

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.0995
RULE TITLE: Form of High School Diplomas and Certificates of Completion

PURPOSE AND EFFECT: The purpose of this rule development is to adopt the format for the new State of Florida High School Equivalency Diploma.

SUBJECT AREA TO BE ADDRESSED: State of Florida High School Equivalency Diploma.

RULEMAKING AUTHORITY: 1001.02, 1003.435, 1003.53 FS.

LAW IMPLEMENTED: 1003.435, 1003.53 FS.

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

DATES AND TIMES: January 11, 2010, 1:00 p.m. – 4:00 p.m. AND IF REQUESTED IN WRITING ADDITIONAL WORKSHOPS MAY BE HELD ON January 13, 2010, 9:00 a.m. – 12:00 Noon and January 14, 2010, 9:00 a.m. – 12:00 Noon

PLACES: January 11, 2010, Florida Department of Education, 325 W. Gaines St., Rm. 1703, Tallahassee, FL 32399

IF REQUESTED IN WRITING THE ADDITIONAL WORKSHOPS IN JANUARY WILL BE HELD AT THE FOLLOWING LOCATIONS: January 13, 2010, Broward County South Area Office, 1643 N.W. 136th Ave. (Harrison Parkway), Building H, Sunrise, FL 33323 and January 14, 2010, Middleton High School, 4801 North 22nd St., Tampa, FL 33610

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dr. Kimberly Davis, Bureau of Family and Community Outreach, Department of Education, 325 West Gaines St., Suite 544, Tallahassee, FL 32399-0400, (850)245-0551 or e-mail Kimberly.Davis@fldoe.org. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0211
RULE TITLE: GED Exit Option Model and State of Florida High School Equivalency Diplomas

PURPOSE AND EFFECT: The purpose of this rule development is to establish the requirements for the new GED Exit Option Model and State of Florida High School Equivalency Diploma. The GED Exit Option Model will establish a program strategy for students who are enrolled in high school classes, but are in jeopardy of not graduating with their kindergarten cohort group because they are overage-for-grade, behind in credits, or have a low GPA.

SUBJECT AREA TO BE ADDRESSED: GED Exit Option Model and State of Florida High School Equivalency Diploma.

RULEMAKING AUTHORITY: 1001.02, 1003.435, 1003.53 FS.

LAW IMPLEMENTED: 1003.435, 1003.53 FS.

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

DATES AND TIMES: January 11, 2010, 1:00 p.m. – 4:00 p.m. AND IF REQUESTED IN WRITING ADDITIONAL WORKSHOPS MAY BE HELD ON January 13, 2010, 9:00 a.m. – 12:00 Noon and January 14, 2010, 9:00 a.m. – 12:00 Noon

PLACES: January 11, 2010, Florida Department of Education, 325 W. Gaines St., Rm. 1703, Tallahassee, FL 32399

IF REQUESTED IN WRITING THE ADDITIONAL WORKSHOPS IN JANUARY WILL BE HELD AT THE FOLLOWING LOCATIONS: January 13, 2010, Broward County South Area Office, 1643 N.W. 136th Ave. (Harrison Parkway), Building H, Sunrise, FL 33323 and January 14, 2010, Middleton High School, 4801 North 22nd St., Tampa, FL 33610.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dr. Kimberly Davis, Bureau of Family and Community Outreach, Department of Education, 325 West Gaines St., Suite 544, Tallahassee, FL 32399-0400, (850)245-0551 or e-mail Kimberly.Davis@fldoe.org. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

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

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NOS.:	RULE TITLES:
12D-7.0142	Additional Homestead Exemption Pursuant to Section 196.031(1)(b), Florida Statutes
12D-7.019	Tangible Personal Property Exemption

PURPOSE AND EFFECT: Proposed Rule 12D-7.0142, F.A.C., Additional Homestead Exemption Pursuant to Section 196.031(1)(b), Florida Statutes, will address the subject matter of Rule 12DER08-35 Additional Homestead Exemption Pursuant to Section 196.031(1)(b), Florida Statutes, which is renewed and replaced by Rule 12DER09-12. Pursuant to Section 196.031, Florida Statutes, the additional homestead exemption shall only apply to non-school levies. This Rule provides that no new application form will be necessary. The effect of the rule is to provide guidelines for documenting additional homestead exemption. Proposed Rule 12D-7.019, F.A.C., Tangible Personal Property Exemption, will address the subject matter of Rule 12DER08-34, Tangible Personal Property Exemption, which is renewed and replaced by Rule 12DER09-11. This rule informs taxpayers of the procedure to apply for and receive this exemption and the duties of the property appraiser when allocating exemptions and preparing the tax roll. The effect of the rule is to provide guidelines for tangible personal property exemption and maintaining the assessment roll entry. These proposed rules will also address the subject matter of Rule 12DER08-32, Scope of Emergency Rules 12DER08-33 Through 12DER08-35; How to Obtain Forms, which was replaced by Rule 12DER09-09. Such emergency rules are renewed during the pendency of procedures to adopt rules addressing the subject of the emergency rules.

SUBJECT AREA TO BE ADDRESSED: The subject area addressed in Proposed Rule 12D-7.0142, F.A.C., Additional Homestead Exemption Pursuant to Section 196.031(1)(b), Florida Statutes, is the additional homestead exemption that only applies to non-school levies. The subject area addressed in Proposed Rule 12D-7.019, F.A.C., Tangible Personal Property Exemption, is the tangible personal property exemption. Rule text will be posted on or before December 31, 2009 on the Department's website at: <http://dor.myflorida.com/dor/property/erules.html>.

RULEMAKING AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 192.047, 193.063, 193.072, 193.114, 196.031, 196.075, 196.082, 196.183, 196.202, 196.24 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: Janice Forrester at (850)922-7945. If you are 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: Janice Forrester, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)922-7945, ForrestJ@dor.state.fl.us

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

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NOS.:	RULE TITLES:
12D-8.0065	Transfer of Assessment Limitation Difference; Portability; Denials and Late Applications
12D-8.022	Reporting of Fiscal Data by Fiscally Constrained Counties to the Department of Revenue

PURPOSE AND EFFECT: For proposed Rule 12D-8.0065, F.A.C., Section 193.155(8) F.S., was amended by section 3, Chapter 2008-173 L.O.F., which sets forth the limitations and special rules to be observed and the forms to be used by taxpayers and property appraisers for the transfer of assessment limitation difference or portability, in various situations. Section 14 of Chapter 2008-173, L.O.F., instructs the property appraisers to accept and consider applications for assessment submitted by May 1 under Section 193.155(8), F.S. The purpose of this rule is to outline the circumstances to apply for portability and instructs the property appraisers to verify and conduct the process. The effect of this rule is to inform taxpayers of the procedures and forms to apply for an additional reduction of property taxes. This rule will address the subject matter of Rule 12DER08-33, Transfer of Assessment Limitation Difference; "Portability;" Sworn Statement Required, which is renewed and replaced by Rule 12DER09-10, and Rule 12DER08-25 Denials and Late Filed Applications for Transfer of Assessment Limitation Differential (Portability), which is renewed and replaced by Rule 12DER09-06. For proposed Rule 12D-8.022, F.A.C., the purpose of the proposed rule is to provide assistance regarding certain actions to be taken by local governments and officials. Section 218.12, Florida Statutes, states each fiscally constrained county shall apply to the Department of Revenue

to participate in the distribution of funds appropriated by the Legislature in the form and manner prescribed by the Department by November 15 each year. Proposed Rule 12D-8.022, F.A.C., will address the subject matter of Rule 12DER09-02, Reporting of Fiscal Data by Fiscally Constrained Counties to the Department of Revenue For Fiscal Year 2009-2010, which is renewed and replaced by Rule 12DER09-13. The effect of this rule is to establish procedures for fiscally constrained counties to comply with the requirements in Section 218.12, F.S. Such emergency rules are renewed during the pendency of procedures to adopt rules addressing the subject of the emergency rules.

SUBJECT AREA TO BE ADDRESSED: For proposed Rule 12D-8.0065, the subject area that will be addressed is the possible reduction of property taxes under section 193.155, F.S. For proposed Rule 12D-8.022, F.A.C., the subject area addressed by the proposed new rule is the application, by each fiscally constrained county, to the Department of Revenue to participate in the distribution of funds appropriated by the Legislature in the form and manner prescribed by the Department by November 15 each year. Rule text will be posted on or before December 31, 2009 on the Department's website at: <http://dor.myflorida.com/dor/property/erules.html>.

RULEMAKING AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 192.047, 193.114, 193.155, 193.461, 193.703, 194.011, 200.065, 218.12, 218.67, 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: Janice Forrester at (850)922-7945. If you are 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: : Janice Forrester, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)922-7945, ForrestJ@dor.state.fl.us.

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

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NO.:	RULE TITLE:
12D-9.028	Petitions on Transfer of "Portability" Assessment Difference

PURPOSE AND EFFECT: Proposed Rule 12D-9.028, F.A.C., Petitions on Transfer of "Portability" Assessment Difference, will address the subject matter of Rule 12DER08-26 Appeals to the Value Adjustment Board of Denials and of Amount of Transfer of Assessment Limitation Difference (Portability), which is renewed and replaced by Rule 12DER09-07. Such emergency rules are renewed during the pendency of procedures to adopt rules addressing the subject of the emergency rules. This rule, together with the remainder of Rule Chapter 12D-9, F.A.C., provides procedures for petitions to the value adjustment board of denials of transfers of "portability" assessment difference.

SUBJECT AREA TO BE ADDRESSED: The subject area addressed in Proposed Rule 12D-9.028, F.A.C., Petitions on Transfer of "Portability" Assessment Difference, is the procedure for petition to the value adjustment board of denials of transfers of "portability" assessment difference. Rule text is posted on the Department's website at: <http://dor.myflorida.com/dor/property/vabwb/vabrules.html>.

RULEMAKING AUTHORITY: 194.011(5), 194.034(1), 195.027(1) FS.

LAW IMPLEMENTED: 193.155, 194.011 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: Janice Forrester at (850)922-7945. If you are 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: Janice Forrester, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)922-7945, ForrestJ@dor.state.fl.us

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DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NO.: 12D-16.002
 RULE TITLE: Index to Forms

PURPOSE AND EFFECT: The purpose of the proposed revisions to this rule is to list and adopt the new and amended forms that were certified in emergency rules. These forms support the new rules promulgated from Chapter 2008-173, Laws of Florida. The effect of these proposed rules is to inform the county property appraisers, tax collectors, fiscally constrained taxing authorities, and interested parties of the adopted forms. This rule will address the subject matter of Rule 12DER09-02, Rule 12DER09-03, Rule 12DER08-25, Rule 12DER08-26, Rule 12DER08-30, Rule 12DER08-33, Rule 12DER08-34, and Rule 12DER08-35, relating to forms addressed in those rules. These rules are renewed and replaced by emergency rules 12DER09-13, 12DER09-14, 12DER09-06, 12DER09-07, 12DER09-08, 12DER09-10, 12DER09-11, and 12DER09-12, respectively. Such emergency rules are renewed during the pendency of procedures to adopt rules addressing the subject of the emergency rules.

