prepaid Taskforce Workshop to discuss issues related to Prepaid legislation and other related issues.

If accommodation due to disability is needed in order to participate, please notify the Department of Management Services, Division of Telecommunications Office, E911 Board in writing at least five (5) days in advance: 4050 Esplanade Way, Tallahassee, Florida 32399-0950.

The **Agency for Workforce Innovation** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, December 17, 2009, 10:00 a.m. – 11:00 a.m.

PLACE: Caldwell Building, Conference Room 114, 107 E. Madison Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular recurring meeting to review project status and act on any decisions required of the Committee.

A copy of the agenda may be obtained by contacting: http://www.floridajobs.org/unemployment/UC_Modernization Project.

Pursuant to the provisions of 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: Dianne Corbett at (850)245-7285. If you are 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 you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department Management Services, Division of Telecommunications** announces a meeting of the Joint Task Force on State Agency Law Enforcement Communications announces a public meeting to which all persons are invited.

DATE AND TIME: December 7, 2009, 2:00 p.m. – 4:00 p.m.

PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, Florida 32399. Conference Call: (850)245-5733.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss operational matters for the Statewide Law Enforcement Radio System.

A copy of the agenda may be obtained by contacting: Bruce Meyers at (850)922-7510, bruce.meyers@dms.myflorida.com.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

The **Board of Medicine**, Physician Assistant Council announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, December 19, 2009, 2:00 p.m. or soon thereafter

PLACE: Marriott Tampa Airport, 4200 George J. Bean Pkwy., Tampa, FL 33607, Hotel phone #: (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the board. The Board of Medicine announces that certain Committee meetings will be held on the Thursday, before each Full Board meeting. Committee meetings may be cancelled prior to the meeting date. Please check the Board Web Site: www.flhealthsource.com for cancellations or changes to meeting dates or call the Board of Medicine.

A copy of the agenda may be obtained by contacting: Vera Johnson at Vera_Johnson@doh.state.fl.us or (850)245-4131, ext. 3528.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Vera Johnson at Vera_Johnson@doh.state.fl.us or (850)245-4131, ext. 3528. If you are 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 **Board of Nursing**, South Probable Cause Panel announces a telephone conference call to which all persons are invited.

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

PLACE: Department of Health, Tallahassee at Meet Me Number: 1(888)808-6959, Code: 2458182#

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda may be obtained by contacting: Rick Garcia, Executive Director, 4052 Bald Cypress Way, Bin #C02, 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 by contacting: Board office. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Department of Health, Board of Pharmacy** announces a public meeting to which all persons are invited.

DATES AND TIME: December 21, 28, 30, 2009, 10:00 a.m. or soon thereafter

PLACE: Conference Call: 1(888)808-6959, Code: 5642037#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will discuss general Board business.

A copy of the agenda may be obtained by contacting: Board of Pharmacy, 4052 Bald Cypress Way, Bin #C-04, Tallahassee, FL 32399-3254. The agenda will also be available one week prior to the meeting date at: www.doh.state.fl.us/mqa/pharmacy.

For more information, you may contact: Board of Pharmacy at (850)245-4292.

Pursuant to the provisions of 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 Pharmacy at (850)245-4292. If you are

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Department of Health, Board of Psychology** announces a public meeting to which all persons are invited.

DATE AND TIME: April 23, 2010, 9:00 a.m. or soon thereafter

PLACE: Embassy Suites, 9300 Baymeadows Road, Jacksonville, FL 32256, (904)731-3555

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Department of Health, Board of Psychology, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255, (850)245-4373, ext. 3482.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Board office at (850)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 **Department of Health** announces a meeting of the Research Review and Advisory Committee of the Bureau of Onsite Sewage Programs to which all persons are invited.

DATE AND TIME: December 16, 2009, 9:00 a.m. (EST)

PLACE: Conference Call: 1(888)808-6959, Conference Code: 1454070#. Florida Department of Health Southwood Complex, 4042 Bald Cypress Way, Room 240P, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and guide current, proposed, and potential future onsite sewage research projects. This meeting will include a discussion of the Florida Nitrogen Reduction Strategies Study and of an interim report on that study. Part of this meeting may be accessible via web conference with details to be posted on the Bureau website: <http://www.doh.state.fl.us/environment/ostds/research/index.html>.

A copy of the agenda may be obtained by contacting: Susan Polangin, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713, (850)245-4070, e-mail: Susan_Polangin@doh.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Susan Polangin at the address above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Substance Abuse Program Office** announces a workshop to which all persons are invited.

DATE AND TIME: Tuesday, January 19, 2010, 10:00 a.m. – 3:00 p.m.

PLACE: Department of Children and Family Services, Substance Abuse Program Office, 1317 Winewood Boulevard, Building 6, 3rd Floor, Conference Room 335, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the rule development workshop is to solicit input from the public regarding the proposed changes to substance abuse licensure in Chapter 65D-30, F.A.C.

A copy of the agenda may be obtained by contacting: Herman McBride, Department of Children and Family Services, Substance Abuse Program Office, 1317 Winewood Boulevard, Building 6, 3rd Floor, Room 305, Tallahassee, Florida 32399 or by calling Herman McBride at (850)413-6708.

Pursuant to the provisions of 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: Herman McBride at (850)413-6708. If you are 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: Herman McBride, Department of Children and Family Services, Substance Abuse Program Office, 1317 Winewood Boulevard, Building 6, 3rd Floor, Room 305, Tallahassee, Florida 32399 or by calling (850)413-6708.

The **Agency for Persons with Disabilities** announces a telephone conference call to which all persons are invited.

DATES AND TIMES: December 18, 2009, 10:00 a.m. – 12:00 Noon; 2:00 p.m. – 4:00 p.m.; December 21, 2009, 10:00 a.m. – 12:00 Noon; 2:00 p.m. – 4:00 p.m.; December 22, 2009, 10:00 a.m. – 12:00 Noon; 2:00 p.m. – 4:00 p.m.

PLACE: Agency for Persons with Disabilities, 4030 Esplanade Way, Conference Room 301, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meetings of stakeholders to discuss the Agency's plans for individual budgets. Conference calls may be cancelled if unnecessary for project completion.

A copy of the agenda may be obtained by contacting: An agenda and telephone conference call numbers will be posted seven (7) days prior to the meeting at <http://apd.myflorida.com/ibudget/meetings-and-schedules.htm>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Stephanie Rogers, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)414-6558. If you are 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: Hilary Brazzell, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)488-4877.

The **Agency for Persons with Disabilities** announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 18, 2009, 2:00 p.m. – 4:00 p.m. or conclusion

PLACE: Conference Call: 1(888)808-6959, Conference Code: 9439484#, Conference Room 301, Agency for Persons with Disabilities, 4030 Esplanade Way, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be to discuss a draft of legislation put together by the Bill Drafting Sub-Committee.

There will be no formal agenda for this meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Deleah Sims, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)488-9547, Deleah_Sims@apd.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: Mike Dunn, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)414-5853, Mike_Dunn@apd.state.fl.us.

NAVIGATION DISTRICTS

The **West Coast Inland Navigation District** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, December 14, 2009, 1:30 p.m.

PLACE: Venice City Hall, 401 W. Venice Avenue, Venice, FL 34285

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Navigation District.

A copy of the agenda may be obtained by contacting: WCIND, 200 E. Miami Avenue, Venice, FL 34285.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

FLORIDA ATLANTIC RESEARCH AND DEVELOPMENT AUTHORITY

The **Florida Atlantic Research and Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, December 15, 2009, 8:00 a.m.

PLACE: Incubator Conference Room, 3701 FAU Blvd., Suite 210, Boca Raton, FL 32401

GENERAL SUBJECT MATTER TO BE CONSIDERED: New tenants for Research Park.

A copy of the agenda may be obtained by contacting: Scott Ellington at email: Scott@research-park.org or (561)416-6092.

GOVERNOR'S COMMISSION ON DISABILITIES

NOTICE OF CHANGE – The **Governor's Commission on Disabilities**, Education and Employment Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: Updated to Thursday, December 17, 2009, 9:00 a.m. – 11:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 6101108#. 4030 Esplanade Way, Ste. 260, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee is meeting to fulfill the mandate of Executive Order 08-193.

A copy of the agenda may be obtained by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or commission@dms.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or commission@dms.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

Please be advised that if you intend to provide materials to the Commissioners for review, the materials must be available in alternative formats in advance of dispersal to the Commissioners. If you need assistance in converting files to alternative formats, please send them to commission@dms.myflorida.com.

FLORIDA WORKERS' COMPENSATION INSURANCE GUARANTY ASSOCIATION

The **Florida Workers' Compensation Insurance Guaranty Association** announces a meeting regarding a Strategy Session Related to Litigation. In accordance with Section 286.011(8), F.S., counsel for Florida Workers Compensation Insurance Guaranty Association and the Florida Workers Compensation Insurance Guaranty Association Board all persons are invited.

DATE AND TIME: December 17, 2009, 11:00 a.m.
 PLACE: Hyatt Regency Orlando Airport Hotel, Orlando, FL
 SUBJECT MATTER TO BE DISCUSSED: for one (1) hour in private to discuss pending litigation, including Florida Workers' Compensation Insurance Guaranty Association, Inc. v. Tampa Service Company, Inc. d/b/a Pacesetter Personnel Service et al. and Florida Workers' Compensation Insurance Guaranty Association, Inc. v. ADP Totalsource Group, Inc. successor in interest to Vincam Group, Inc.

The entire Strategy Session related to pending litigation shall be recorded by a certified court reporter. The transcript shall be made a part of the public record upon conclusion of the litigation.

The following persons will present to the Florida Workers' Compensation Insurance Guaranty Association Board: Richard Lydecker, Esq., Alan Feldman, Esq., Carlos de Zayas, Esq., and Christopher Berga, Esq. (attending telephonically)

The following persons will be present at the Strategy Session Related to Pending Litigation: Board Members, Thomas W. Stahl, Chairman, David Conway, Jim Costa, Craig Johnson, Vince Long, Sean M. Shaw, Richard W. Palczynski, Mark Stephenson, Brett Stiegel, Earl R. Thomas, William B. Willingham, Sandra J. Robinson, Secretary and Thomas D. Streukens, Treasurer.

Pursuant to the provisions of 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 (850)386-9200.

For more information, you may contact: Sandra Robinson at (850)386-9200.

FLORIDA HEALTH MAINTENANCE ORGANIZATION CONSUMER ASSISTANCE PLAN

The **Florida Health Maintenance Organization Consumer Assistance Plan (FLHMOCAP)** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, December 18, 2009, 10:00 a.m. (EST)

PLACE: Conference Call: 1(877)434-2293, Passcode: 8504251634#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Board of Directors to conduct general business of the Board.

A copy of the agenda may be obtained by contacting: Terri Jay at (850)425-1628 or by email: terri.jay@akerman.com.

For more information, you may contact: Terri Jay at terri.jay@akerman.com.

FLORIDA LOCAL GOVERNMENT FINANCE COMMISSION

The **Florida Local Government Finance Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, December 18, 2009, 10:30 a.m.
 PLACE: 2502 Rocky Point Drive, Suite 1060, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting of the Commission will be for the purposes of reviewing the statewide pooled commercial paper loan program for Florida governmental entities. The Commission is an unincorporated, nonprofit association whose members are comprised of Brevard County, Florida, Charlotte County, Florida, Collier County, Florida, Lee County, Florida, Osceola County, Florida and Sarasota County, Florida.

A copy of the agenda may be obtained by contacting: Elizabeth Newberry, Florida Association of Counties, 100 South Monroe Street, Tallahassee, Florida 32301.

FLORIDA HIGHER EDUCATIONAL FACILITIES FINANCING AUTHORITY

The **Florida Higher Educational Facilities Financing Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, December 15, 2009, 12:00 Noon – 1:00 p.m.

PLACE: Campus of St. Leo University, 33701 State Road 52, MC2187, Saint Leo, Florida 33574, (352)588-8291. Teleconference: (866)57805716, Conference Code: 6813188#
GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting to consider the final bond resolution for the Saint Leo University transaction, including authorizing the issuance of the Authority's revenue bonds in an amount not to exceed \$22,500,000 for the purpose of making a loan to Saint Leo University in order to refund certain outstanding obligations; approving the forms of documents awarding the sale of such bonds to Regions Bank and related matters; and to conduct regular board business.

A copy of the agenda may be obtained by contacting: Melissa Armstrong, 542 East Park Avenue, Tallahassee, Florida 32301, (850)681-3188.

Pursuant to the provisions of 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: Melissa Armstrong, 542 East Park Avenue, Tallahassee, Florida 32301, (850)681-3188. If you are 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: Melissa Armstrong, 542 East Park Avenue, Tallahassee, Florida 32301, (850)681-3188.

JUSTICE ADMINISTRATIVE COMMISSION

The **Justice Administrative Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: December 15, 2009, 10:00 a.m. (EST)

PLACE: 227 N. Bronough Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by contacting: Jessica Kranert at 1(866)355-7902, ext. 261 or jessicak@jac.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. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

LEVY COUNTY TOBACCO PREVENTION PROGRAM

The **Levy County Tobacco Prevention Program**, Coalition Against Tobacco announces a public meeting to which all persons are invited.

DATE AND TIME: December 15, 2009, 3:30 p.m. – 5:30 p.m.

PLACE: First Baptist Church of Bronson (Fellowship Hall), 460 South Court Street, Bronson, FL 32621

GENERAL SUBJECT MATTER TO BE CONSIDERED: Reviewing the Coalition's name, mission, bylaws and proposed activities for the upcoming year.

A copy of the agenda may be obtained by contacting: Kristina Zachry at Kristina_Zachry@doh.state.fl.us.

FLORIDA NETWORK OF YOUTH AND FAMILY SERVICES, INC.

The **Florida Network of Youth and Family Services, Inc.** announces a public meeting to which all persons are invited.

DATES AND TIMES: Tuesday, January 5, 2010, 9:00 a.m. – 4:00 p.m.; Wednesday, January 6, 2010, 9:00 a.m. – 1:30 p.m.

PLACE: Duval Hotel, 415 North Monroe Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Tentative agenda items:

Short and Long-term goals.

How to best use the time together.

How to best integrate Provider member expertise with Board member involvement (committee).

Telling our story – how to get our story out in the most effective manner.

Financial Well-being – membership dues and new business enterprises.

Pursuant to the provisions of 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. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

REGION XII TRAINING COUNCIL

The **Region XII Training Council** announces a public meeting to which all persons are invited.

DATE AND TIME: January 7, 2010, 8:30 a.m.

PLACE: Clayton Hutchinson Agricultural Center, Exhibit Hall "B", 559 North Military Trail, West Palm Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda will include but is not limited to: F.D.L.E./C.J.S.T.C. updates: Palm Beach Community College/Criminal Justice Institute Assessment Center update; Region XII budget approval and any other business.

A copy of the agenda may be obtained by contacting: Sue Voccola at (561)868-3403.

CENTER FOR INDEPENDENT LIVING OF SOUTH FLORIDA, INC.

The **Center for Independent Living of South Florida, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIMES: January 9, 2010, Finance Committee Meeting, 11:00 a.m.; Board of Directors Meeting, 12:00 Noon

PLACE: 6660 Biscayne Boulevard, Miami, FL 33138

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting of the Board of Directors of the Center for Independent Living of South Florida, Inc.

A copy of the agenda may be obtained by contacting: Mary Fountain at mary@soflacil.org, (305)751-8025 (Voice) or (305)751-8891 (TTY).

Pursuant to the provisions of 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: Mary Fountain at mary@soflacil.org or (305)751-8025 (Voice) or (305)751-8891 (TTY). If alternative format (Braille, large print, electronic, or audiotape) or ASL interpretation is required, please RSVP to Mary Fountain. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

Section VII

Notices of Petitions and Dispositions Regarding Declaratory Statements

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT the Department of Business and Professional Regulation has declined to rule on the petition for declaratory statement filed by Dr. Jonathan Gropper on behalf of BeerRightNow.com, LLC on October 23, 2009. The following is a summary of the agency's declination of the petition:

The Petition for Declaratory Statement is denied because the petition fails to contain a description of how the statutes, rules, or order may substantially affect the petitioner in its particular set of circumstances.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2203.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Dan and Myra Schutzer, Kyriakos and Alexandra Davides, Marvin and Susan Berenblum, and Lois Kaufman, Unit Owners, In Re: Marbella Condominium Association, Inc., on November 13, 2009. The petition seeks the agency's opinion as to the applicability of Section 718.111(12), Florida Statutes, as it applies to the petitioner.

Whether The Marbella Condominium Association, Inc.'s preventive maintenance audit program instituted by the board in 2008 to conduct routine inspections of units for water leaks is permitted under the declaration and Section 718.111(5), Florida Statutes, and whether certain records are official records of the association open to unit owner inspection under Section 718.111(12), Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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 Massage Therapy has received the petition for declaratory statement from Todd Sussman, D.C., filed on August 28, 2009. The petition seeks the agency's opinion as to the applicability of Chapter 480, F.S., as it applies to the petitioner.

The petitioner requests the Board of Massage to issue a Declaratory Statement as to whether mechanical, intersegmental traction can be utilized under the scope of a massage therapist's license.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Kaye Howerton, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

Please refer all comments to: Kaye Howerton, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

NOTICE IS HEREBY GIVEN THAT on November 17, 2009, the Department of Health, Drugs, Devices and Cosmetics Program has received the petition for declaratory statement from Henry Schein, Inc., 135 Duryea Road, Melville, New York 11747, (631)843-5546; Medline Industries, Inc., One Medline Place, Mundelein, Illinois 60060, (847)837-2759; and, Cardinal Health, Inc., 700 Cardinal Place, Dublin, Ohio 43017, (614)757-5000. The petition seeks the agency’s opinion as to the applicability of Section 499.01(2)(t), Florida Statutes and Rule 64F-12.012, Florida Administrative Code, as it applies to the petitioner.

The petition seeks a Declaratory Statement from the Department of Health, Drugs Devices and Cosmetics Program regarding the responsibilities of a licensed prescription drug wholesale distributor regarding the Health Care Clinic Establishment (HCCE) Permit as required by Section 499.01(2)(t), Florida Statutes and Rule 64F-12.012, Florida Administrative Code. The Petition seeks the Department’s guidance on how a distributor can make an accurate determination whether the distributor is selling a prescription drug to a business establishment or to an individual employed at the establishment. The petition seeks guidance on the level of inquiry a distributor should resort to in making this determination, in order to ensure the sale is to a person authorized to purchase prescription drugs in Florida. The petition also seeks guidance on the audit trail requirements for prescription drug sales to health care clinic establishments.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Rebecca Poston, R.Ph., Executive Director, Drugs Devices and Cosmetics Program, 4052 Bald Cypress Way, Mail Bin #C-04, Tallahassee, Florida 32399, (850)245-4294.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal has issued an order disposing of the petition for declaratory statement filed by: David C. Young, Building Official, regarding Orange County Public Schools on October 26, 2009. The following is a summary of the agency’s disposition of the petition:

PETITIONER HAS WITHDRAWN HIS PETITION.

Please refer all comments to: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604.

**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 MECHANICAL SERVICE CONTRACTORS
The University of Central Florida, on behalf of the Board of Trustees, announces that continuing Professional services for minor projects are required for the following service(s): Mechanical HVAC, Electrical, Plumbing, Steam Fitting and EMS/BAC.

The Mechanical Service Contractor will provide maintenance and repair services for educational (University) facilities, clean room laboratories, computer data centers, research/laboratory

facilities, vivariums and stadium facilities to include but not limited to: hot water heating systems, boilers, soft water systems, air and water cooled chiller systems; chilled water, pneumatic and direct expansion HVAC systems, refrigeration systems, including, energy units, freezers, walk in coolers, and complex refrigeration systems like: environmental chambers and laboratory sub zero freezers, high volume exhaust systems like: Strobic, Greenheck or MK plastics, variable frequency drives and Building Automation Control systems like: Siemens controls, Johnson controls, Trane controls, Carrier controls, and TAC controls, certified test and balance services, plumbing, & electrical HVAC equipment repair/maintenance issue deemed necessary by University Facilities & Safety employees designated to conduct repair/maintenance projects to ensure building systems are maintained and repaired to all University standards.

All trades utilized under the Mechanical Service Contractor's professional license may be utilized in the scope of this agreement. Campus Service contracts for these projects provide that the Contractors will be available on an as-needed basis for the upcoming fiscal year, July 1, 2009 – June 30, 2010. Upon completion of satisfactory performance, the contract may be renewed yearly for three (2) additional years. The contractor receiving the award may not have an exclusive contract to perform services for these projects. The University may have additional campus service professionals under contract during the same time period.

INSTRUCTIONS:

Mechanical Service Contractors desiring to provide professional services shall apply by letter.

Attach to each letter of application:

A list of completed jobs over the last three (3) years with contact names and telephone numbers.

A copy of the applicant's current Professional Contractors license from the state of Florida. An applicant must be properly licensed to practice at the time of submission of this application. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit five (5) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions will not be considered. Application materials will not be returned.

The plans and specifications for the Florida Board of Education projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a contractor 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 thirty six (36) months. The selected contractor must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or contractor in excess of \$15,000.00 in

connection with this project for a period of thirty six (36) months from the date of their being placed on the convicted vendor list.

Construction Management Qualifications Supplement (CMQS) form, descriptive project information, and selection criteria may be obtained by contacting: Rick Catusus, Facilities & Safety Building 16, Libra Dr. Orlando, FL 32816-3600, (407)823-0840, Fax: (407)823-5726, email: rcatusus@mail.ucf.edu or accessing the University of Central Florida, Facilities & Safety website: www.fp.ucf.edu.

Submittals must be received in: Physical Plant Building, University of Central Florida, P. O. Box 163600, Orlando, Florida 32816-3600, by 4:00 p.m. (Local Time), January 11, 2010. Facsimile (FAX) or email submittals are not acceptable and will not be considered.

Request for Qualifications

RFQ 10-10 – Science & Engineering Building Repairs

The University of North Florida – Board of Trustees, a public body corporate, announces that Construction Management Services will be required to implement envelope remediation work for the existing Science & Engineering Building (Bldg. 50) located at University of North Florida, 1 UNF Drive, Jacksonville, FL 32224.