SUBJECT AREA TO BE ADDRESSED: The subject area that will be addressed is the new and amended forms that will be certified in section 12D-16.002, F.A.C. Rule text will be posted on or before December 31, 2009 on the Department's website at: <http://dor.myflorida.com/dor/property/erules.html>.

RULEMAKING AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.092, 193.114, 193.122, 193.461, 193.503, 193.625, 193.703, 194.011, 194.032, 194.034, 194.035, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.1961, 196.1983, 196.1995, 196.202, 196.24, 197.182, 197.222, 197.253, 197.304, 197.3041, 197.3632, 197.3635, 197.414, 197.432, 197.472, 197.502, 197.512, 197.552, 200.065, 200.069, 213.05, 218.66 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.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Janice

Forrester, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)922-7945, ForrestJ@dor.state.fl.us

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

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NO.: 12D-17.004
 RULE TITLE: Taxing Authority's Certification of Compliance; Notification by Department

PURPOSE AND EFFECT: This rule addresses the subject matter of Rule 12DER09-05, Disclosure and Certification of Compliance; Filing of Documents Relating to Millage Levy Compliance Commencing 2009, relating to taxing authorities' disclosure and certification of compliance and filing of documents for millage levy compliance, which rule is renewed and replaced by Rule 12DER09-15, and provides assistance regarding certain actions taken in the 2009 TRIM process and in each year thereafter 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 and in each year thereafter. The effect of the rule is to provide assistance regarding certain actions taken in the TRIM process by local governments and officials. Such emergency rules are renewed during the pendency of procedures to adopt rules addressing the subject of the emergency rules.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the filing of documents relating to millage levy compliance, and notification by the Department of noncompliance. Rule text will be posted on or before December 31, 2009 on the Department's website at: <http://dor.myflorida.com/dor/property/erules.html>.

RULEMAKING AUTHORITY: 195.027(1), 213.06(1), 218.26(1) FS.

LAW IMPLEMENTED: 195.002, 200.065, 200.068, 213.05, 218.21, 218.23, 218.63 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.

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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: Janice Forrester, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)922-7945, ForrestJ@dor.state.fl.us

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

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NO.: 12D-18.012
 RULE TITLE: Tax Collector Non-Ad Valorem Assessment Roll Reports

PURPOSE AND EFFECT: Section 197.3632(5)(b), F.S. was created by section 10, Chapter 2008-173, L.O.F., and requires tax collectors to annually submit two reports on non-ad valorem assessments collected on the property tax bill to the Department of Revenue. The purpose of this rule is to outline the process to compile and provide these reports to the Department. The effect of this rule is to provide a consistent process for the tax collectors to file the non-ad valorem reports. This rule will address the subject matter of Rule 12DER08-30, Tax Collector Non-Ad Valorem Assessment Roll Reports, which is renewed and replaced by Rule 12DER09-08. Such emergency rules are renewed during the pendency of procedures to adopt rules addressing the subject of the emergency rules.

SUBJECT AREA TO BE ADDRESSED: The subject area that will be addressed is the required non-ad valorem reports for the tax collector to submit to the Department. Rule text will be posted on or before December 31, 2009 on the Department's website at: <http://dor.myflorida.com/dor/property/erules.html>.

RULEMAKING AUTHORITY: 195.027(1), 197.3632(11), 197.3635, 213.06(1) FS.

LAW IMPLEMENTED: 197.322, 197.363, 197.3631, 197.3632, 197.3635, 213.05 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.

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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: Janice Forrester, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)922-7945, ForrestJ@dor.state.fl.us

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

RULE NOS.:	RULE TITLES:
19-8.010	Reimbursement Contract
19-8.012	Procedures to Determine Ineligibility for Participation in the Florida Hurricane Catastrophe Fund and to Determine Exemption from Participation in the Florida Hurricane Catastrophe Fund due to Limited Exposure
19-8.013	Revenue Bonds Issued Pursuant to Section 215.555(6), F.S
19-8.028	Reimbursement Premium Formula
19-8.029	Insurer Reporting Requirements
19-8.030	Insurer Responsibilities

PURPOSE AND EFFECT: To discuss proposed amendments to the following rules: Rule 19-8.010, F.A.C., Reimbursement Contract; Rule 19-8.012, F.A.C., Procedures to Determine Ineligibility for Participation in the Florida Hurricane Catastrophe Fund and to Determine Exemption from Participation in the Florida Hurricane Catastrophe Fund due to Limited Exposure; Rule 19-8.013, F.A.C., Revenue Bonds Issued Pursuant to Section 215.555(6), F.S.; Rule 19-8.028, F.A.C., Reimbursement Premium Formula; Rule 19-8.029, F.A.C., Insurer Reporting Requirements, and Rule 19-8.030, F.A.C., Insurer Responsibilities.

SUBJECT AREA TO BE ADDRESSED: Reimbursement Contract requirements, exemption and ineligibility, bonding, premium formula requirements, insurer reporting requirements for the 2010 contract year, and insurer responsibilities.

RULEMAKING AUTHORITY: 215.555 FS.

LAW IMPLEMENTED: 215.555 FS.

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

DATE AND TIME: January 11, 2010, 2:00 p.m. – 4:00 p.m. (ET).

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Tracy Allen, Senior FHCF Attorney, State Board of Administration, P. O. Box 13300, Tallahassee, Florida 32317-3300; telephone (850)413-1341; email tracy.allen@sbafla.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tracy Allen at the address listed above.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-2.091	Publications and Forms Incorporated by Reference
40D-2.301	Conditions for Issuance of Permits
40D-2.801	Water-Use Caution Areas

PURPOSE AND EFFECT: To amend Chapter 40D-2, F.A.C., and Part B of the Basis of Review of the Water Use Permit Information Manual to set forth the permitting criteria applicable to new and renewal water use permit applications and water use permittees that will be governed by the Minimum Flows and Levels Recovery Strategy and Environmental Resources Recovery Plan for the Northern Tampa Bay Water Use Caution Area (the “Comprehensive Plan”). The Comprehensive Plan is encompassed within rule amendments to Chapter 40D-80, F.A.C., that are simultaneously with this rulemaking being proposed for adoption.

SUBJECT AREA TO BE ADDRESSED: Water use permitting criteria for those water use permit applicants and permittees proposed to be governed by the Minimum Flows and Levels Recovery Strategy and Environmental Resources Recovery Plan for the Northern Tampa Bay Water Use Caution Area pursuant to related amendments to Chapter 40D-80, F.A.C.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 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: Annette Zielinski, Senior Administrative Assistant, 2379 Broad Street, Brooksville, FL 34604, (352)796-7211, extension 4651, or Annette.Zielinski@watermatters.org

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-8.624	Guidance and Minimum Levels for Lakes

PURPOSE AND EFFECT: To amend Rule 40D-8.624, F.A.C., to establish minimum levels for one of the District’s listed priority waters, Lake Hancock, pursuant to Section 373.042, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Establishment of minimum levels for Lake Hancock in Polk County, Florida. A minimum level is the level of surface water at which further water withdrawals would be significantly harmful to the water resources of the area.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.086 FS.

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

DATE AND TIME: January 12, 2010, 6:00 p.m.

PLACE: Southwest Florida Water Management District Bartow Service Office, 170 Century Avenue, Bartow, FL 33830-7700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Doug Leep, Ecologic Evaluation Section, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4272

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.:	RULE TITLE:
40D-80.073	Regulatory Portion of Recovery Strategy for Pasco, Northern Hillsborough and Pinellas Counties

PURPOSE AND EFFECT: To amend Chapter 40D-80, F.A.C., to establish the Minimum Flows and Levels Recovery Strategy and Environmental Resources Recovery Plan for the Northern Tampa Bay Water Use Caution Area (the "Comprehensive Plan"). The Comprehensive Plan is proposed to govern through 2020 the recovery and mitigation actions to be undertaken by water use permit applicants and permittees with withdrawals that adversely impact lakes, wetlands, streams, springs and aquifers within the Northern Tampa Bay Water Use Caution Area.

SUBJECT AREA TO BE ADDRESSED: Recovery and mitigation plan through the year 2020 for the Northern Tampa Bay Water Use Caution Area for adverse impacts caused by water withdrawals.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.171, 373.0421, 373.0831, 373.1963 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: Annette Zielinski, Senior Administrative Assistant, 2379 Broad Street, Brooksville, FL 34604, (352)796-7211, extension 4651, or Annette.Zielinski@watermatters.org (OGC #2009010)

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-5.010
RULE TITLE: Provider Enrollment

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-5.010, F.A.C., is to incorporate by reference The Florida Medicaid Enrollment Application, April 2010. The effect of the amendment will update the fiscal agent, correct background screening procedures and associated fees, and simplify the overall enrollment process.

SUBJECT AREA TO BE ADDRESSED: Provider Enrollment.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.907, 409.9071, 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: Tuesday, January 19, 2010, 10:00 a.m. – 11:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, 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 hours before the workshop/meeting by contacting: Ellen Emenheiser at Medicaid Contract Management, (850)488-8717. If you are 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: Ellen Emenheiser, Medicaid Contract Management, 2562 Executive Center Circle E, Montgomery Building, Suite 100, Tallahassee, Florida 32301, (850)488-8717, e-mail: emenheie@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-5.010 Provider Enrollment.

(1) Unless otherwise specified in Chapter 59G-4, F.A.C., all providers and billing agents are required to enroll in the Medicaid program and submit a completed Florida Medicaid Provider Enrollment Application, AHCA Form 2200-0003 (April 2010) (~~December 2004~~). AHCA Form 2200-0003 is available from the fiscal agent and incorporated in this rule by reference. AHCA Form 2200-0003 is the application to be completed by applicants.

(2) through (5) No change.

(6) ~~Enrollment of a Medicaid provider applicant is effective no earlier than the date of the approval of the provider application.~~ "Approved application" means an accurately and fully completed application with all the requirements which includes background screenings and onsite inspections resolved and completed with approval of the agency or its designee.

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.902, 409.907, 409.9071, 409.908 FS. History–New 9-22-93, Formerly 10P-5.010, Amended 7-8-97, 9-8-98, 7-5-99, 7-10-00, 5-7-03, 7-7-05, _____.