The scope of services will include working as a cohesive team member with UNF staff and outside consultants to present solutions, options, evaluate construction documents, prepare a phasing plan to implement the remedial work and generate reliable cost analyses of the work for the various possible scenarios. This building is approximately 139,000GSF building on three floors and was built in 2003. The CM will also manage the implementation phase of the project.

The preliminary tentative schedule for this RFQ:

Advertisement	December 11, 2009
Submissions due	January 19, 2010, 2:00 p.m.
Evaluation/Short listing	February 2010
Interviews/Award	February 2010

INSTRUCTIONS:

Firms desiring to apply for consideration shall submit a letter of application with all of the appropriate documents from RFQ 10-10 CM Services – Science & Engineering Building Repairs: The letter of application should have attached:

1. The most recent version of the "UNF Construction Manager Qualifications Supplement," completed by the applicant. Applications on any other form will not be considered.
2. A copy of the applicant's current Florida Contractor's License from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

3. Submit five (5) complete copies of the above requested data bound and in the order listed above. Applications which do not comply with the above instructions will be disqualified. Application materials will not be returned.

Minority Business participation is strongly recommended and supported by the University of North Florida.

As required by Section 287.133, Florida Statutes, a construction manager may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction manager 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.

Construction Manager Qualifications Supplemental forms, descriptive project information, and additional information may be obtained electronically online at the UNF Purchasing department website: http://www.unf.edu/anf/purchasing/bids_and_notices.aspx or by emailing:

Dianna White	AND	Angela Dyal
Dianna.white@unf.edu	University of North Florida	angela.dyal@unf.edu
(904)620-1731	Purchasing Dept.	(904)620-1733
	Bldg. 53, Suite 2950	
	1 UNF Drive	
	Jacksonville, FL 32224	

Submit five (5) complete copies of submittals to the above referenced address. RFQ submittals must be received no later than 2:00 p.m. (Local Time), January 19, 2010. Facsimile (FAX) or email submittals are not acceptable and will not be considered.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

INVITATION TO NEGOTIATE

The State Board of Administration of Florida (SBA) is soliciting competitive responses from parties interested in offering actuarial consulting services for commutation of hurricane losses to the Florida Hurricane Catastrophe Fund (FHCF). The Invitation to Negotiate (ITN) is available on December 4, 2009, and may be obtained from the FHCF website at <http://www.sbafla.com/fhcf/> (under "Announcements"). The deadline for submitting responses is 2:00 p.m. (EST), December 21, 2009. A meeting will be held

on January 7, 2010, to discuss and evaluate the responses received. Oral presentations, if conducted, will be held January 11-12, 2010. If needed, on January 13, 2010, a meeting will be held to select a pool of vendors to provide actuarial consulting services to the FHCF, pending successful contract negotiations. The SBA reserves the right to reject any or all competitive proposals and to cancel any ITNs.

All meetings are open to the public and shall take place at the times and locations shown below:

TIME: All meetings shall begin at 10:00 a.m. (EST) and continue until the meeting is concluded.

PLACE: The meetings shall take place in the Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida 32308

Any person requiring special accommodations to participate in any meeting is asked to advise: Donna Sirmons, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300, (850)413-1349 at least five (5) calendar days before the meeting.

EXECUTIVE OFFICE OF THE GOVERNOR

COMPRESSED NATURAL GAS FUELING INFRASTRUCTURE PROGRAM

On February 17, 2009, the American Recovery and Reinvestment Act of 2009 (ARRA) was enacted. As a result of this new law, the State of Florida was allocated \$126,089,000 in economic stimulus funds for its State Energy Program (SEP). This funding has been allocated to the Florida Energy and Climate Commission (FECC) from the U.S. Department of Energy (DOE). Of the total amount, the FECC will use \$4,000,000 for the creation of the Compressed Natural Gas Fueling Infrastructure Program. This matching grant program is intended to expand the use of compressed natural gas (CNG) as a transportation fuel through increased deployment of CNG fueling infrastructure throughout the state.

Eligible applicants under this program include Florida municipalities and county governments, Florida school districts, established for-profit companies licensed to do business in Florida, universities and colleges in Florida, not-for-profit organizations, and State of Florida agencies. Program guidelines and applications are located at www.MyFloridaClimate.com.

SUBMITTING THE APPLICATION: Applications must be submitted in a sealed envelope/package, the face referencing CNG Fueling Infrastructure Program with the date and time of the submittal. Submit at least one clearly marked ORIGINAL, five (5) additional copies and one digital format on a non-rewritable CD, preferably PDF, of the application and all supplemental materials. Each applicant is responsible for ensuring its application is received and delivered at the proper time and to the proper place. The FECC shall not consider late

proposals. To be considered, SEALED APPLICATIONS MUST BE RECEIVED BY FECC STAFF BEFORE 5:00 p.m., (EST), FEBRUARY 1, 2010.

Application must be delivered to:

Florida Energy & Climate Commission
 Executive Office of the Governor
 CNG Fueling Infrastructure Program
 600 S. Calhoun Street, Suite 251
 Tallahassee, Florida 32399-0001

Any person requiring a special accommodation because of disability should call: FECC, (850)487-3800 at least five (5) workdays prior to the scheduled event. If you are hearing or speech impaired, please contact FECC by using the Florida Relay Service at 1(800)955-8771 (TDD).

FECC shall not consider late proposals. To be considered, SEALED APPLICATIONS MUST BE RECEIVED BY FECC STAFF BEFORE 5:00 p.m. (EST), FEBRUARY 12, 2010.

Application must be delivered to:

Florida Energy & Climate Commission
 Executive Office of the Governor
 EECBG Application for Non-entitled Cities and Counties
 600 S. Calhoun Street, Suite 251
 Tallahassee, Florida 32399-0001

Any person requiring a special accommodation because of disability should call: FECC, (850)487-3800 at least five (5) workdays prior to the scheduled event. If you are hearing or speech impaired, please contact FECC by using the Florida Relay Service at (800) 955-8771 (TDD).

ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG) SUBGRANTS TO NON-ENTITLED CITIES AND COUNTIES

On February 17, 2009, the American Recovery and Reinvestment Act of 2009 (ARRA) was enacted. As a result of this new law, the State of Florida was allocated \$126,089,000 in economic stimulus funds for its State Energy Program (SEP). This funding has been allocated to the Florida Energy and Climate Commission (FECC) from the U.S. Department of Energy (DOE). Of the total amount, the FECC will distribute \$18.6 million in EECBG Program funds to local governments that are not eligible for direct formula funding through DOE.

Qualified entities are considered local governments that were not directly funded by DOE are eligible for funds if the following conditions are met:

- * The government is included in the latest available Census of Governments as a currently incorporated government;
- * The government has a governance structure with an elected official and governing body;
- * The government has the authority to implement the eligible activities under this program; and
- * The government meets the population thresholds in EISA as further defined in the Federal Register. All Bidders must be qualified at the time of bid opening in accordance with the

SUBMITTING THE APPLICATION: Applications must be submitted in a sealed envelope/package, the face referencing EECBG APPLICANT FOR NON-ENTITLED CITIES AND COUNTIES with the date and time of the submittal. Submit at least one clearly marked ORIGINAL, five (5) additional copies and one digital format on a non-rewritable CD, preferably PDF, of the application and all supplemental materials. Each applicant is responsible for ensuring its application is received and delivered at the proper time and to the proper place. The

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."

BID NO. BDC 68-09/10

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Construction is soliciting formal competitive bids from certified or registered contractors licensed to work in the jurisdiction for the project listed below:

PROJECT NAME: Grassy Key "Old Mitchell Property" in Marathon, Florida – Site Work, Utilities & a Residence

SCOPE OF WORK: The Contractor shall furnish all labor, material, equipment and supervision to complete site work, utilities & one residence. Pursuant to Executive Order 07-126 and Section 255.252(3), F.S. the Department requires the proposed project be designed and constructed in accordance with green building standards where applicable.

PROJECT BUDGET: \$300,000.00

LOCATION: 59300 Overseas Highway, Marathon, FL 33050

PROJECT MANAGER: Randall Strange, Bureau of Design and Construction, Alfred B. Maclay Gardens State Park, 3540 Thomasville Road, Tallahassee, FL 32309, (850)488-5372, Fax: (850)488-1141.

MINORITY BUSINESS REQUIREMENT: The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

PREQUALIFICATION: When the total Bid including Alternates exceeds \$200,000, each Bidder whose field is governed by Chapters 399, 455, 489 or 633, Florida Statutes, for licensure or certification, must submit the following prequalification data of their eligibility to submit bids 240 hours (10 days) PRIOR TO the Bid Opening date, unless the Bidder has been previously qualified by the Department of Environmental Protection for the current biennium (July 1 – June 30) of odd numbered years in accordance with subsection 60D-5.004(2), F.A.C., as evidenced by a letter from DEP to the Bidder, which letter shall be presented to DEP upon request. If the Department requires clarification or additional information, Bidder shall submit such information by 120 hours (5 days) prior to Bid Opening. Material submitted after those deadlines shall disqualify the Bidder.

INSTRUCTIONS: Any firm desiring a Project Manual for this project may obtain a copy by writing to the address or calling the telephone number below. A Compact Disk (CD) containing the plans and specifications will be available on December 11, 2009 at: Curry Hammock State Park, 56200 Overseas Hwy., Marathon, FL 33050. Attention: Ken Troisi, Park Manager, Telephone: (305)289-2690, Fax: (305)289-2693.

ADA REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact: Michael Renard, Bureau of Design and Construction, (850)488-5372 at least five (5) workdays prior to openings. If you are hearing or speech impaired, please contact the Florida Relay Services, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

BID SUBMITTAL DUE DATE: No later than 3:30 p.m. (ET), Tuesday, January 5, 2010, to the below address: Florida Department of Environmental Protection Bureau of Design and Construction, 3540 Thomasville Road, Tallahassee, Florida 32309, Attention: Michael Renard, Construction Projects Administrator, Bureau of Design and Construction, (850)488-5372. The Department reserves the right to reject any or all bids.

BID POSTING DATE: No later than 2:00 p.m. (ET), Tuesday, January 12, 2010, unless extended by the Department for good cause.

NOTICE OF RIGHTS: Notice of Intent to Protest the Bid Specifications must be filed with (received by): Agency Clerk, Lea Crandall, Department of Environmental Protection, Office of General Counsel, MS #35, 3900 Commonwealth Blvd., Tallahassee Florida 32399-3000, (850)245-2242, Fax: (850)245-2303, Lea.Crandall@dep.state.fl.us during the 72-hour period after Bid Specifications are posted on the Vendor Bid System. Failure to file a Notice of Intent to Protest or a formal, written Protest in accordance with Chapter 28-110, F.A.C., within ten days after the 72-hour period ends, as

prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of your right to an administrative hearing on the Bid Specifications under Chapter 120, Florida Statutes. Rules for bid protests can be found in Sections 120.569 and 120.57, F.S., and Chapter 28-110, Florida Administrative Code. A bid protester shall comply with these statutes and rules.

Section XII Miscellaneous

DEPARTMENT OF TRANSPORTATION

Site Approval-Sacred Heart Hospital on the Gulf-Gulf County
The Florida Department of Transportation intends to issue an "Airport Site Approval Order," in accordance with Chapter 330, Florida Statutes, "Regulation of Aircraft, Pilots, and Airports" and Chapter 14-60, Florida Administrative Code, "Airport Licensing, Registration, and Airspace Protection" for the following site:

Sacred Heart Hospital on the Gulf, a private airport, in Gulf County, at Latitude 29° 46' 42.16" and Longitude 85° 17' 19.97", to be owned and operated by Sacred Heart Hospital on the Gulf, 3801 East Hwy. 98 Port St. Joe, FL 32456.

A copy of the Airport Site Approval Order, the Airport's application, the applicable rules, and other pertinent information may be obtained by contacting: Aaron N. Smith, State Aviation Manager, Florida Department of Transportation, Aviation Office, 605 Suwannee Street, Mail Station 46, Tallahassee, Florida 32399-0450, (850)414-4514, aviation.fdot@dot.state.fl.us, Website: <http://www.dot.state.fl.us/aviation>.

ADMINISTRATIVE HEARING RIGHTS: Any person whose substantial interests will be determined or affected by this Airport Site Approval Order has the right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing. The petition for an administrative hearing must conform to the requirements of Rule Chapter 28-106, Florida Administrative Code, and must be filed, in writing, within twenty-one days of the publication of this notice, with: Clerk of Agency Proceedings, Office of General Counsel, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0450. Failure to file a petition within the allowed time constitutes a waiver of any right such person has to request a hearing under Chapter 120, Florida Statutes.

Site Approval – Sullivan Field – Alachua County
The Florida Department of Transportation intends to issue an "Airport Site Approval Order," in accordance with Chapter 330, Florida Statutes, "Regulation of Aircraft, Pilots, and

Airports” and Chapter 14-60, Florida Administrative Code, “Airport Licensing, Registration, and Airspace Protection” for the following site:

Sullivan Field, a private airport, in Alachua County, at Latitude 29° 44' 3" and Longitude 82° 33' 55", to be owned and operated by Sullivan Farms, LLC, 20638 N. W. 78th Avenue Alachua, FL 32615.

A copy of the Airport Site Approval Order, the Airport’s application, the applicable rules, and other pertinent information may be obtained by contacting: Aaron N. Smith, State Aviation Manager, Florida Department of Transportation, Aviation Office, 605 Suwannee Street, Mail Station 46, Tallahassee, Florida 32399-0450, (850)414-4514, aviation.fdot@dot.state.fl.us, Website: <http://www.dot.state.fl.us/aviation>.

ADMINISTRATIVE HEARING RIGHTS: Any person whose substantial interests will be determined or affected by this Airport Site Approval Order has the right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing. The petition for an administrative hearing must conform to the requirements of Rule Chapter 28-106, Florida Administrative Code, and must be filed, in writing, within twenty-one days of the publication of this notice, with: Clerk of Agency Proceedings, Office of General Counsel, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0450. Failure to file a petition within the allowed time constitutes a waiver of any right such person has to request a hearing under Chapter 120, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Peace Power Sports Inc., intends to allow the establishment of Atlantic Scooters & Action Sports, as a dealership for the sale of motorcycle manufactured by Chongqing Astronautical Bashan Motorcycle Manufacturer Co., Ltd. (BASH) at 112 North Ocean Boulevard, Pompano Beach (Broward County), Florida 33062, on or after November 30, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Atlantic Scooters & Action Sports are dealer operator(s): Frank Stute, 112 Ocean Boulevard, Pompano Beach, Florida 33062; principal investor(s): Frank Stute, 112 Ocean Boulevard, Pompano Beach, Florida 33062.

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: Amanda Bowers, Peace Power Sports Inc., 2533 Royal Lane, Suite 505, Dallas, Texas 75229.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant’s compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Fairplay Electric Cars, LLC, intends to allow the establishment of Kevin Brezil d/b/a Blazin Motor Sports, as a dealership for the sale of low-speed vehicles manufactured by Fairplay Electric Cars, LLC (FPEC) at 12510-B, San Jose Boulevard, Jacksonville (Duval County), Florida 32223, on or after November 30, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Kevin Brezil d/b/a Blazin Motor Sports are dealer operator(s): Kevin Brezil, 12510-B, San Jose Boulevard, Jacksonville, Florida 32223; principal investor(s): Kevin Brezil, 12510-B, San Jose Boulevard, Jacksonville, Florida 32223.

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: James Wilson, Fairplay Electric Cars, LLC, 743 Horizon Court, Suite 333, Grand Junction, Colorado 81506.

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., intends to allow the establishment of Proctor & Proctor, Inc. d/b/a Proctor Subaru, as a dealership for the sale of automobiles manufactured by Subaru of America Inc. (SUBA) at 1707 Capital Circle, Northeast, # 1711, Tallahassee (Leon County), Florida 32308, on or after December 2, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Proctor & Proctor, Inc. d/b/a Proctor Subaru are dealer operator(s): Martin Proctor, 1707 Capital Circle, Northeast, #1711, Tallahassee, Florida 32308, principal investor(s): Martin Proctor, 1707 Capital Circle, Northeast, #1711, Tallahassee, Florida 32308, W. Theo Proctor, III, 1707 Capital Circle, Northeast, #1711, Tallahassee, Florida 32308, W. Theo Proctor, Jr., 1707 Capital Circle, Northeast, #1711, Tallahassee, Florida 32308.

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., 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 Peace Power Sports Inc., intends to allow the establishment of R&N Foreign Auto Repair, as a dealership for the sale of motorcycle manufactured by Chongqing Astronautical Bashan Motorcycle Manufacturer Co., Ltd. (BASH) at 730 West University Avenue, Gainesville (Alachua County), Florida 32601, on or after November 30, 2009.

The name and address of the dealer operator(s) and principal investor(s) of R&N Foreign Auto Repair are dealer operator(s): Nick Kravlianac, 730 West University Avenue, Gainesville, Florida 32601, principal investor(s): Nick Kravlianac, 730 West University Avenue, Gainesville, Florida 32601.

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: Amanda Bowers, Peace Power Sports Inc., 2533 Royal Lane, Suite 505, Dallas, Texas 75229.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Peace Power Sports Inc., intends to allow the establishment of Rscooters.com, as a dealership for the sale of motorcycles manufactured by Chongqing Astronautical Bashan Motorcycle Manufacturer Co., Ltd. (BASH) at 9929 Laurel Valley Avenue Circle, Bradenton (Manatee County), Florida 34202, on or after November 30, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Rscooters.com are dealer operator(s): Robert J. Gaipo, 9929 Laurel Valley Avenue Circle, Bradenton, Florida 34202-4009; principal investor(s): Robert J. Gaipo, 9929 Laurel Valley Avenue Circle, Bradenton, Florida 34202-4009.

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: Amanda Bowers, Peace Power Sports Inc., 2533 Royal Lane Suite 505, Dallas, Texas, 75229.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of 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 Palm City Corporation Inc. d/b/a Tropic Powersports as a dealership for the sale of motorcycles manufactured by Piaggio Group Americas, Inc. (APRI) at 11100 South Cleveland Avenue, Fort Myers (Lee County), Florida 33907, on or after November 30, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Palm City Corporation, Inc. d/b/a Tropic Powersports are dealer operator(s): Jim Wilson, 11100 South Cleveland Avenue, Fort Myers, Florida 33907; principal investor(s): Jim Wilson, 11100 South Cleveland Avenue, 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: 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.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

NOTICE OF INTENDED AGENCY ACTION

The South Florida Water Management District gives notice of its intent to issue the following Permit with conditions:

Permit 11-03086-P (Application 080529-23) Riverbend of Naples Mobile Homeowners Cooperative (Riverbend Docks) 777 Walkerbilt Rd. 42, Naples, FL 34110, for an Environmental Resource Permit authorizing construction of one new dock accommodating three slips within the eastern man made canal off Horse Creek and repair of existing docks within the western and eastern canals and three existing docks along Horse Creek to serve a 5.25 acre project known as Riverbend Docks in Collier County, Section 21, Township 48 South, Range 25 East. The application includes authorization to use sovereign submerged lands in the form of a letter of consent authorization for the docks along Horse Creek.

The Staff Report setting forth the staff recommendation regarding the permit, including proposed limiting conditions to provide reasonable assurances that the project meets SFWMD statutes and rules, can be obtained by contacting the Regulatory Records Management Section, during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at 3301 Gun Club Road, West Palm Beach, FL 33406, Environmental Resource Regulation Department, by telephone at (561)682-6911, by

e-mail: permits@sfwmd.gov, or by accessing the Staff Report directly from the District's website (www.sfwmd.gov) using the Application/Permit Search on the ePermitting page.

As required by Sections 120.569(1) and 120.60(3), Florida Statutes, following is notice of the opportunities which may be available for administrative hearing or judicial review when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Not all legal proceedings detailed below may be an applicable or appropriate remedy. You may wish to consult an attorney regarding your legal rights.

Right to Request Administrative Hearing – A person whose substantial interests are or may be affected by the South Florida Water Management District's (SFWMD or District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Florida Statutes. Persons seeking a hearing on a District decision which does or may determine their substantial interests shall file a petition for hearing with the District Clerk within 21 days of receipt of written notice of the decision, unless one of the following shorter time periods apply: 1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, Florida Statutes; or 2) within 14 days of service of an Administrative Order pursuant to Subsection 373.119(1), Florida Administrative Code. "Receipt of written notice of agency decision" means receipt of either written notice through mail, or electronic mail, or posting that the District has or intends to take final agency action, or publication of notice that the District has or intends to take final agency action. Any person who receives written notice of a SFWMD decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

Filing Instructions – The Petition must be filed with the Office of the District Clerk of the SFWMD. Filings with the District Clerk may be made by mail, hand-delivery or facsimile. Filings by e-mail will not be accepted. Any person wishing to receive a clerked copy with the date and time stamped must provide an additional copy. A petition for administrative hearing is deemed filed upon receipt during normal business hours by the District Clerk at SFWMD headquarters in West Palm Beach, Florida. Any document received by the office of the SFWMD Clerk after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day. Additional filing instructions are as follows:

Filings by mail must be addressed to the Office of the SFWMD Clerk, P. O. Box 24680, West Palm Beach, Florida 33416.

Filings by hand-delivery must be delivered to the Office of the SFWMD Clerk. Delivery of a petition to the SFWMD's security desk does not constitute filing. To ensure proper filing, it will be necessary to request the SFWMD's security officer to contact the Clerk's office. An employee of the SFWMD's Clerk's office will receive and file the petition.

Filings by facsimile must be transmitted to the SFWMD Clerk's Office at (561)682-6010. Pursuant to subsections 28-106.104(7), (8) and (9), Florida Administrative Code, a party who files a document by facsimile represents that the original physically signed document will be retained by that party for the duration of that proceeding and of any subsequent appeal or subsequent proceeding in that cause. Any party who elects to file any document by facsimile shall be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed with the clerk as a result. The filing date for a document filed by facsimile shall be the date the SFWMD Clerk receives the complete document.

Initiation of an Administrative Hearing – Pursuant to Rules 28-106.201 and 28-106.301, Florida Administrative Code, initiation of an administrative hearing shall be made by written petition to the SFWMD in legible form and on 8 and 1/2 by 11 inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, District file number or any other SFWMD identification number, if known.
2. The name, address and telephone number of the petitioner and petitioner's representative, if any.
3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the SFWMD's decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the SFWMD's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the SFWMD's proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the SFWMD to take with respect to the SFWMD's proposed action.