DEPARTMENT OF MANAGEMENT SERVICES

Technology Program

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

PURPOSE AND EFFECT: The Board proposes a rule amendment to update the grant application.

SUBJECT AREA TO BE ADDRESSED: Update of the grant application.

RULEMAKING AUTHORITY: 365.172(6)(a)11. FS.

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

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

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

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

DEPARTMENT OF MANAGEMENT SERVICES

Division of Facilities Management

RULE NOS.:	RULE TITLES:
60H-2.001	Definitions
60H-2.002	Space Allocation
60H-2.0021	Space Allocation and Configuration Standards
60H-2.0022	Agency Space Allocation Plans
60H-2.003	Space Measurement
60H-2.005	Rental Rates

PURPOSE AND EFFECT: To amend Chapter 60H-2, Florida Administrative Code, in order to provide greater detail and explanation related to the statutory requirements for leasing of privately owned space by state agencies. This includes responding to comments from the Joint Administrative Procedures Committee (JAPC) and rule conformity with statute changes in Chapters 2007-220, 2007-73 and 2009-77, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Administrative procedures for state agency’s leasing of privately owned space will be adjusted to meet continuing and amended statutory requirements.

RULEMAKING AUTHORITY: 255.249, 255.25, 255.503 FS.

LAW IMPLEMENTED: 255.249, 255.21, 255.25, 255.503, 255.254, 281.02 FS.

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

DATE AND TIME: Wednesday, January 13, 2010, 1:30 p.m. – 4:00 p.m.

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Room 152, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Anthony Andreala at (850)488-3759. If you are 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: Anthony Andreala, Chief of Real Property Administration, Division of Real Estate Development and Management, 4050 Esplanade Way, Suite 315F, Tallahassee, Florida 32399-0950, (850)488-3759, Anthony.Andreala@dms.myflorida.com

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE NO.:	RULE TITLE:
61G18-15.002	Minimum Standards for Premises Where Veterinary Medicine Is Practiced

PURPOSE AND EFFECT: The Board proposes to the rule amendment to update and revise the minimum standards for premises where veterinary medicine is practiced.

SUBJECT AREA TO BE ADDRESSED: Minimum Standards for Premises Where Veterinary Medicine is Practiced.

RULEMAKING AUTHORITY: 474.206, 474.215(1) FS.

LAW IMPLEMENTED: 474.202(7), 474.215(1), 474.216 FS.

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

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

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Medicine

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

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address the five most mis-diagnosed conditions for purposes of the medical errors course required for initial licensure.

SUBJECT AREA TO BE ADDRESSED: Subject matter of the medical errors course required for initial licensure.

RULEMAKING AUTHORITY: 456.031, 456.033, 458.309, 458.311, 458.3137 FS.

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

IF REQUESTED 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-4.009 Applications.

(1) through (7) No change.

(8) The applicant must submit a statement attesting to the following: Completion of two hours of continuing medical education relating to prevention of medical errors which includes a study of root cause analysis, error reduction and prevention, and patient safety, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. One hour of a two hour course which is provided by a facility licensed pursuant to Chapter 395, F.S., for its employees may be used to partially meet this requirement. The course must include information relating to the five most misdiagnosed conditions during the previous biennium, as determined by the Board. The following areas have been determined as the five most misdiagnosed conditions: wrong-site/patient surgery; cancer; cardiac; acute abdomen; timely diagnosis of surgical complications; and failing to identify pregnancy or stage of pregnancy before beginning treatment or surgery and failing to diagnose pre-existing conditions prior to prescribing contraindicated medications.

(9) No change.

Rulemaking Authority 456.031, 456.033, 458.309, 458.311, 458.3137 FS. Law Implemented 456.013(7), 456.031, 456.033, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316 458.3165, 458.317 FS. History--New 3-31-80, Amended 12-4-85, Formerly 21M-22.09, Amended 9-7-88, 3-13-89, 1-1-92, 2-21-93, Formerly 21M-22.009, Amended 11-4-93, Formerly 61F6-22.009, Amended 11-15-94, 2-15-96, Formerly 59R-4.009, Amended 7-10-01, 1-31-02, 5-10-04, 5-20-04, 6-13-06, 12-26-06, 1-18-09, 3-17-09, 10-7-09,_____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-4.029
 RULE TITLE: Registration as a Dispensing Practitioner

PURPOSE AND EFFECT: The Board proposes the development of rule to incorporate address the application and requirements for dispensing practitioners.

SUBJECT AREA TO BE ADDRESSED: Registration as a dispensing practitioner.

RULEMAKING AUTHORITY: 458.309, 465.0276 FS.

LAW IMPLEMENTED: 465.0276 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-4.029 Registration as a Dispensing Practitioner.

A physician may dispense drugs to his or her patient in the regular course of his or her practice provided that the physician is registered as a dispensing practitioner with the Board of Medicine. In order to register as a dispensing practitioner, the physician must:

(1) Submit application to the Board on form DH-MQA 1070, entitled "Dispensing Practitioner Registration," (10/09), which is hereby incorporated by reference and available from the Board of Medicine's website at http://www.doh.state.fl.us/mqa/medical/me_applicant.html;

(2) Comply with the provisions of Section 465.0276, Florida Statutes, regarding dispensing practitioners; and

(3) Pay the registration fee as set forth in Rule 64B8-3.006, Florida Administrative Code.

Rulemaking Authority 458.309, 465.0276 FS. Law Implemented 465.0276 FS. History--New _____.

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-3.009
 RULE TITLE: False, Fraudulent, Deceptive and Misleading Advertising Prohibited; Policy; Definitions; Affirmative Disclosure

PURPOSE AND EFFECT: The Board is revising the font of the disclaimer for advertising free or discounted services.

SUBJECT AREA TO BE ADDRESSED: False, Fraudulent, Deceptive and Misleading Advertising Prohibited; Policy; Definitions; Affirmative Disclosure.

RULEMAKING AUTHORITY: 463.005 FS.

LAW IMPLEMENTED: 456.072(1)(a), (m), 463.014, 463.016(1)(f), (g) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-3.009 False, Fraudulent, Deceptive and Misleading Advertising Prohibited; Policy; Definitions; Affirmative Disclosure.

(1) through (7) No change.

(8) Any advertisement for free or discounted services must contain the disclaimer required by Section 456.062, F.S., in at least Times New Roman ~~40~~ 40 point font size or Courier New ~~44~~ 44 point font size.

Rulemaking Specific Authority 463.005 FS. Law Implemented 456.072(1)(a), (m), 463.014, 463.016(1)(f), (g) FS. History—New 11-13-79, Amended 4-17-80, 8-20-81, Formerly 21Q-3.09, Amended 1-8-86, 12-16-86, Formerly 21Q-3.009, 61F8-3.009, 59V-3.009, Amended 1-2-02, 11-13-06, 11-5-07, _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Mental Health Program

RULE NOS.: 65E-16.001, 65E-16.002, 65E-16.003
 RULE TITLES: Applicability, Requirements to Participate, Pharmacy Requirements

65E-16.004 Eligibility Criteria for Individuals
 65E-16.005 Continuity of Care with State Mental Health Treatment Facilities

65E-16.006 Formulary
 65E-16.007 Sanctions

PURPOSE AND EFFECT: This rule is being developed to establish administrative requirements for the purchase of psychiatric medications for eligible clients not residing in a state mental health treatment facility or an inpatient unit. This rule establishes financial and clinical eligibility criteria for clients receiving services under the indigent drug program; establish requirements that community-based providers must meet to participate in the program; and establish the sanctions to be applied for failure to meet the requirements of this rule.

SUBJECT AREA TO BE ADDRESSED: Mental Health – Indigent Drug Program.

RULEMAKING AUTHORITY: 394.676 FS.

LAW IMPLEMENTED: 394.676 FS.

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

DATE AND TIME: January 11, 2010, 2:00 p.m. – 4:00 p.m.

PLACE: 1317 Winewood Blvd., Bldg. 6, Second Floor, Conference Room A, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Amanda Beagles at (850)413-0930. If you are 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: Amanda Beagles, (850)413-0930

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.: 68A-27.0001, 68A-27.001, 68A-27.0011, 68A-27.0012
 RULE TITLES: Purpose and Intent, Definitions, Killing Endangered Species, 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
68A-27.007	Permits and Authorizations for the Take of Florida Endangered and Threatened Species

PURPOSE AND EFFECT: The purpose and effect of this rule development 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 lists and consider 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 Candidate Species, Endangered Species, Threatened Species and Species of Special Concern; 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.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.:	RULE TITLE:
69A-51.020	Certificates of Competency

PURPOSE AND EFFECT: To simplify the rule and clarify that an application for Certificate of Competency for a Special Inspector must be submitted by the employing insurance company which must be authorized to, and be actively engaged in writing boiler insurance in this State. The amendment also updates and consolidates the applications for special and deputy inspectors and renewals, and adopts an application for the required examination.

SUBJECT AREA TO BE ADDRESSED: Boiler Inspection Certificates of Competency.

RULEMAKING AUTHORITY: 554.103 FS.

LAW IMPLEMENTED: 554.105, 554.106, 554.107, 554.108, 554.111, 554.112, 554.113 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: Friday, January 8, 2010, 9:30 a.m.

PLACE: Third Floor Conference Room, the Atrium Office Building, 325 John Knox Road, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mike Burns, Chief Boiler Inspector, (850)413-3614; Mike.Burns@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mike Burns, Chief Boiler Inspector, (850)413-3614; Mike.Burns@myfloridacfo.com

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

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.:	RULE TITLE:
69A-62.023	Criteria for Identifying Firefighter Employers with a High Frequency or Severity of Injuries

PURPOSE AND EFFECT: The purpose and effect of the rule is to simplify the calculation used to identify firefighter employers experiencing a high frequency or severity of injuries in the workplace, and to identify available, reliable data for use in the calculation.

SUBJECT AREA TO BE ADDRESSED: Florida firefighter health and safety.

RULEMAKING AUTHORITY: 633.809 FS.

LAW IMPLEMENTED: 633.809 FS.

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, Safety Program Manager, Bureau of Fire Standards and Training, Division of State Fire Marshal, phone: (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: The person listed above

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

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: 69A-62.050 RULE TITLE: Official State Firefighter Memorial Flag

PURPOSE AND EFFECT: To set forth the conditions of design, production, distribution and use of the official state Firefighter Memorial Flag to honor firefighters who have died in the line of duty.

SUBJECT AREA TO BE ADDRESSED: Official State of Florida Firefighter Memorial Flag.

RULEMAKING AUTHORITY: 256.15(3) FS.