A person may file a request for an extension of time for filing a petition. The SFWMD may, for good cause, grant the request. Requests for extension of time must be filed with the SFWMD prior to the deadline for filing a petition for hearing. Such

requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and that the SFWMD and any other parties agree to or oppose the extension. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

If the District takes action with substantially different impacts on water resources from the notice of intended agency decision, the persons who may be substantially affected shall have an additional point of entry pursuant to Rule 28-106.111, Florida Administrative Code, unless otherwise provided by law.

Mediation – The procedures for pursuing mediation are set forth in Section 120.573, Florida Statutes, and Rules 28-106.111 and 28-106.401-.405, Florida Administrative Code. The SFWMD is not proposing mediation for this agency action under Section 120.573, Florida Statutes, at this time.

Right to Seek Judicial Review – Pursuant to Sections 120.60(3) and 120.68, Florida Statutes, a party who is adversely affected by final SFWMD action may seek judicial review of the SFWMD's final decision by filing a notice of appeal pursuant to Florida Rule of Appellate Procedure 9.110 in the Fourth District Court of Appeal or in the appellate district where a party resides and filing a second copy of the notice with the SFWMD Clerk within 30 days of rendering of the final SFWMD action.

The South Florida Water Management District gives notice of its intent to issue the following Permit with conditions:

Permit No. 06-00187-W (Application No. 060410-9) City of Dania Beach, 100 W. Dania Beach Blvd., Dania Beach, FL 33004, for issuance of a Water Use Permit to partially meet the public water supply demands for the City of Dania Beach serving 17,962 persons in the year 2012. Withdrawals are from the Biscayne Aquifer via two existing withdrawal facilities. The project is located in Broward County, Sections 23, 26-36, Township 50 South, Range 42 East and Sections 2, 3, Township 51 South, Range 42 East.

The Staff Report setting forth the staff recommendation regarding the permit, including proposed limiting conditions to provide reasonable assurances that the project meets SFWMD statutes and rules, can be obtained by contacting the Regulatory Records Management Section, during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at 3301 Gun Club Road, West Palm Beach, FL 33406, Environmental Resource Regulation Department, at (561)682-6911, by e-mail: permits@sfwmd.gov, or by accessing the Staff Report directly from the District's website (www.sfwmd.gov) using the Application/Permit Search on the ePermitting page.

As required by Sections 120.569(1), and 120.60(3), Florida Statutes, following is notice of the opportunities which may be available for administrative hearing or judicial review when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Not all legal proceedings detailed below may be an applicable or appropriate remedy. You may wish to consult an attorney regarding your legal rights.

Right to Request Administrative Hearing – A person whose substantial interests are or may be affected by the South Florida Water Management District's (SFWMD or District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Florida Statutes. Persons seeking a hearing on a District decision which does or may determine their substantial interests shall file a petition for hearing with the District Clerk within 21 days of receipt of written notice of the decision, unless one of the following shorter time periods apply: 1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, Florida Statutes; or 2) within 14 days of service of an Administrative Order pursuant to Subsection 373.119(1), Florida Statutes. "Receipt of written notice of agency decision" means receipt of either written notice through mail, or electronic mail, or posting that the District has or intends to take final agency action, or publication of notice that the District has or intends to take final agency action. Any person who receives written notice of a SFWMD decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

Filing Instructions – The Petition must be filed with the Office of the District Clerk of the SFWMD. Filings with the District Clerk may be made by mail, hand-delivery or facsimile. Filings by e-mail will not be accepted. Any person wishing to receive a clerked copy with the date and time stamped must provide an additional copy. A petition for administrative hearing is deemed filed upon receipt during normal business hours by the District Clerk at SFWMD headquarters in West Palm Beach, Florida. Any document received by the office of the SFWMD Clerk after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day. Additional filing instructions are as follows:

- * Filings by mail must be addressed to the Office of the SFWMD Clerk, P. O. Box 24680, West Palm Beach, Florida 33416.
- * Filings by hand-delivery must be delivered to the Office of the SFWMD Clerk. Delivery of a petition to the SFWMD's security desk does not constitute filing. To ensure proper filing, it will be necessary to request the

SFWMD’s security officer to contact the Clerk’s office. An employee of the SFWMD’s Clerk’s office will receive and file the petition.

- * Filings by facsimile must be transmitted to the SFWMD Clerk’s Office at (561)682-6010. Pursuant to subsections 28-106.104(7), (8), (9), Florida Administrative Code, a party who files a document by facsimile represents that the original physically signed document will be retained by that party for the duration of that proceeding and of any subsequent appeal or subsequent proceeding in that cause. Any party who elects to file any document by facsimile shall be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed with the clerk as a result. The filing date for a document filed by facsimile shall be the date the SFWMD Clerk receives the complete document.

Initiation of an Administrative Hearing – Pursuant to Rules 28-106.201 and 28-106.301, Florida Administrative Code, initiation of an administrative hearing shall be made by written petition to the SFWMD in legible form and on 8 and 1/2 by 11 inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, District file number or any other SFWMD identification number, if known.
2. The name, address and telephone number of the petitioner and petitioner’s representative, if any.
3. An explanation of how the petitioner’s substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the SFWMD’s decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the SFWMD’s proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the SFWMD’s proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the SFWMD to take with respect to the SFWMD’s proposed action.

A person may file a request for an extension of time for filing a petition. The SFWMD may, for good cause, grant the request. Requests for extension of time must be filed with the SFWMD prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and that the SFWMD and any other parties agree

to or oppose the extension. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

If the District takes action with substantially different impacts on water resources from the notice of intended agency decision, the persons who may be substantially affected shall have an additional point of entry pursuant to Rule 28-106.111, Florida Administrative Code, unless otherwise provided by law.

Mediation – The procedures for pursuing mediation are set forth in Section 120.573, Florida Statutes, and Rules 28-106.111 and 28-106.401-.405, Florida Administrative Code. The SFWMD is not proposing mediation for this agency action under Section 120.573, Florida Statutes, at this time.

Right to Seek Judicial Review – Pursuant to Sections 120.60(3) and 120.68, Florida Statutes, a party who is adversely affected by final SFWMD action may seek judicial review of the SFWMD’s final decision by filing a notice of appeal pursuant to Florida Rule of Appellate Procedure 9.110 in the Fourth District Court of Appeal or in the appellate district where a party resides and filing a second copy of the notice with the SFWMD Clerk within 30 days of rendering of the final SFWMD action.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE OF LITIGATION

The Agency for Health Care Administration has received the following petitions for administrative hearings as of the close of business on November 16, 2009, concerning certificate of need decisions. No decision has been made as to the sufficiency of these petitions. A brief description of these projects is listed below. Resolution of these requests for hearings by way of a grant or denial of their certificate of need at issue will determine the substantial interest of persons. Those persons whose substantial interest may be determined by these proceedings including settlements, grants, and denials are advised to govern themselves accordingly and may wish to exercise rights including intervention. See Chapter 120, F.S., as well as Section 408.039, F.S. and Rule 59C-1.012, F.A.C. In deference to rights of substantially affected persons, AHCA will not settle or otherwise reach a final resolution of these matters for a period of 30 days from the date of the publication.

CON#	INITIAL DECISION, PROJECT, CTY, APPLICANT, PARTY REQUEST HEARING (PRH)
NA	Fixed Need Pool, hospice program, Area 5B, Odyssey Healthcare of Collier County, Inc. d/b/a Odyssey Healthcare of Central Florida, (PRH) same as applicant
NA	Fixed Need Pool, hospice program, Area 5B, Lifepath Hospice, Inc., (PRH) same as applicant

NA Fixed Need Pool, hospice program, Area 5B, HPH South, Inc., (PRH) same as applicant

The Agency for Health Care Administration has received an application for an emergency service exemption from Winter Haven Hospital, 200 Avenue F, Northeast, Winter Haven, FL 33881 pursuant to Section 395.1041(3), Florida Statutes and Rule 59A-3.255, Florida Administrative Code. The hospital is requesting an emergency service exemption for Otolaryngology. Comments received within 15 days of publication will be considered by the Agency prior to making a determination of exemption status.

Additional information may be obtained by writing: Agency for Health Care Administration, Attention: Jessica Munn, 2727 Mahan Drive, MS #31, Tallahassee, Florida 32308, by phone at (850)921-6621 or by e-mail: munnj@ahca.myflorida.com.

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 INTENT TO ISSUE PROPOSED

MODIFICATION OF POWER PLANT CERTIFICATION

The Florida Department of Environmental Protection (Department) hereby provides notice of an intent to modify the Power Plant Conditions of Certification issued pursuant to the Florida Electrical Power Plant Siting Act, 403.501 et seq., Florida Statutes ("F.S."), for the Crystal River Energy Complex Units 3, 4 & 5, Power Plant Siting Application No. PA77-09, OGC Case No. 09-3082. On June 24, 2009, the Department received a petition from Progress Energy Florida to modify the Conditions of Certification for Crystal River Units 3, 4 & 5 pursuant to Section 403.516(1)(c), F.S., for the addition of a wet flue gas desulfurization (FGD) solids settling pond system to receive waste water from the operation of the FGD pollution control equipment on Units 4 & 5. The Department proposes to modify the Conditions of Certification for the new FGD pond system. A copy of the proposed modification may be obtained by contacting: Michael P. Halpin, P.E., Administrator, Siting Coordination Office, Department of Environmental Protection, 3900 Commonwealth Boulevard, MS #48, Tallahassee, Florida 32399-3000, (850)245-2002. Pursuant to Section 403.516(1)(c)2., F.S., parties to the certification proceeding have 45 days from issuance of notice to such party's last address of record in which to object to the requested modification. Failure of any of the parties to file a response will constitute a waiver of objection to the requested modification. Any person who is not already a party to the certification proceeding and whose substantial interest is affected by the requested modification has 30 days from the

date of publication of this public notice to object in writing. The written objection must be filed (received) in the: Office of General Counsel of the Department, 3900 Commonwealth Boulevard, M.S. #35, Tallahassee, Florida 32399-3000. If no objections are received, then a Final Order approving the modification shall be issued by the Department. If objections are raised and agreement can not be reached, then pursuant to Rule 62-17.211, Florida Administrative Code, the applicant may file a petition for modification seeking approval of those portions of the request for modification to which written objections were timely filed. Mediation is not available in this proceeding.

NOTICE OF INTENT TO ISSUE PROPOSED

MODIFICATION OF POWER PLANT CERTIFICATION

The Florida Department of Environmental Protection (Department) hereby provides notice of an intent to modify the Power Plant Conditions of Certification issued pursuant to the Florida Electrical Power Plant Siting Act, Chapter 403.501 et seq., Florida Statutes, concerning: Levy Nuclear Plant, Power Plant Siting Application No. PA05-51, OGC Case No. 09-3933. On November 18, 2009 the Department received a request from the Southwest Florida Water Management District to modify the Conditions of Certification for the Levy Nuclear Plant to alter specific submittal dates for the Environmental Monitoring Plan and the Aquifer Performance Plan. The Department is initiating a modification to the Conditions of Certification pursuant to Section 403.516(1)(c), F.S. A copy of the proposed modification may be obtained by contacting Michael P. Halpin, P.E., Administrator, Siting Coordination Office, Department of Environmental Protection, 3900 Commonwealth Boulevard, MS #48, Tallahassee, Florida 32399-3000, (850)245-2002. Pursuant to Section 403.516(1)(c)2., Florida Statutes, parties to the certification proceeding have 45 days from issuance of notice to such party's last address of record in which to object to the requested modification. Failure of any of the parties to file a response will constitute a waiver of objection to the requested modification. Any person who is not already a party to the certification proceeding and whose substantial interest is affected by the requested modification has 30 days from the date of publication of this public notice to object in writing. The written objection must be filed (received) in: Office of General Counsel of the Department, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000. If no objections are received, then a Final Order approving the modification shall be issued by the Department. If objections are raised and agreement can not be reached, then pursuant to Rule 62-17.211, Florida Administrative Code, the applicant may file a petition for modification seeking approval of those

portions of the request for modification to which written objections were timely filed. Mediation is not available in this proceeding.

FLORIDA STATE CLEARINGHOUSE

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(40), F.S. A list of projects, comments deadlines and the address for providing comments are available at: <http://appprod.dep.state.fl.us/clearinghouse/>. For information, call (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

DEPARTMENT OF HEALTH

On November 20, 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 Lawrence A. Mishlove, M.D. License #ME 73326. 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 November 25, 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 Connie Eddleman, L.P.N. License #PN 825191. 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 November 30, 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 Kathy Major, R.N. License #RN 9183468. 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 November 25, 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 Bernadette J. Negron, C.N.A. License #CNA 116396. 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 November 20, 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 Loranda A. Nelson, C.N.A. License #CNA 94880. 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 November 20, 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 Laura Ann Quinones, L.P.N. License #PN 5180823. 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 November 20, 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 Lisette Rodriguez, R.N. License #RN 9244061. 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 November 20, 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 Deandria S. Smith, C.N.A. License #CNA 192619. 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 November 24, 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 Gloria Welch Tejera, R.N. License #RN 1181392. 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 November 20, 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 Kristie M. Vaughn, C.N.A. License #CNA 142453. 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 November 20, 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 Carolyn Ann McGrail, D.O. License #OS 10382. 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.

FINANCIAL SERVICES COMMISSION

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received a written withdrawal of the following applications:

APPLICATION WITHDRAWN

Application and Plan for the Purchase of Certain Assets and Assumption of Certain Liabilities

Acquiring Entity: Floridian Community Bank, Inc., Davie, Florida

Selling Entity: Valley Bank, Fort Lauderdale, Florida

Received: September 11, 2009

Withdrawn: December 1, 2009

Applications To Organize A Successor Institution and Bank Merger

Constituent Institutions: Ladder Interim Bank, North Palm Beach, Florida and FirstCity Bank of Commerce, North Palm Beach, Florida

Resulting Institution: FirstCity Bank of Commerce

With Title: Ladder Capital Bank

Received: September 21, 2009

Withdrawn: December 1, 2009

NOTICE IS HEREBY GIVEN THAT the Office of Financial Regulation, Division of Financial Institutions, has received the following application. Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0379. The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., January 1, 2010):

APPLICATION TO ACQUIRE CONTROL

Financial Institution to be Acquired: Union Credit Bank, Miami, Florida

Proposed Purchasers: Apollo Bancshares, Inc., Coral Gables, Florida

Received: November 30, 2009

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN November 23, 2009
 and November 25, 2009**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

5E-2.040	11/25/09	12/15/09	35/40	
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DEPARTMENT OF EDUCATION

State Board of Education

6A-1.0014	11/25/09	12/15/09	35/41	
6A-1.039	11/25/09	12/15/09	35/41	
6A-1.099821	11/25/09	12/15/09	35/41	35/44
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6A-2.0030	11/25/09	12/15/09	35/41	
6A-6.03013	11/25/09	12/15/09	35/41	
6A-6.030151	11/25/09	12/15/09	35/41	
6A-6.030152	11/25/09	12/15/09	35/41	
6A-6.030153	11/25/09	12/15/09	35/41	
6A-6.03016	11/25/09	12/15/09	35/41	
6A-6.03022	11/25/09	12/15/09	35/41	
6A-6.03023	11/25/09	12/15/09	35/41	
6A-6.03027	11/25/09	12/15/09	35/41	
6A-6.03028	11/25/09	12/15/09	35/41	
6A-6.0331	11/25/09	12/15/09	35/41	
6A-6.05281	11/25/09	12/15/09	35/41	
6A-6.0784	11/25/09	12/15/09	35/41	
6A-10.0311	11/25/09	12/15/09	35/41	

DEPARTMENT OF TRANSPORTATION

14-21.001	11/24/09	12/14/09	35/42	
14-33.002	11/24/09	12/14/09	35/40	
14-48.0011	11/24/09	12/14/09	35/40	
14-85.004	11/25/09	12/15/09	35/35	
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14-85.014	11/25/09	12/15/09	35/35	35/49
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14-85.018	11/25/09	12/15/09	35/35	35/49
14-85.019	11/25/09	12/15/09	35/35	35/49
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14-85.021	11/25/09	12/15/09	35/35	35/49

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
14-85.022	11/25/09	12/15/09	35/35	35/49
14-85.023	11/25/09	12/15/09	35/35	35/49
14-85.024	11/25/09	12/15/09	35/35	35/49
14-85.025	11/25/09	12/15/09	35/35	35/49

STATE BOARD OF ADMINISTRATION

19-7.002	11/23/09	12/13/09	35/38	
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PUBLIC SERVICE COMMISSION

25-12.004	11/25/09	12/15/09	35/42	
25-12.005	11/25/09	12/15/09	35/42	
25-12.008	11/25/09	12/15/09	35/42	
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25-12.027	11/25/09	12/15/09	35/42	
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25-12.041	11/25/09	12/15/09	35/42	
25-12.080	11/25/09	12/15/09	35/42	
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25-12.085	11/25/09	12/15/09	35/42	
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25-24.630	11/25/09	12/15/09	35/42	

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

61G4-15.0021	11/23/09	12/13/09	35/40	
61G4-15.0022	11/23/09	12/13/09	35/40	
61G4-18.003	11/23/09	12/13/09	35/40	

DEPARTMENT OF HEALTH

Division of Family Health Services

64F-12.011	11/23/09	12/13/09	35/42	
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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self Sufficiency Program

65A-1.603	11/23/09	12/13/09	35/40	
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DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

69A-3.012	11/23/09	12/13/09	35/28	35/41
69A-60.008	11/23/09	12/13/09	35/28	35/41

Funeral and Cemetery Services

69K-24.040	11/23/09	12/13/09	35/38	35/44
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Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
6A-6.03315(1)(c)	35/43c			12A-1.060(6)	35/35c		
6A-6.05281	35/41		35/49		35/43c		35/43d
6A-6.0784	35/41		35/49	12A-1.071	33/41	35/36	35/43
6A-6.0907	35/5	35/12		12A-1.097	33/41		
		35/16			35/37		35/43
6A-6.0970	35/32	35/39	35/44	12A-13.002	35/37		
6A-10.0311	35/41		35/49	12A-16.008	35/37		
6B-4.010	33/10			12A-17.005	32/2	32/31	
6D-4.003	35/29				35/37		
6D-5.002	35/29			12A-19.080	35/31		35/47
6D-5.003	35/29			12A-19.100	35/37		
6M-7.0055	30/26			12BER09-4			35/43
				12B-4.003	35/37		
				12B-5.150	35/37		
				12B-7.004	35/37		
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59E-5.201	35/45			59V-560.805	34/39		
59E-7.024	35/12	35/20		59V-560.902	34/39		
59G-4.002	35/44			59V-560.903	34/39		
59G-4.016	32/19			59V-560.904	34/39		
59G-6.010	35/46			59V-560.905	34/39		
	35/46			59V-560.906	34/39		
	35/46			59V-560.908	34/39		
	35/46			59W-600.002	34/39		
59G-6.020	34/23c			59W-600.006	34/39		
	35/48			59W-600.013	34/39		
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60BB-2.025	35/48			61A-1.01012	34/3	34/36 35/30	
60BB-3.0251	35/36				34/41c		
60BB-3.0252	35/36			61A-1.01013	34/3	35/30	
60BB-3.0253	35/36				34/12c		
60BB-3.0254	35/36			61A-1.01014	34/3	35/30	
60BB-3.0261	35/42				34/12c		
60BB-3.0262	35/42			61A-1.01015	34/3	35/30	
60BB-3.0263	35/42				34/12c		
60FF-5.004	35/28			61A-1.01018	34/3	35/30	
60L-35.007	34/2	34/2 34/19			34/12c		
60L-39.001	35/39			61A-1.0102	34/4	35/30	
60L-39.0015	35/39				34/12c		
60L-39.003	35/39			61A-1.01021	34/3	34/36 35/30	
60L-39.004	35/39				34/3	34/36 35/30	
60L-39.0041	35/39			61A-1.01022	34/3	34/36 35/30	
60L-39.005	35/39				34/41c		
60L-39.006	35/39			61A-1.01024	34/3	35/30	
60L-39.007	35/39				34/12c		
60L-39.008	35/39			61A-1.0103	34/3	35/30	
60L-39.009	35/39				34/12c		
60S-9.001	35/30c			61A-1.0104	34/3	35/30	
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61-27.001	35/45				34/41c		
61-27.002	35/45			61A-1.0106	34/3	35/30	
61-27.003	35/45				34/12c		
61-27.004	35/45			61A-1.0107	34/3	35/30	
61-35.0271	35/45				34/12c		
61-35.02711	35/45			61A-1.0108	34/3	34/36 35/30	
61-35.02712	35/45				34/41c		
61-35.02713	35/45			61A-1.0109	34/12c		
61-35.02714	35/45				34/41c		
61-35.02715	35/45			61A-3.0141	35/18c		
61-35.02716	35/45			61A-5.0105	33/29	33/46	35/48
61-35.02717	35/45			61A-5.747	33/29	33/46	35/48
61-35.02718	35/45					35/5	35/48
61-35.02719	35/45			61B-19.001	35/34		35/48
61-35.0272	35/45			61B-19.002	35/34		35/48
61-35.02721	35/45			61B-39.003	35/38		35/48
61-35.02722	35/45			61B-40.0062	35/43		
61-35.02723	35/45			61B-80.124	35/34		35/48
61A-1.010	34/12c			61C-1.005	35/39		
61A-1.010(1)	33/2c			61C-3.001	35/22	35/32	
61A-1.0101	34/3	35/30			35/44		
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	34/41c			61C-4.0161	35/47		