LAW IMPLEMENTED: 256.15 FS.

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, Safety Program Manager, Bureau of Fire Standards and Training, Division of State Fire Marshal. Phone: (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: The person listed above

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

FINANCIAL SERVICES COMMISSION

Securities

RULE NO.: 69W-100.007 RULE TITLE: Advertising and Sales Literature

PURPOSE AND EFFECT: The rule is clarified to provide that if an advertisement or sales literature complies with NASD Rule 2210, the material does not need to be approved by or filed with the Office of Financial Regulation.

SUBJECT AREA TO BE ADDRESSED: Securities Regulation.

RULEMAKING AUTHORITY: 517.03 FS.

LAW IMPLEMENTED: 517.081 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: Pam Epting, Chief, Bureau of Regulatory Review, Division of Securities, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399-0375, (850)410-9500, pam.epting@floft.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69W-100.007 Advertising and Sales Literature.

(1) No change.

(2) Every advertisement used in connection with an offering of securities registered pursuant to Section 517.081, F.S., must be authorized in writing by the Office of Financial Regulation before being published or circulated unless it is within the requirements of NASD Rule 2210 and ~~rules promulgated by the National Association of Securities Dealers concerning advertisements for use in newspapers or any other means of public communication or satisfies the requirements of the Securities Act of 1933 and any statement of policy by the Securities and Exchange Commission concerning advertisements and sales literature~~, or contains no more than the following:

- (a) Date of issuance or release;
- (b) Name and address of issuer;
- (c) Identity or title of securities;
- (d) Per unit offering price;

- (e) Amount of offering;
- (f) Brief statement of general character of the business;
- (g) Address where prospectus or offering circular may be obtained.

(3) Any advertisement, except an offering circular or prospectus, intended to be used by a registered Florida dealer in connection with the public sale or offer for sale of any securities within the State of Florida shall be filed with the Office of Financial Regulation at least ten (10) days prior to publication or circulation if such advertisement contains more than the disclosure items listed in subsection (2), or does not meet the requirements of NASD Rule 2210 and ~~rules promulgated by the National Association of Securities Dealers concerning advertisements for use in newspapers or any other means of public communication or does not satisfy the requirements of the Securities Act of 1933 and statement of policy by the Securities and Exchange Commission concerning advertisements and sales literature.~~

(3) NASD Rule 2210 is hereby incorporated by reference. A copy of the rule may be obtained by contacting the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399.

Rulemaking Specific Authority 517.03 FS. Law Implemented 517.081 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-100.07, 3E-100.007, Amended _____.

FINANCIAL SERVICES COMMISSION

Securities

RULE NO.: 69W-200.001
 RULE TITLE: Definitions

PURPOSE AND EFFECT: The rule is amended to reflect the most current version of federal regulations and federal statutes referenced in the rule. The rule is also amended to replace references to the National Association of Securities Dealers with the Financial Industry Regulatory Authority (FINRA). FINRA was created in July 2007 through the consolidation of National Association of Securities Dealers and the member regulation, enforcement and arbitration functions of the New York Stock Exchange. The rule corrects cross-references.

SUBJECT AREA TO BE ADDRESSED: Securities Regulation.

RULEMAKING AUTHORITY: 517.03(1) FS.

LAW IMPLEMENTED: 517.07, 517.12, 517.021, 517.061, 517.051, 517.081, 517.161 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: Pam Epting, Chief, Bureau of Regulatory Review, Division of Securities, Office of

Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399-0375, (850)410-9500, pam.epting@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69W-200.001 Definitions.

As used in the Rules and Regulations of the Financial Services Commission and Office of Financial Regulation, pursuant to Chapter 517, F.S., unless the context otherwise specifically requires:

(1) “Accredited Investor” shall mean any person who comes within any of the following categories, or who the issuer reasonably believes comes within any of the following categories, at the time of the sale of the securities to that person:

(a) Any bank as defined in section 3(a)(2) of the Securities Act of 1933 (15 U.S.C. § 77c-(a)(2) (2006)), or any savings and loan association or other institution as defined in section 3(a)(5)(A) of that Act (15 U.S.C. § 77c-(a)(5)(A) (2006)) whether acting in its individual or fiduciary capacity; any broker or dealer registered pursuant to section 15 of the Securities Exchange Act of 1934 (15 U.S.C. § 78o (2006)); any insurance company as defined in section 2(13) of the Securities Act of 1933 (15 U.S.C. § 77m (2006)); any investment company registered under the Investment Company Act of 1940 (15 U.S.C. §§ 80a-1 through 80a-64 (2006)) or a business development company as defined in section 2(a)(48) of that Act (15 U.S.C. § 80a-2(a)(48) (2006)); Small Business Investment Company licensed by the U.S. Small Business Administration under section 301(c) ~~or (d)~~ of the Small Business Investment Act of 1958 (15 U.S.C. § 681(c) (2006)); any plan established and maintained by a state, its political subdivisions, or any agency or instrumentality of a state or its political subdivisions for the benefit of its employees, if such plan has total assets in excess of \$5,000,000; employee benefit plan within the meaning of the Employee Retirement Income Security Act of 1974 (29 U.S.C. §§ 1001 through 1461 (2006)) if the investment decision is made by a plan fiduciary, as defined in section 3(21) of such Act (29 U.S.C. § 1002(21) (2006)), which is either a bank, savings and loan association, insurance company, or registered investment adviser, or if a self-directed plan, with investment decisions made solely by persons that are accredited investors;

(b) Any private business development company as defined in section 202(a)(22) of the Investment Advisers Act of 1940 (15 U.S.C. § 80b-2(a)(22) (2006));

(c) Any organization described in section 501(c)(3) of the Internal Revenue Code (I.R.C. § 501(c)(3) (2006)), corporation, Massachusetts or similar business trust or partnership, not formed for the specific purpose of acquiring the securities offered, with total assets in excess of \$5,000,000;

(d) through (f) No change

(g) Any trust, with total assets in excess of \$5,000,000, not formed for the purpose of acquiring the securities offered, whose purchase is directed by a sophisticated person as described in Securities and Exchange Commission Regulation 230.506(b)(2) (ii) (17 C.F.R. § 230.506(b)(2)(ii) (2009)); and

(h) No change.

(2) No change.

(3) "Aggregate Indebtedness" is defined pursuant to S.E.C. Rule 15c3-1 (17 C.F.R. ~~CFR~~ § 240.15c3-1 (2009)).

(4) "Allowable Assets" is defined pursuant to S.E.C. Rule 15c3-1 (17 C.F.R. ~~CFR~~ § 240.15c3-1 (2009)).

(5) through (6) No change.

(7)(a) "Associated person" as defined in Section 517.021(2), F.S., shall include any person who for compensation refers, solicits, offers, or negotiates for the purchase or sale of securities and/or of investment advisory services. A person whose activities fall within this definition is required to register with the Office of Financial Regulation as an associated person pursuant to Sections 517.12(1) or (4), F.S.

(b) Notwithstanding the provisions of paragraph (a), an associated person registered with the Office of Financial Regulation and operating in compliance with subsection ~~69W-600.003(3)~~ ~~69W-600.003(2)~~, F.A.C., shall not be deemed an associated person of any investment adviser other than the investment adviser or dually registered dealer/investment adviser with which such associated person is registered.

(c) Any person acting in compliance with S.E.C. Rule 206(4)-3 (17 C.F.R. ~~CFR~~ § 275.206(4)-3 (2009)), ~~as it existed on July 1, 2003~~, shall not be deemed an associated person of an investment adviser.

(8) through (16) No change.

(17) "Independent Director" shall be defined as a member of the Issuer's Board of Directors who:

(a) Is not an officer or employee of the Issuer, its subsidiaries, or their affiliates or associates and has not been an officer or employee of the Issuer, its subsidiaries or their affiliates or associates within the last two years; and

(b) Is not a promoter as defined in Section ~~517.021(18)(b)~~ ~~517.021(15)(b)~~, F.S.; and

(c) Does not have a material business or professional relationship with the issuer or any of its affiliates or associates. For purposes of determining whether or not a business or professional relationship is material, the gross revenue derived by the Independent Director from the Issuer, its affiliates and associates shall be deemed material if it exceeds 5% of the Independent Director's;

1. Annual gross revenue, derived from all sources, during either of the last two years; or

2. Net worth, on a fair market value basis.

(18) and (19) No change.

(20) "Issuers" Within the Meaning of Section ~~517.021(14)~~ ~~517.021(11)~~, F.S.

(a) For the purposes of determining whether a person is an issuer within the meaning of Section ~~517.021(14)~~ ~~517.021(11)~~, F.S., the term "promoter" shall be deemed to include:

1. Any person who, acting alone or in conjunction with one or more other persons, directly or indirectly initiates the founding or organizing of the business or enterprise of an issuer; or

2. Any person who, in connection with the founding and organizing of the business or enterprise of an issuer, directly or indirectly receives in consideration of services, or a combination of services and property, 10% or more of any class of securities of the issuer or 10% or more of the proceeds from the sale of any class of securities of the issuer; provided that any person who receives securities or proceeds from the sale of securities either solely as underwriting commissions or solely in consideration of property shall not be deemed a promoter if such person does not otherwise take part in founding and organizing the enterprise of the issuer.

(b) Notwithstanding the provisions of subsection (1) of this rule, no person shall be deemed to be a promoter with respect to any issuer which is duly qualified to transact business under the laws of the jurisdiction in which it is organized and which has actively been engaged in business for a continuous period of one year.

(21) through (24) No change.

(25) "Qualified Institutional Buyer" for purposes of Section 517.061(7), F.S., shall be defined as provided in Securities and Exchange Commission rule 144A(a) (~~i.e.~~, 17 C.F.R. § ~~§~~ 230.144A(a) (2009)), ~~as such rule existed on November 1, 1992~~.

(26) and (27) No change.

(28) "Reportable Act" shall mean:

(a) Having exercised management or policy control over or owned 10 percent or more of the securities of any dealer or investment adviser for which a Securities Investor Protection Corporation ("SIPC") trustee was appointed pursuant to the Securities Investor Protection Act or which is insolvent;

(b) Conviction of or entry of a plea of guilty or no contest to any criminal act, excluding traffic violations or other minor offenses;

(c) Having been the subject of any decision, finding, injunction, suspension, prohibition, revocation, denial, judgment, or order by any court of competent jurisdiction, administrative law judge, or by any state or federal agency, national securities, commodities, or option exchange, or national securities, commodities, or option association, involving a violation of any federal or state securities or commodities law or any rule or regulation promulgated thereunder, or any rule or regulation of any national securities, commodities or options exchange or national securities, commodities, or options association, or having been the subject of any injunction or adverse order by a state or federal agency

or court of competent jurisdiction regulating banking, insurance, finance or small loan companies, real estate, mortgage brokers, or other related or similar industries;

(d) Being charged, in a pending enforcement action or pending criminal prosecution, with any conduct that if proven and not subsequently reversed, suspended, or vacated, would be deemed a reportable act under paragraphs (a) through (c) of this rule.

1. For purposes of this rule, "enforcement action" means any judicial proceeding or any administrative proceeding where such judicial or administrative proceeding is brought by an agency of the United States or of any state to enforce or restrain violation of any state or federal law, or any disciplinary proceeding maintained by the Financial Industry Regulatory Authority (formerly known as the National Association of Securities Dealers), the National Futures Association, the New York Stock Exchange, or any other similar self-regulatory organization.

2. An enforcement action is pending at any time after notice to the respondent of such action and is terminated at any time after entry of final judgment or decree in the case of judicial proceedings, final agency action in the case of administrative proceedings, and final disposition by a self-regulatory organization in the case of disciplinary proceedings.

3. A criminal prosecution is pending at any time after criminal charges are filed and is terminated at any time after conviction, acquittal, or dismissal.

(29) "Renewal Applicant" shall mean an applicant who is a registrant who seeks a timely renewal of the license.

(30) "Securities Act of 1933" (15 U.S.C. §§ 77a through 77mm (2006)), "Securities Exchange Act of 1934" (15 U.S.C. §§ 78a through 78oo (2006)), "Investment Company Act of 1940" (15 U.S.C. §§ 80a-1 through 80a-64 (2006)), "Investment Advisers Act of 1940" (15 U.S.C. §§ 80b-1 through 80b-21 (2006)), and "Internal Revenue Code" (Title 26 U.S.C. (2006)), mean the federal statutes of those names as amended.

(31) through (33) No change.

(34) The federal regulations and federal statutes referenced in this rule are hereby incorporated by reference and may be obtained by mail from the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399.

Rulemaking Specific Authority 517.03(1) FS. Law Implemented 517.07, 517.12, 517.021, 517.061, 517.051, 517.081, 517.161 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-200.01, Amended 12-8-87, 10-14-90, 7-31-91, 6-16-92, 1-10-93, 5-5-94, 10-20-97, 8-9-98, 8-19-99, 10-30-03, Formerly 3E-200.001, Amended 5-15-07, _____.

FINANCIAL SERVICES COMMISSION

Securities

RULE NOS.:	RULE TITLES:
69W-300.002	Financial Statements and Reports
69W-300.003	Refunds of Fees, Files Denied or Withdrawn

PURPOSE AND EFFECT: Rule 69W-300.002, F.A.C., is amended to reflect the most current version of federal regulations and federal statutes referenced in the rule. The rule is also amended to replace references to the National Association of Securities Dealers with the Financial Industry Regulatory Authority (FINRA). FINRA was created in July 2007 through the consolidation of National Association of Securities Dealers and the member regulation, enforcement and arbitration functions of the New York Stock Exchange. Rule 69W-300.003, F.S., is repealed. This rule is not needed because the statutes under Chapter 517, F.S., specify the accounts where fees are to be deposited and also specify that fees are non-refundable.

SUBJECT AREA TO BE ADDRESSED: Securities Regulation.

RULEMAKING AUTHORITY: 517.03 FS.

LAW IMPLEMENTED: 517.081, 517.082, 517.12, 517.131, 517.315 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: Pam Epting, Chief, Bureau of Regulatory Review, Division of Securities, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399-0375, (850)410-9500, pam.epting@fiofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69W-300.002 Financial Statements and Reports.

(1) All financial statements required for registration of securities, or registration of dealers and investment advisers, shall be prepared in accordance with United States generally accepted accounting principles. Financial statements required to be prepared in accordance with Regulation S-X (17 C.F.R. Part 210 (2009)) ~~together with the Accounting Series Releases, pursuant to the Securities Act of 1933 and the Securities Exchange Act of 1934,~~ will be acceptable to the Office of Financial Regulation unless otherwise required by these rules.

(2) No change.

(3) Requirements for Dealers.

(a) Every dealer applicant, unless exempted under paragraph (3)(b) or (3)(e) of this rule, shall file financial statements as of a date within ninety (90) days prior to the date of filing for registration. These financial statements need not be audited provided that there shall also be filed audited financial statements as of said applicant's most recent fiscal year end.

(b) Those dealer applicants which have been in operation for a period of time less than twelve (12) months, and for whom an audited financial statement has not been prepared or is not available, shall be permitted to file unaudited financial statements provided the following conditions are met:

1. Such financial statements are as of a date within thirty (30) days prior to the date of filing for registration, and are prepared in accordance with the provisions of paragraphs (2)(b), (2)(d) and (3)(c) of this rule; and

2. Such applicant is effectively registered with the Securities Exchange Commission or Financial Industry Regulatory Authority (formerly known as the National Association of Securities Dealers, Inc.)

(c) Every dealer applicant and registrant shall file, in addition to the information specified in paragraph (2)(b) of this rule, the following:

1. Computations of net capital and customer reserve requirements prepared in accordance with the provisions of Rules 69W-600.016 and 69W-600.017, F.A.C.;

2. Written notice of designation of an independent certified public accountant, which notice shall include name, address, and telephone number of the accountant so designated;

3. Written notice of fiscal year end or audit date of such dealer;

4. Disclosure of any contingent, civil or criminal liabilities of such dealer.

(d) The Office of Financial Regulation shall deem those financial statements and reports, prepared and filed in accordance with the provisions of SEC Rule 17a-5 (17 C.F.R. CFR § 240.17a-5 (2009)) and SEC Rule 17a-10 (17 C.F.R. CFR § 240.17a-10 (2009)) ~~(as such provisions existed on July 1, 2003)~~, to be in compliance with, and fulfill the requirements of, this rule as applicable to a dealer.

(e) The financial statements and reports required by paragraphs (a) through (d) are not required to be filed with the Office of Financial Regulation, unless specifically requested by the Office of Financial Regulation, by a dealer applicant or registrant if the dealer registrant is a current member of a securities association registered pursuant to section 15A of the Exchange Act (15 U.S.C. §78o-3 (2006)) and such association requires financial reports to be filed with it.

(4) Requirements for Investment Advisers.

(a) Investment adviser applicants shall file financial statements as of a date within ninety (90) days prior to the date of filing for registration, which statements may be unaudited

financial statements defined in paragraph (2)(d) of this rule. However, each investment adviser who has custody or possession of client's funds or securities; requires prepayment of advisory fees six months or more in advance and in excess of \$500 per client; or computes net capital pursuant to SEC Rule 15c3-1 (17 C.F.R. § 240.15c3-1 (2009)) for purposes of compliance with subsection 69W-600.016(3), F.A.C., shall file financial statements as required by paragraphs (3)(a) and (3)(b) of this rule.

(b) Investment adviser registrants shall provide the Office of Financial Regulation with written notification of such investment adviser's fiscal year end or annual audit date, and thereafter file annually financial statements as of said date in accordance with the provisions of subsection 69W-600.015(3), F.A.C. Such financial statements may be unaudited as defined in paragraph (2)(d) of this rule. However, each investment adviser who has custody or possession of client's funds or securities; requires prepayment of advisory fees six months or more in advance and in excess of \$500 per client; or computes net capital pursuant to SEC Rule 15c3-1 (17 C.F.R. § 240.15c3-1 (2009)) for purposes of compliance with subsection 69W-600.016(3), F.A.C., shall file audited financial statements as defined by paragraph (2)(a) of this rule. Accompanying all audited financial statements shall be a written statement from the independent certified public accountant verifying compliance with subsection 69W-600.016(3), F.A.C.

(c) Every investment adviser applicant and registrant, in addition to the information specified in paragraphs (2)(b) and (2)(d) of this rule, shall provide to the Office of Financial Regulation:

1. Computations of net capital requirements prepared in accordance with the provision of Rule 69W-600.016, F.A.C.;

2. Written disclosure of any contingent, civil or criminal liabilities of such investment adviser.

(5) through (7) No change.

(8) The federal regulations and federal statutes referenced in this rule are hereby incorporated by reference and may be obtained by mail from the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399.

Rulemaking Specific Authority 517.03 FS. Law Implemented 517.081, 517.12 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-300.02, Amended 6-28-93, 11-22-93, 12-24-95, 9-19-00, 10-30-03, Formerly 3E-300.002, Amended 5-15-07.

69W-300.003 Refunds of Fees, Files Denied or Withdrawn.

~~(1) Fees paid to the Office of Financial Regulation in connection with the filing of applications for registration become a part of the general revenue of the State when paid in accordance with Sections 517.12(10) and (11), F.S., and are not refundable when files are denied or withdrawn, after a preliminary evaluation of the file has been initiated.~~

~~(2) Fees paid to the Office of Financial Regulation in connection with the filing of applications of Registrations under Section 517.081 or 517.082, F.S., become a part of the general revenue of the State and are not refundable when files are denied or withdrawn, after a preliminary evaluation of the file has been initiated.~~

~~(3) Pursuant to Section 517.315, F.S., all fees and charges collected under Chapter 517, F.S., except those collected under Section 517.131, F.S., are paid into the General Revenue Fund. The fees collected under Section 517.131, F.S., are paid into the Security Guaranty Fund. No refund of monies referred to in these sections shall be refunded for amounts less than one (1) dollar, unless such is requested by the registrant or applicant.~~

Rulemaking Specific Authority 517.03(1) FS. Law Implemented 517.081, 517.082, 517.12, 517.131, 517.315 FS. History—New 12-5-79, Formerly 3E-300.03, Amended 7-31-91, 10-1-96, 10-20-97, 10-30-03, Formerly 3E-300.003, Repealed _____.

FINANCIAL SERVICES COMMISSION

Securities

RULE NOS.: RULE TITLES:
69W-301.002 Processing of Applications
69W-301.003 Right to Hearing

PURPOSE AND EFFECT: Rule 69W-301.002, F.A.C., is amended to provide notice to applicants of how forms and fees for registration shall be filed with the Office of Financial Regulation. The rule is also updated to reflect the most current version of forms referenced in Rule Chapters 69W-100 through 69W-900 and Rule 69W-301.003, F.A.C., is amended to clarify the process of requesting a hearing.

SUBJECT AREA TO BE ADDRESSED: Securities Regulation.

RULEMAKING AUTHORITY: 517.03(1), 517.12, 517.1201, FS.