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61D-14.002	35/21			61G4-15.032	34/14	34/19	35/46w
61D-14.005	35/21			61G4-18.003	35/40		35/49
61D-14.0055	35/44			61G4-18.014	35/36		35/43
61D-14.006	35/21			61G4-21.003	35/40		
61D-14.007	35/21			61G5-18.0055	35/36		35/42w
61D-14.008	35/21			61G5-32.001	35/49		
61D-14.010	35/21			61G6-5.002	34/45		
61D-14.020	35/21			61G6-5.003	34/45		
61D-14.022(2)	35/43c			61G6-5.009	34/45		
61D-14.023	35/21			61G7-33.0065	30/16		
61D-14.036	35/21			61G9-9.001	31/6		
61D-14.038	35/21			61G10-18.001	35/44		
61D-14.041	35/21			61G10-18.002	35/32	35/43	
61D-14.042	35/21			61G10-18.003	35/32	35/43	
61D-14.044	35/21			61G10-18.006	35/32		
61D-14.047	35/21			61G14-19.001	35/38		
61D-14.053	35/21			61G15-19.004	34/32	35/13	
61D-14.063	35/21					35/47	
61D-14.075	35/21			61G15-23.001	35/34		35/45
61D-14.079	35/21			61G15-31.001	35/45		
61D-14.087	35/21			61G15-31.002	35/45		
61D-14.096	35/21			61G15-31.003	35/45		
61D-14.097	35/21			61G15-31.004	35/45		
61D-14.098	35/21			61G15-31.005	35/45		
61D-15.001	35/21			61G15-31.006	35/45		
61E14-1.001	35/43			61G15-31.007	35/45		
61E14-1.002	35/43			61G15-31.008	35/45		
61E14-1.003	35/40			61G15-31.009	35/45		
61E14-2.001	35/38			61G15-31.010	35/45		
61E14-3.002	35/40			61G15-31.011	35/45		
61E14-4.001	35/42		35/44w	61G15-31.012	35/45		
61E14-4.002	35/42			61G17-5.0043	35/35		
61E14-4.003	35/42			61G17-9.005	35/35		
61E14-4.004	35/40			61G19-6.0036	35/47		
61E14-4.005	35/42			61G19-7.002	34/19	35/11	35/42
61F10-18.001	35/28					35/36	35/42
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61G2-2.006	33/47	35/9	35/46w	61H1-19.010	35/33		35/42
61G3-16.0010	35/49			61H1-20.001	35/31		35/43
61G3-16.002	35/49				35/49		
61G3-16.005	35/49			61H1-20.003	35/33		
61G3-16.007	35/49			61H1-20.004	35/33		
61G3-16.008	35/49			61H1-20.0051	35/33		
61G3-16.010	35/49			61H1-20.0052	35/33		
61G3-19.011	35/40			61H1-20.0053	35/33	35/44	
61G3-20.002	35/49			61H1-20.007	35/33	35/41	
61G3-20.0075	35/49					35/44	
61G3-21.001	35/39		35/46	61H1-20.008	35/33	35/41	
61G3-21.009	35/41		35/47	61H1-20.009	35/33	35/41	
61G3-21.012	35/39		35/46	61H1-20.0092	35/33	35/41	
61G4-15.001	34/10		35/46w	61H1-20.0093	35/33	35/41	
61G4-15.0021	35/40		35/49	61H1-20.0094	35/43		
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61H1-20.0098	35/43			61H1-33.0031	35/33		35/42
61H1-20.0099	35/33	35/41		61H1-33.0032	35/31		35/48
61H1-20.010	35/33			61H1-33.0033	35/33		35/42
61H1-20.013	35/33			61H1-33.0035	35/40		35/48
61H1-20.016	35/33			61H1-33.006	35/40		35/48
61H1-21.001	35/33	35/41	35/48	61H1-33.0065	35/33		35/42
61H1-21.002	35/33		35/48	61H1-34.002	35/40		35/48
61H1-21.003	35/40			61H1-35.001	35/40		
61H1-21.005	35/33		35/48	61H1-35.002	35/40		35/48
61H1-21.006	35/33		35/48	61H1-36.006	35/40		35/48
61H1-22.001	35/40		35/48	61J1-3.001	28/41	28/43	
61H1-22.002	35/40					28/46	
61H1-22.003	35/40			61J1-3.002	28/41	28/43	
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61H1-22.005	35/40			61J1-4.005	28/41	28/43	
61H1-22.006	35/40					28/46	
61H1-22.007	35/40			61J1-4.010	35/17	35/41	
61H1-22.008	35/40			61J1-6.001	35/17	35/34	35/44
61H1-22.0081	35/40			61J1-7.004	28/41	28/43	
61H1-22.0082	35/40					28/46	
61H1-22.0083	35/40			61J1-7.005	28/41	28/43	
61H1-22.0084	35/40					28/46	
61H1-22.0085	35/40			61J1-11.009	32/37		
61H1-22.0086	35/40			61J2-3.015	35/30		35/45
61H1-22.009	35/40			61J2-17.012	28/3	28/17	
61H1-22.010	35/40			61J2-23.001	35/45		
61H1-22.011	35/25		35/43w	61J2-24.001	35/31		
	35/40						
61H1-22.012	35/40			ENVIRONMENTAL PROTECTION			
61H1-23.002	35/33		35/42	62-17.510	35/38		
61H1-24.001	35/33	35/41	35/48	62-17.520	35/38		
61H1-24.002	35/33		35/48	62-17.535	35/38		
61H1-25.001	35/33		35/42	62-17.540	35/38	35/45	
61H1-26.001	35/40		35/48	62-17.543	35/38		
61H1-26.002	35/40		35/48	62-17.545	35/38		
61H1-26.003	35/40			62-17.570	35/38		
61H1-26.004	35/40			62-17.580	35/38		
61H1-26.005	35/43			62-17.590	35/38		
61H1-27.001	35/43			62-17.600	35/38	35/45	
61H1-27.002	35/40			62-17.610	35/38		
61H1-27.0041	35/30	35/40		62-17.625	35/38		
61H1-27.005	35/33		35/42	62-17.660	35/38		
61H1-28.0011	35/33		35/42	62-17.665	35/38	35/45	
61H1-28.0052	35/40		35/48	62-17.680	35/38	35/45	
61H1-29.002	35/40		35/48	62-17.695	35/38		
61H1-29.0025	35/40		35/48	62-17.700	35/38		
61H1-29.003	35/40		35/48	62-17.710	35/38		
61H1-29.004	35/36		35/43	62-17.750	35/38	35/45	
61H1-29.005	35/33		35/42	62-17.760	35/38		
61H1-31.001	35/40		35/48	62-204.800	35/41		35/47
61H1-33.001	35/31	35/36	35/48	62-258.421	34/51		
		35/40	35/48	62-296.470	32/45c		
61H1-33.002	35/33		35/42	62-296.480	35/40		

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62-304.505	34/16	34/23		62-640.650	35/44		
62-304.510	29/25			62-640.700	35/44		
62-304.600	35/31			62-640.750	35/44		
62-304.605	35/31		35/43	62-640.800	35/44		
62-304.610	35/31			62-640.850	35/44		
62-304.615	35/31		35/43	62-640.860	35/44		
62-304.620	35/31		35/43	62-640.880	35/44		
62-341.417	35/25	35/40	35/48	62-701.100	35/37		
62-341.494	34/53	35/13		62-701.200	35/37		
		35/36		62-701.210	35/37	35/43	
62-346.010	35/20			62-701.220	35/37		
62-346.020	35/20			62-701.300	35/37	35/43	
62-346.030	35/20			62-701.310	35/37	35/43	
62-346.050	35/20			62-701.315	35/37	35/43	
62-346.051	35/20			62-701.320	35/37	35/43	
62-346.060	35/20			62-701.330	35/37		
62-346.070	35/20			62-701.340	35/37		
62-346.071	35/20			62-701.400	35/37		
62-346.075	35/20			62-701.410	35/37		
62-346.080	35/20			62-701.430	35/37		
62-346.090	35/20			62-701.500	35/37		
62-346.091	35/20			62-701.510	35/37		
62-346.095	35/20			62-701.520	35/37	35/43	
62-346.100	35/20			62-701.530	35/37		
62-346.120	35/20			62-701.600	35/37		
62-346.130	35/20			62-701.610	35/37		
62-346.150	35/20			62-701.620	35/37	35/43	
62-346.301	35/20			62-701.630	35/37	35/43	
62-346.302	35/20			62-701.710	35/37	35/43	
62-346.381	35/20			62-701.730	35/37	35/43	
62-346.900	35/20			62-701.803	35/37		
62-348.100	35/43			62-701.900	35/37		
62-348.200	35/43			62-704.400	35/30		35/45
62-348.300	35/43			62-704.410	35/30		35/45
62-348.500	35/43			62-704.420	35/30	35/37	35/45
62-348.600	35/43			62-704.600	35/30	35/37	35/45
62-348.700	35/43			62-709.201	35/44	35/49	
62-348.800	35/43			62-709.300	35/44	35/49	
62-348.900	35/43			62-709.305	35/44	35/49	
62-354.071	35/2			62-709.320	35/44	35/49	
62-602.720	35/41			62-709.330	35/44		
62-606.100	35/41			62-709.350	35/44	35/49	
62-606.200	35/41			62-709.460	35/44	35/49	
62-606.300	35/41			62-709.530	35/44	35/49	
62-606.400	35/41			62-709.550	35/44		
62-606.500	35/41			62-709.901	35/44		
62-606.600	35/41			62-731.030	35/32	35/38	35/47
62-640.100	35/44			62-731.050	35/32		35/47
62-640.200	35/44			62-731.060	35/32	35/38	35/47
62-640.210	35/44			62B-26.016	35/44		
62-640.300	35/44			62B-33.002	33/50c		
62-640.400	35/44			(18)(43)(60)			
62-640.500	35/44						

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64B13-6.001	35/35		35/42	64B21-500.002	35/49		
64B13-10.002	35/35		35/42	64B21-502.001	35/34		35/44
64B14-4.100	35/35	35/49		64B23-2.001	35/41		
64B15-6.003	35/47			64B23-7.001	35/41		
64B15-6.0035	35/35		35/43	64B29-1.001	35/49		
64B15-6.010	35/47			64B33-2.005	35/40		35/47
64B15-6.0105	35/35		35/43	64B33-4.001	35/22		35/44w
64B15-7.003	35/47			64E-3.001	35/45		
64B16-25.170	35/31		35/46	64E-3.003	35/45		
64B16-26.1001	35/38		35/45	64E-3.006	35/45		
64B16-26.1002	35/38		35/46	64E-5.101	35/39		
64B16-26.1003	35/38			64E-5.1301	35/39		
64B16-26.1004	35/35		35/42	64E-5.1320	35/39		
64B16-26.1005	35/35			64E-5.207	35/39		
64B16-26.1021	35/35		35/42	64E-5.210	35/39		
64B16-26.104	35/35		35/42	64E-5.213	35/39		
64B16-26.203	35/49			64E-5.216	35/39		
64B16-26.2031	35/49			64E-5.312	35/39		
64B16-26.2032	35/49			64E-5.331	35/39		
64B16-26.2033	35/39			64E-5.344	35/39		
64B16-26.204	35/41			64E-5.345	35/39		
64B16-26.205	35/39			64E-5.601	35/39		
64B16-26.300	35/49			64E-5.6011	35/39		
64B16-26.350	35/38	35/47		64E-5.602	35/39		
64B16-26.351	35/38			64E-5.603	35/39		
64B16-26.601	33/21	35/9		64E-5.604	35/39		
64B16-27.100	35/35			64E-5.605	35/39		
64B16-27.1001	35/35			64E-5.606	35/39		
64B16-27.300	35/35			64E-5.607	35/39		
64B16-27.410	35/35			64E-5.608	35/39		
64B16-27.420	35/32	35/44		64E-5.609	35/39		
64B16-27.430	35/35			64E-5.610	35/39		
64B16-27.440	35/35			64E-5.611	35/39		
64B16-27.797	35/38			64E-5.612	35/39		
64B16-28.108	35/39			64E-5.614	35/39		
64B16-28.120	35/39			64E-5.615	35/39		
64B16-28.140	35/35			64E-5.616	35/39		
64B16-28.141	35/35			64E-5.617	35/39		
64B16-28.303	35/35		35/42	64E-5.618	35/39		
64B16-28.451	35/35			64E-5.621	35/39		
64B16-28.502	35/39			64E-5.622	35/39		
64B16-28.602	35/39			64E-5.624	35/39		
64B16-28.6021	35/39			64E-5.625	35/39		
64B16-28.605	35/35			64E-5.6251	35/39		
64B16-28.607	35/35			64E-5.626	35/39		
64B16-28.830	35/35			64E-5.627	35/39		
64B16-28.840	35/35		35/42	64E-5.628	35/39		
64B16-28.901	35/35			64E-5.629	35/39		
64B16-28.902	35/39			64E-5.630	35/39		
64B16-29.002	35/49			64E-5.631	35/39		
64B16-30.001	35/39			64E-5.632	35/39		
64B16-30.002	35/39			64E-5.633	35/39		
64B18-11.001	35/45			64E-5.6331	35/39		