LAW IMPLEMENTED: 120.60(1), 120.57, 517.051, 517.081, 517.082, 517.12, 517.161(5), 517.241(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 IS: Pam Epting, Chief, Bureau of Regulatory Review, Division of Securities, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399-0375, (850)410-9500, pam.epting@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69W-301.002 Processing of Applications.

(1) Forms. Application forms for all license actions covered by these rules may be obtained from the Office of Financial Regulation at no cost. All applications must be in the format required by the Office of Financial Regulation. Requests for forms should be sent directly to: The Office of Financial Regulation, Division of Securities, 200 East Gaines Street, Tallahassee, Florida 32399-0375.

(2) Electronic Filing of Application and Fee. Applications in the format required by the Office of Financial Regulation, accompanied by the prescribed fee for the requested license action, shall be filed electronically with the Office of Financial Regulation. Forms and fees deemed received are subject to the Office’s Request for Additional Information requirements found in subsection 69W-301.002(3) F.A.C. Application forms and fees shall be filed as follows:

~~(a) at the address indicated in subsection (1) above; however, All~~ at dealers who are members of the Financial Industry Regulatory Authority (formerly known as the National Association of Securities Dealers) (FINRA), Inc. (“NASD”) shall file such items through the Central Registration Depository (CRD) of the FINRA in accordance with the provisions of Rules 69W-600.001 and 69W-600.0091, F.A.C. Chapter 69W-600, F.A.C., as prescribed therein.

~~(b) All~~ However, all Federal Covered Advisers shall file such items through the Investment Adviser Registration Depository (IARD) of the FINRA in accordance with the provisions of Section 517.1201, Florida Statutes, and Rule 69W-600.0092, F.A.C.

~~(c) Investment advisers shall may~~ file the required forms and fees with the Investment Adviser Registration Depository (IARD) in accordance with the provisions of Rules 69W-600.001 and 69W-600.0093, F.A.C. Issuers may file the required forms and fees with the Securities Registration Depository (SRD) in accordance with the provisions of Rule 69W-400.004 or 69W-800.001, F.A.C., upon implementation of the system in this state.

~~(d) Issuer/Dealers shall file the required forms and fees electronically on the Office’s website at www.flofr.com through the Regulatory Enforcement and Licensing (REAL) System of the OFR and shall be deemed received on the date the Office issues a confirmation of submission and payment to the applicant via the Office’s website. A confirmation of submission is issued by the Office upon successful filing of an application and payment of all fees. Such filings shall be made in accordance with Rules 69W-400.002, 69W-600.001 and 69W-600.004, F.A.C.~~

(e) Dealers that are not members of FINRA shall file the required forms and fees electronically on the Office’s website at www.flofr.com through the Regulatory Enforcement and Licensing (REAL) System of the OFR and shall be deemed

received on the date the Office issues a confirmation of submission and payment to the applicant via the Office's website. A confirmation of submission is issued by the Office upon successful filing of an application and payment of all fees. Such filings shall be made in accordance with Rule 69W-600.001, F.A.C.

(f) Canadian dealers shall file the required forms and fees electronically on the Office's website at www.flofr.com through the Regulatory Enforcement and Licensing (REAL) System of the OFR and shall be deemed received on the date the Office issues a confirmation of submission and payment to the applicant via the Office's website. A confirmation of submission is issued by the Office upon successful filing of an application and payment of all fees. Such filings shall be made in accordance with Rule 69W-600.0015, F.A.C.

(g) All dealers who are members of the Financial Industry Regulatory Authority (FINRA) shall file requests for Branch Office registration through the Central Registration Depository (CRD) of the FINRA in accordance with the provisions of Rules 69W-600.004 and 69W-600.0091, F.A.C.

(h) Investment Advisers shall file requests for Branch Office registration through the Central Registration Depository (CRD) of the FINRA in accordance with the provisions of Rules 69W-600.004 and 69W-600.0093, F.A.C.

(i) Issuer/Dealers shall file requests for Branch Office registration on the Office's website at www.flofr.com through the Regulatory Enforcement and Licensing (REAL) System of the OFR and shall be deemed received on the date the Office issues a confirmation of submission and payment to the applicant via the Office's website. A confirmation of submission is issued by the Office upon successful filing of an application and payment of all fees. Such filings shall be made in accordance with Rule 69W-600.004, F.A.C.

(j) Dealers that are not members of FINRA shall file requests for Branch Office registration electronically on the Office's website at www.flofr.com through the Regulatory Enforcement and Licensing (REAL) System of the OFR and shall be deemed received on the date the Office issues a confirmation of submission and payment to the applicant via the Office's website. A confirmation of submission is issued by the Office upon successful filing of an application and payment of all fees. Such filings shall be made in accordance with Rule 69W-600.004, F.A.C.

(k) All dealers who are members of the Financial Industry Regulatory Authority (FINRA) shall file requests for Associated Person registration through the Central Registration Depository (CRD) of the FINRA in accordance with the provisions of Rules 69W-600.002 and 69W-600.0091, F.A.C.

(l) Federal Covered Advisers shall file requests for Associated Person registration through the Central Registration Depository (CRD) of the FINRA in accordance with the provisions of Rules 69W-600.002 and 69W-600.0092, F.A.C.

(m) Investment Advisers shall file requests for Associated Person registration through the Central Registration Depository (CRD) of the FINRA in accordance with the provisions of Rules 69W-600.002 and 69W-600.0093, F.A.C.

(n) Issuer/Dealers shall file requests for Associated Person registration on the Office's website at www.flofr.com through the Regulatory Enforcement and Licensing (REAL) System of the OFR and shall be deemed received on the date the Office issues a confirmation of submission and payment to the applicant via the Office's website. A confirmation of submission is issued by the Office upon successful filing of an application and payment of all fees. Such filings shall be made in accordance with Rules 69W-600.002 and 69W-600.004, F.A.C.

(o) Dealers that are not members of FINRA shall file requests for Associated Person registration electronically on the Office's website at www.flofr.com through the Regulatory Enforcement and Licensing (REAL) System of the OFR and shall be deemed received on the date the Office issues a confirmation of submission and payment to the applicant via the Office's website. A confirmation of submission is issued by the Office upon successful filing of an application and payment of all fees. Such filings shall be made in accordance with Rule 69W-600.002, F.A.C.

(p) An applicant for registration of securities pursuant to Section 517.081, F.S., shall file electronically on the Office's website at www.flofr.com through the Regulatory Enforcement and Licensing (REAL) System of the OFR and shall be deemed received on the date the Office issues a confirmation of submission and payment to the applicant via the Office's website. A confirmation of submission is issued by the Office upon successful filing of an application and payment of all fees. Such filings shall be made in accordance with Rule Chapter 69W-700, F.A.C.

(q) An applicant for Notification Registration pursuant to Section 517.082, F.S., shall file electronically on the Office's website at www.flofr.com through the Regulatory Enforcement and Licensing (REAL) System of the OFR and shall be deemed received on the date the Office issues a confirmation of submission and payment to the applicant via the Office's website. A confirmation of submission is issued by the Office upon successful filing of an application and payment of all fees. Such filings shall be made in accordance with Rule Chapter 69W-800, F.A.C.

(3) through (6) No change.

(7)(a) The forms referred to in this section below are incorporated by reference and readopted by this rule for the purposes of Rule Chapters 69W-100 through 69W-900, F.A.C.:

1. OFR-S-1-91, Application for Registration of Securities (Revised 5-01-04 ~~10/97~~);

2. OFR-S-7-91, Exhibit 1 (General Issue) (Revised 5-01-04 ~~10/97~~);

3. OFR-S-5-91, Uniform Consent to Service of Process (Revised ~~5-01-04~~ ~~4/94~~);
 4. OFR-S-6-91, Corporate Resolution (Revised ~~5-01-04~~ ~~4/94~~);
 5. OFR-S-10-91, Report of Sales of Securities and Use of Proceeds Therefrom (Revised ~~5-01-04~~ ~~4/94~~);
 6. Form BD, Uniform Application for Broker-Dealer Registration (Revised ~~05/2002~~ ~~7/99~~);
 7. Form ADV, Uniform Application for Investment Adviser Registration (Revised ~~01/2008~~ ~~4/03~~);
 8. Form U-4, Uniform Application for Securities Industry Registration or Transfer (Revised ~~5/2009~~ ~~4/05~~);
 9. Form BDW, Uniform Request for Broker-Dealer Withdrawal (Revised ~~04/2007~~ ~~8/99~~);
 10. Form ADV-W, Notice of Withdrawal from Registration as Investment Adviser (Revised ~~03/2008~~ ~~4/03~~);
 11. Form U-5, Uniform Termination Notice for Securities Industry Registration (Revised ~~5/2009~~ ~~4/05~~);
 12. Form BR, Uniform Branch Office Registration Form (Revised 10/05);
 13. OFR Form DA-5-91, Issuer/Dealer Compliance Form (Revised ~~5-01-04~~ ~~4/94~~);
 14. Form FL921250Z, Florida Fingerprint Card (~~Revised 5/11/99~~ ~~Revised 4/94~~); and
 15. OFR Form CAN, Canadian Dealer Notification (New 6-10-07).
- (b) This rule also incorporates by reference:
1. OFR Form S-3-91, Notification Registration (Revised ~~5-01-04~~ ~~4/94~~);
 2. Form U-1, Uniform Application to Register Securities (Effective 10/97);
 3. Form U-2, Uniform Consent to Service of Process (Effective 10/1/96);
 4. Form U-2A, Uniform Corporate Resolution (Effective 10/1/96);
 5. Form U-7, Small Corporate Offering Registration Form (Effective 10/97);
 6. OFR-S-12-97, SCOR (Small Corporate Offering Registration) Application to Register Securities (Effective ~~5-01-04~~ ~~4/97~~);
 7. OFR-S-13-97, Florida Guide to Small Business Investments (Effective ~~5-01-04~~ ~~4/97~~); and
 8. OFR-S-14-97, Promotional Shares Escrow Agreement (Effective ~~5-01-04~~ ~~4/97~~); and
 9. CUBA FORM, Disclosure of Business Activities in Cuba Form, (Effective 5-01-04).
- (c) Social security number. The following forms contain a field that allows, but does not require, an individual to submit his or her social security number: Form ADV, Uniform Application for Investment Adviser Registration (Revised ~~1/2008~~ ~~4/03~~); Form U-4, Uniform Application for Securities Industry Registration or Transfer (Revised ~~5/2009~~ ~~4/05~~); and

Form U-5, Uniform Termination Notice for Securities Industry Registration (Revised ~~5/2009~~ ~~4/05~~). If provided, an individual's social security number will be used by the Office of Financial Regulation to facilitate the identification of the individual to obtain the required criminal justice information, which may expedite the processing of the forms. Social security numbers obtained through the submission of the above-listed forms are subject to the confidentiality provisions of Section 119.071(5), F.S.

(d) All forms referenced in this rule are incorporated by referenced and may be obtained by mail from the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399.

Rulemaking Specific Authority 517.03(1), 517.12, 517.1201 FS. Law Implemented 120.60(1), 517.051, 517.081, 517.082, 517.12, 517.161(5) FS. History—Revised and Transferred from 3E-300.01, 9-20-82, Formerly 3E-301.02, Amended 10-15-86, 2-1-87, 12-8-87, 7-29-90, 7-31-91, 6-16-92, 1-10-93, 3-13-94, 10-1-96, 10-23-97, 6-22-98, 6-10-99, 5-7-00, 7-10-02, Formerly 3E-301.002, Amended 3-16-06, 6-10-07,_____.

69W-301.003 Right to Hearing.

Should the Office of Financial Regulation refuse to grant the license, the Office of Financial Regulation shall notify the applicant of this decision stating the grounds for denial. The applicant aggrieved by such a refusal shall be entitled to an administrative hearing upon filing a written request for such a hearing. Procedures for requesting such hearing appear in Rules 28-106.20 and 28-106.301, F.A.C. Chapters 28-106 and 28-107, F.A.C.

Rulemaking Specific Authority 517.03(1) FS. Law Implemented 120.60, 120.57, 517.081, 517.082, 517.12, 517.241(1) FS. History—New 9-20-82, Formerly 3E-301.03, Amended 7-31-91, 6-22-98, Formerly 3E-301.003, Amended_____.

FINANCIAL SERVICES COMMISSION

Securities

RULE NOS.:	RULE TITLES:
69W-500.008	Unsolicited Purchase or Sale of Securities Pursuant to Section 517.061(13), F.S.
69W-500.013	Exemption/Mobile Home Parks/Limited Purpose Stock Offering
69W-500.015	Exemption for Offers and Sales of Securities of Foreign Issuers to Non-U.S. Persons in Offshore Transactions
69W-500.016	Exemption for Issuers of Section 4(2) Offerings
69W-500.017	Compensatory Benefit Plan Exemption

PURPOSE AND EFFECT: Rules 69W-500.008, .015, .016, and .017, F.A.C., are amended to reflect the most current versions of federal regulations and federal statutes referenced in the rules. Rule 69W-500.013, F.A.C., is amended to correct a cross reference.

SUBJECT AREA TO BE ADDRESSED: Securities Regulation.

RULEMAKING AUTHORITY: 517.03, 517.061(19) FS.

LAW IMPLEMENTED: 517.061(13), 517.061(18), 517.061(19) 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: Pam Epting, Chief, Bureau of Regulatory Review, Division of Securities, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399-0375, (850)410-9500, pam.epting@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69W-500.008 Unsolicited Purchase or Sale of Securities Pursuant to Section 517.061(13), F.S.

(1) For purposes of Section 517.061(13), F.S., the offer or sale of securities in a transaction meeting the requirements of SEC Rule 144 (17 C.F.R. § 230.144 (2009)), which is hereby incorporated by reference, promulgated pursuant to section 4(1) of the Securities Act of 1933, as in effect on November 1, 1978, shall be deemed an unsolicited purchase or sale of securities on order of and as agent for another. Copies of the federal regulation may be obtained by contacting the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399.

(2) and (3) No change.

Rulemaking Specific Authority 517.03(1) FS. Law Implemented 517.061(13) FS. History–New 12-5-79, Amended 9-20-82, Formerly 3E-500.08, Amended 10-14-90, Formerly 3E-500.008, Amended _____.

69W-500.013 Exemption/Mobile Home Parks/Limited Purpose Stock Offering.

Transactions which involve the offer or sale of stock, bonds, or other instruments deemed to be securities as defined in Section 517.021(21) 517.021(17), F.S., offered or sold by or on behalf of a non-profit corporation consisting solely of property owners of a singular mobile home park, where the securities evidence shares of the corporation, are hereby exempted from

the registration requirements of Section 517.07, F.S., provided that such securities meet and comply with all of the following criteria:

(1) That proceeds from the sale of securities are used exclusively for the maintenance, improvement or acquisition of common areas within the mobile home park.

(2) That the solicitation and subsequent sale of securities is made exclusively by the non-profit corporation to persons retaining a property interest in the mobile home park and no form of general solicitation or general advertisement is instituted.

(3) That no individual, either directly or indirectly, receives any compensation or commission for or as a result of the sale of such securities.

(4) That prior to the sale of said securities, each property owner within the mobile home park is provided with or given reasonable access to full and fair disclosure concerning all relevant information relating to the securities themselves.

(5) That the Office of Financial Regulation is provided with reasonable notice of the issuance of said securities prior to or contemporaneous with their offer and sale.

Rulemaking Specific Authority 517.03 FS. Law Implemented 517.061(18) FS. History–New 1-8-86, Amended 7-31-91, Formerly 3E-500.013, Amended _____.

69W-500.015 Exemption for Offers and Sales of Securities of Foreign Issuers to Non-U.S. Persons in Offshore Transactions.

(1) Any offer or sale of securities of a foreign issuer made to a person, other than a U.S. person, in an offshore transaction that is exempt from registration ~~under section 5 of the Securities Act of 1933~~ pursuant to Regulation S (17 C.F.R. § 230.901 through 230.905 (2009)) ~~promulgated by the Securities and Exchange Commission~~, is hereby exempted from the registration requirements of Section 517.07, F.S.

(2) For purposes of this rule, the terms “foreign issuer,” “offshore transaction,” and “U.S. person” shall have the meanings prescribed in rule 902 of Regulation S (17 C.F.R. § 230.902 (2009)) ~~as it existed on April 29, 1998.~~

(3) The federal regulations referenced in this rule are hereby incorporated by reference and may be obtained by mail from the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399.

Rulemaking Specific Authority 517.03(1), 517.061(19) FS. Law Implemented 517.061(19) FS. History–New 7-30-98, Formerly 3E-500.015, Amended _____.

69W-500.016 Exemption for Issuers of Section 4(2) Offerings.

Securities offered or sold in a transaction exempt under a rule or regulation issued by the Securities and Exchange Commission under Section 4(2) of the Securities Act of 1933

~~(15 U.S.C. § 77d(2) (2006)), as it existed on January 1, 2001,~~ are hereby exempted from the filing requirements of Section 517.07, F.S. An issuer of such securities and each of its bona fide employees who satisfy the criteria set forth in Section 517.021(6)(b)6., F.S., and through whom the issuer elects to sell such securities, shall be exempted from the registration requirements of Section 517.12(1), F.S. The federal statute referenced in this rule is hereby incorporated by reference and may be obtained by mail from the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399.

Rulemaking Specific Authority 517.03(1), 517.061(19) FS. Law Implemented 517.061(19) FS. History—New 1-1-02, Formerly 3E-500.016, Amended _____.

69W-500.017 Compensatory Benefit Plan Exemption.

(1) Transactions involving the offer or sale of a security pursuant to a written compensatory benefit plan (or a written compensation contract) or similar plan established by the issuer, its parent, its majority-owned subsidiaries or majority-owned subsidiaries of the issuer’s parent, for the participation of their employees, directors, general partners, trustees, officers, or consultants and advisors, and their family members who acquire such securities from such persons through gifts or domestic relations orders, are exempt from the registration provisions of Section 517.07, F.S., if:

(a) The sale of the security meets all of the requirements of SEC Rule 701 (17 C.F.R. § 230.701 (2009)) ~~as it existed on November 1, 2000;~~

(b) The security is sold pursuant to a plan of a type exempt under section 3(a) of the Securities Act of 1933; or

(c) The security is effectively registered under sections 6 to 8 of the Securities Act of 1933, 15 U.S.C. §§77f through h (2006), and is offered and sold in compliance with the provisions of section 5 of the Securities Act of 1933, 15 U.S.C. §77e (2006).

(2) For the purposes of this rule, the terms “compensatory benefit plan” and “family member,” shall have the same meanings as defined in SEC Rule 701 (17 C.F.R. § 230.701 (2009)) ~~as it existed on November 1, 2000.~~

(3) through (4) No change.

(5) The federal regulations and federal statutes referenced in this rule are hereby incorporated by reference and may be obtained by mail from the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399.

Rulemaking Specific Authority 517.03(1), 517.061(19) FS. Law Implemented 517.061(19) FS. History—New 11-25-01, Formerly 3E-500.017, Amended _____.

FINANCIAL SERVICES COMMISSION

Securities

RULE NOS.:

- 69W-600.001
- 69W-600.0015
- 69W-600.002
- 69W-600.004
- 69W-600.005
- 69W-600.006
- 69W-600.007
- 69W-600.008
- 69W-600.009
- 69W-600.0091
- 69W-600.0092
- 69W-600.0093
- 69W-600.010
- 69W-600.012
- 69W-600.013
- 69W-600.0131
- 69W-600.0132
- 69W-600.014
- 69W-600.015
- 69W-600.016
- 69W-600.017
- 69W-600.020

RULE TITLES:

- Application for Registration as a Dealer, Issuer/Dealer, or Investment Adviser
- Canadian Dealer Notification
- Application for Registration as Associated Person
- Registration of Issuer/Dealers, Principals and Branch Offices
- Examinations/Qualifications
- Fingerprints Requirements
- Changes in Name and Successor Registration Requirements
- Termination of Registration as Dealer, Investment Adviser, Branch Office, Principal or Agent
- Registration Renewals
- Central Registration Depository System
- Investment Adviser Registration Depository for Federal Covered Advisers
- Investment Adviser Registration Depository for Investment Advisers
- Notice of Civil, Criminal or Administrative Action
- Rules of Conduct
- Prohibited Business Practices for Dealers and Their Associated Persons
- Prohibited Business Practices for Investment Advisers and Their Associated Persons
- Custody Requirements for Investment Advisers
- Books and Records Requirements
- Financial Reporting Requirements – Statement of Financial Condition – Dealers and Investment Advisers
- Net Capital Requirements for Dealers and Investment Advisers
- Customer Protection Rule – Reserve Requirements and Custody of Customer Funds and Securities
- Continuing Education Requirements

PURPOSE AND EFFECT: The rules are amended to update references to materials not included within Florida law, including agency forms, federal statutes, federal regulations,

Financial Industry Regulatory Authority (FINRA) forms and rules, New York Stock Exchange rules, other stock exchange rules, National Association of Securities Dealers (NASD) rules, and Municipal Securities Rulemaking Board (MSRB) rules. The rules require the electronic filing of forms and fees. The rules are amended to replace references to the National Association of Securities Dealers (NASD) with the Financial Industry Regulatory Authority (FINRA). FINRA was created in July 2007 through the consolidation of National Association of Securities Dealers and the member regulation, enforcement and arbitration functions of the New York Stock Exchange. Rule 69W-600.005, F.A.C., is amended to remove the reference to the examination requirement for investment adviser principals as there is no longer a principal investment adviser designation. Rule 69W-600.0132, F.A.C., is amended to provide for a waiver of audited financial statements.