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64E-5.634	35/39			64J-1.010	35/12		35/46
64E-5.635	35/39			64J-1.011	35/12		35/46
64E-5.636	35/39			64J-1.012	35/12		35/46
64E-5.637	35/39			64J-1.0201	35/19	35/39	
64E-5.638	35/39					35/43	
64E-5.639	35/39			64J-2.001	35/35		35/43
64E-5.640	35/39			64J-2.004	35/35		35/43
64E-5.641	35/39			64J-2.006	35/35		35/43
64E-5.6411	35/39			64J-2.011	35/35		35/43
64E-5.6412	35/39			64J-2.012	35/35		35/43
64E-5.642	35/39			64J-2.013	35/35		35/43
64E-5.6421	35/39			64J-2.014	35/35		35/43
64E-5.6422	35/39			64J-2.015	35/35		35/43
64E-5.6423	35/39			64J-2.016	35/35		35/43
64E-5.643	35/39			64J-2.017	35/35		35/43
64E-5.644	35/39			64J-3.002	34/43	35/2	
64E-5.645	35/39				35/30	35/36	35/42
64E-5.647	35/39			64J-3.003	35/30	35/36	35/42
64E-5.648	35/39						
64E-5.649	35/39						
64E-5.650	35/39						
64E-5.651	35/39			65-1	30/6c		
64E-5.652	35/39				30/9c		
64E-5.653	35/39				30/15c		
64E-5.654	35/39				32/2c		
64E-5.655	35/39				32/2c		
64E-5.656	35/39			65A-1.205	33/22c		
64E-5.657	35/39			65A-1.303	34/53		
64E-5.658	35/39			65A-1.400	31/27c		
64E-5.659	35/39			65A-1.603	35/40		35/49
64E-5.660	35/39			65A-1.707	34/53		
64E-5.661	35/39			65A-1.712	34/53	35/12	
64E-5.662	35/39				35/30	35/42	
64E-5.663	35/39			65A-1.900	35/13	35/41	
64E-5.664	35/39			65A-2.032	35/49		
64E-15.002	35/36			65A-15.005	32/9		
64E-15.003	35/36			65A-15.062	32/9		
64E-15.004	35/36			65B-27.017	32/9		
64E-15.006	35/36			65C-5.001	32/29	32/37	
64E-15.007	35/36			65C-5.002	32/29	32/37	
64E-15.009	35/36			65C-5.003	32/29	32/37	
64E-15.010	35/36			65C-5.004	32/29	32/37	
64FER09-1			35/38	65C-5.005	32/29	32/37	
64F-12.011	35/42		35/49	65C-5.006	32/29	32/37	
64F-12.012	35/42			65C-5.007	32/29	32/37	
64F-12.013	35/42			65C-5.008	32/29	32/37	
64F-16.006	35/47			65C-5.009	32/29	32/37	
64H-2.002	35/25	35/30	35/48	65C-5.010	32/29	32/37	
		35/34		65C-5.011	32/29	32/37	
		35/40		65C-16.008	32/4		
64H-2.008	35/25			65C-20.008	35/20	35/44	
64J-1.001	35/26	35/49		65C-20.009	35/20	35/44	
	35/35		35/43			35/47	
64J-1.006	35/26	35/49		65C-20.010	35/20	35/44	
64J-1.008	35/12	35/39	35/46	65C-20.011	35/20	35/44	

CHILDREN AND FAMILY SERVICES

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
65C-20.012	35/20	35/44		65GER09-4			35/47
65C-20.013	35/20	35/44		65GER09-5			35/47
		35/47		65GER09-6			35/47
65C-20.014	35/20	35/44		65G-4.001	35/44		
65C-22.001	35/20	35/44		65G-4.0011	35/44		
65C-22.002	35/20	35/44		65G-4.0021	35/23		35/44w
65C-22.003	35/20	35/44			35/49		
65C-22.004	35/20	35/44		65G-4.0022	35/23		35/44w
65C-22.005	35/20	35/44			35/49		
65C-22.006	35/20	35/44		65G-4.0023	35/49		
65C-22.007	35/20	35/44		65G-4.0024	35/23		35/44w
65C-22.008	35/20	35/44			35/49		
65C-22.009	35/20	35/44		65G-4.0025	35/23		35/44w
65C-22.010	35/20	35/44			35/49		
65C-33.001	34/46			65G-4.003	35/44		
65C-33.002	34/46			65G-4.004	35/44		
65C-33.003	34/46			65G-4.005	35/44		
65C-33.004	34/46			65G-4.006	35/44		
65C-33.005	34/46			65G-4.007	35/44		
65C-33.006	34/46			65G-4.008	35/44		
65C-33.007	34/46			65G-4.009	35/44		
65C-33.008	34/46			65G-4.010	35/44		
65C-33.009	34/46			65G-4.012	35/44		
65C-33.010	34/46			65H-1.001	35/34		35/47
65C-33.011	34/46			65H-1.002	35/34		35/47
65C-33.012	34/46			65H-1.003	35/34		35/47
65C-33.013	34/46			65H-1.004	35/34		35/47
65C-35.001	35/43			65H-1.005	35/34		35/47
65C-35.002	35/43			65H-1.010	35/34		35/47
65C-35.003	35/43			65H-1.011	35/34		35/47
65C-35.004	35/43			65H-1.012	35/34		35/47
65C-35.005	35/43			65H-1.013	35/34		35/47
65C-35.006	35/43			65H-1.014	35/34		35/47
65C-35.007	35/43			65H-1.015	35/34		35/47
65C-35.008	35/43			65H-1.016	35/34		35/47
65C-35.009	35/43			65H-1.017	35/34		35/47
65C-35.010	35/43			65H-1.018	35/34		35/47
65C-35.011	35/43						
65C-35.012	35/43						
65C-35.013	35/43						
65D-31.001	35/14	35/37		67ER09-1			35/12
65D-31.002	35/14	35/37		67ER09-2			35/12
65D-31.003	35/14	35/26		67ER09-3	35/43c		35/43d
		35/37			35/43c		35/43d
65D-31.004	35/14	35/26			35/43c		35/43d
		35/37			35/43c		35/43d
65D-31.005	35/14	35/26		67ER09-4	35/43c		35/43d
		35/37			35/43c		35/43d
65D-31.006	35/14	35/37			35/43c		35/43d
65E-9.009	34/16	34/20			35/43c		35/43d
65E-20.002	35/35	35/47					35/12
65E-20.003	35/35			67ER09-5			35/12
65E-20.014	35/35	35/47		67ER09-6			35/34
65GER09-2			35/47	67ER09-7			35/34
65GER09-3			35/47	67ER09-8			35/34

FLORIDA HOUSING FINANCE CORPORATION

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
69L-5.204	35/21	35/46		69O-136.009	35/20		
69L-5.205	35/21	35/46		69O-136.011	35/20		
69L-5.206	35/21	35/46		69O-137.001	35/32	35/34	
69L-5.207	35/21	35/46		69O-138.001	35/32		
69L-5.208	35/21	35/46		69O-139.019	33/10		
69L-5.209	35/21			69O-146.040	35/20		
69L-5.210	35/21	35/46		69O-156.003	35/24		
69L-5.211	35/21	35/46		69O-156.005	35/24		
69L-5.212	35/21			69O-156.006	35/24	35/32	
69L-5.213	35/21	35/46		69O-156.007	35/24		
69L-5.214	35/21	35/46		69O-156.0075	35/24		
69L-5.215	35/21	35/46		69O-156.008	35/24		
69L-5.216	35/21	35/46		69O-156.0085	35/24	35/32	
69L-5.217	35/21	35/46		69O-156.0095	35/24		
69L-5.218	35/21	35/46		69O-156.011	35/24		
69L-5.219	35/21	35/46		69O-156.012	35/24		
69L-5.220	35/21	35/46		69O-156.020	35/30	35/37	
69L-5.221	35/21	35/46		69O-170.006	31/32c		
69L-5.222	35/21			69O-170.0155	35/47		
69L-5.223	35/21	35/46			35/47		
69L-5.224	35/21			69O-170.020	32/5	32/12	
69L-5.225	35/21	35/46		69O-170.105(1)(d)	35/30c		
69L-5.226	35/21	35/46		69O-171.003	32/23c		35/43dw
69L-5.227	35/21	35/46		69O-171.009	32/8	32/32	35/42w
69L-5.228	35/21					33/20	35/42w
69L-5.229	35/21	35/46			32/23c		
69L-5.230	35/21	35/46		69O-175.001	31/2c		
69L-5.231	35/21			69O-175.003	31/26		
69L-6.012	35/37			69O-175.008	35/4		
69L-7.501	35/44				35/12c		
69L-7.602	35/23	35/45		69O-186.013	33/8c		
69L-7.602(5)(q)	32/45c			69O-189.003	35/25		
69L-24.001	35/25			69O-204.020	33/50	34/10	
69L-24.002	35/25			69O-204.030	33/50	34/10	
69L-24.003	35/25	35/45			34/39	34/52	
69L-24.004	35/25	35/45		69O-204.040	33/50	34/10	
69L-24.005	35/25	35/45			34/39	34/52	
69L-24.006	35/25	35/45		69O-204.050	33/50		
69L-24.007	35/25	35/45		69O-204.060	33/50		
69L-24.021	35/25			69O-204.070	33/50	34/10	
69L-24.0211	35/25					34/15	
69L-24.022	35/25			69O-236.001	35/47		
69L-24.0222	35/25			69O-236.002	35/47		
69L-24.0231	35/25			69O-236.003	35/47		
69L-24.024	35/25			69O-236.004	35/47		
69L-24.0241	35/25			69O-236.005	35/47		
69L-56.530	31/3			69V-40.003	35/47		
69M-1	29/52c			69V-560.1013	35/47		
69O-1	31/37c			69W-600.0021	35/42		
	31/37c						
69O-125.005	31/6						
	31/26	32/7					
	33/26						
69O-125.006	33/26						
69O-136.0075	35/20						