SUBJECT AREA TO BE ADDRESSED: Securities Regulation

RULEMAKING AUTHORITY: 215.405, 517.03(1), 517.12(6), 517.12(9), 517.12(13), 517.12(15), 517.12(17), 517.1201, 517.121(1), 517.121(2), 517.1215, 517.1217, 215.405 FS.

LAW IMPLEMENTED: 517.081, 517.12, 517.12(4), 517.12(5), 517.12(6), 517.12(7), 517.1205, 517.12(8), 517.12(9), 517.12 (10), 943.053, 517.12(11), 517.12(12), 517.12(12)(b), 517.12(13), 517.12(15), 517.12(16), 517.12(18), 517.161, 517.161(1), 517.161(5), 517.1201(1), 517.1201(2), 517.121, 517.121(1), 517.121(2), 517.1215, 517.1217, 517.301(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 IS: Pam Epting, Chief, Bureau of Regulatory Review, Division of Securities, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399-0375, (850)410-9500, pam.epting@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69W-600.001 Application for Registration as a Dealer, Issuer/Dealer, or Investment Adviser.

(1)(a) Applications for initial and renewal registration of dealers, issuer/dealers, and investment advisers shall be filed ~~as~~ ~~on the forms~~ prescribed by the Financial Services Commission in ~~Rule subsection~~ 69W-301.002(7), F.A.C., and shall include all information required by such forms, any other information the Financial Services Commission or Office of Financial Regulation may require, and payment of the statutory fees

required by Sections 517.12(10) and 517.131, F.S. ~~Except as otherwise provided in Rule 69W-600.0091 or 69W-600.0093, F.A.C., the Office of Financial Regulation shall deem an application to be received at such time as it and the appropriate fee have been date stamped by the cashier's office of the Department of Financial Services. For dealers that are members of the National Association of Securities Dealers (NASD), such application shall be filed with the Office of Financial Regulation through the Central Registration Depository (CRD) of the NASD in accordance with Rule 69W-600.0091, F.A.C. For investment advisers, such application shall be filed with the Office of Financial Regulation through the Investment Adviser Registration Depository (IARD) of the NASD in accordance with Rule 69W-600.0093, F.A.C.~~

(b) A complete application must include the following exhibits or forms that are appropriate for the type of registration requested:

1. For registration as a dealer or issuer/dealer, a Uniform Application for Broker-Dealer Registration, Form BD, which is incorporated by reference in subsection 69W-301.002(7), F.A.C. ~~For dealers that are members of the NASD, such application shall be filed with the Office of Financial Regulation through the CRD in accordance with Rule 69W-600.0091, F.A.C.~~ For registration as an investment adviser, a Uniform Application for Investment Adviser Registration, Form ADV, which is incorporated by reference in subsection 69W-301.002(7), F.A.C. ~~shall be filed with the Office of Financial Regulation. Such application shall be filed with the Office of Financial Regulation through the Investment Adviser Registration Depository (IARD) of the NASD in accordance with Rule 69W-600.0093, F.A.C.;~~

2. No change.

3. A Uniform Application for Securities Industry Registration or Transfer, Form U-4, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., to register at least one principal as set forth in Rule 69W-600.002, F.A.C. ~~For any dealer that is a member of the NASD, or any investment adviser, the application for registration of any principal shall be filed through the CRD as set forth in Rule 69W-600.002, F.A.C.~~ In conjunction with filing its Form BD or Form ADV with the Office of Financial Regulation, the dealer, issuer/dealer, or investment adviser shall provide the Office of Financial Regulation written notification of the principal's name, CRD number, and social security number;

4. No change.

5. Proof of effective registration for dealers with the Securities and Exchange Commission (SEC). Where required by Section 517.12(16), F.S., applicants for registration as a dealer shall also provide the Office of Financial Regulation with proof of insurance coverage by the Securities Investor Protection Corporation. Evidence of current membership as a dealer with the ~~FINRA NASD~~ shall satisfy this requirement;

6. No change.

7. Applicants for registration as an issuer/dealer must file Issuer/Dealer Compliance Form (OFR-DA-5-91), which is incorporated by reference in subsection 69W-301.002(7), F.A.C., (Revised 1-91) to meet requirements under paragraphs 69W-600.004(1)(b), 69W-600.005(2)(d) and Rule 69W-400.002, F.A.C.;

8. through 9 No change.

(2) If the information contained in any application for registration as a dealer or investment adviser or in any amendment thereto, becomes inaccurate for any reason, the dealer or investment adviser shall file an amendment on the Form BD or the Form ADV, respectively, correcting such information within 30 days. For applicants and registrants that are members of the ~~FINRA NASD~~, each such amendment, including those required by Rule 69W-600.007, F.A.C., shall be filed with the Office of Financial Regulation through the CRD system. For investment adviser applicants and registrants who file via the IARD, each such amendment, including those required by Rule 69W-600.007, F.A.C., may be filed with the Office of Financial Regulation through the IARD system in accordance with Rule 69W-600.0093, F.A.C. All other applicants and registrants shall file such amendments, including those required by Rule 69W-600.007, F.A.C., directly with the Office of Financial Regulation electronically through the Regulatory Enforcement and Licensing System.

(3) No change.

Rulemaking Specific Authority 517.03(1), 517.12(6) FS. Law Implemented 517.12(6), (7), 517.1205 FS. History–New 12-5-79, Amended 9-20-82, Formerly 3E-600.01, Amended 7-29-90, 8-1-91, 6-16-92, 1-11-93, 11-14-93, 4-30-96, 6-22-98, 5-10-00, 9-19-00, 7-31-02, Formerly 3E-600.001, Amended 3-16-06, 5-15-07,

69W-600.0015 Canadian Dealer Notification.

All Canadian dealers making initial and renewal notice filing, or terminating a notice filing in this state shall file OFR Form CAN, Canadian Dealer Notification, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., and shall include all information required by such form, any other information the Office of Financial Regulation may require, and the fee required by Section 517.12(17)(b), F.S., with the Office of Financial Regulation. Such forms and fees shall be filed electronically in accordance with the provision of Rule 69W-301.002, F.A.C. Any notice filing made by a Canadian dealer with the Office of Financial Regulation shall be deemed received by the Office of Financial Regulation at such time as OFR Form CAN and the fee have been date stamped by the cashier's office of the Department of Financial Services. When requested by the Office of Financial Regulation, ~~OFR Form CAN~~ and all responses to any other requests for additional information shall be filed directly with the Office of Financial Regulation. ~~OFR Form CAN, Canadian Dealer Notification, is incorporated by reference in subsection 69W-301.002(7), F.A.C.~~

Rulemaking Specific Authority 517.03 FS. Law Implemented 517.12 FS. History–New 5-15-07, Amended _____.

69W-600.002 Application for Registration as Associated Person.

(1)(a) Applications for initial, reaffiliation, and renewal registrations of a principal or associated person shall be filed on Form U-4, Uniform Application for Securities Industry Registration or Transfer, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., and shall include all information required by such form, any other information the Office of Financial Regulation may require, and payment of the statutory fees required by Section 517.12(10), F.S. Such forms and fees shall be filed electronically in accordance with the provision of Rule 69W-301.002, F.A.C. Except as otherwise provided in Rule 69W-600.0091, 69W-600.0092, or 69W-600.0093, F.A.C., the Office of Financial Regulation shall deem an application to be received at such time as it and the appropriate fee have been date stamped by the cashier's office of the Department of Financial Services. For dealers that are members of the National Association of Securities Dealers ("NASD"), such application shall be filed with the Office of Financial Regulation through the Central Registration Depository ("CRD") of the NASD in accordance with Rule 69W-600.0091, F.A.C. For federal covered advisers, such application shall be filed with the Office of Financial Regulation through the Central Registration Depository ("CRD") of the NASD in accordance with Rule 69W-600.0092, F.A.C. For investment adviser applicants and registrants who file via the IARD, such application shall be filed with the Office of Financial Regulation through the CRD of the NASD in accordance with Rule 69W-600.0093, F.A.C.

(b) A complete initial application must include the following exhibits or forms that are appropriate for the type of registration requested:

1. Form U-4. As used on the Form U-4, the term "Office of Employment Address" shall mean the location where the person seeking registration will regularly conduct business on behalf of the dealer or investment adviser. ~~For dealers that are members of the NASD, such application shall be filed with the Office of Financial Regulation through the CRD of the NASD.~~ Form U-4, Uniform Application for Securities Industry Registration or Transfer, is incorporated by reference in subsection 69W-301.002(7), F.A.C.

2. Statutory fee, for each registration sought, in the amount as required by Section 517.12(10), F.S.

3. When specifically requested by the Office of Financial Regulation, full documentation and details pertaining to affirmative responses. The Office of Financial Regulation may require such documentation to be certified by its issuer based upon the Office of Financial Regulation's review of the nature and substance of this disciplinary history and experience of the applicant. For purposes of this rule, "certified" means that

there must be a certification or attestation by the issuer of the record that the document was a true copy of a record contained in his office and his seal, if any.

4. Evidence of examinations/qualifications set forth in ~~Rule subsection~~ 69W-600.005(2), F.A.C.

5. A complete Florida Fingerprint Card (FL921250Z) when required under Section 517.12(7), F.S., and Rule 69W-600.006, F.A.C., provided by the Office of Financial Regulation and taken by an authorized law enforcement agency and accompanied by a non-refundable \$43.25 processing fee. Form FL921250Z, Florida Fingerprint Card, is incorporated by reference in subsection 69W-301.002(7), F.A.C.

(c) If the information contained in any Form U-4 becomes inaccurate for any reason before or after the associated person becomes registered, the associated person through the dealer or investment adviser, as applicable, shall be responsible for correcting the inaccurate information within thirty (30) days. If the information being updated relates to the applicant's or registrant's disciplinary history, in addition to updating the Form U-4, the associated person through the dealer or investment adviser shall also provide the Office of Financial Regulation with notice and copies of each civil, criminal or administrative action initiated against the associated person as provided in Rule 69W-600.010, F.A.C. For associated persons who have filed by using the CRD of the ~~FINRA NASD~~, such amendments shall be made through the CRD ~~system of the NASD~~. All other applicants and registrants shall file such amendments electronically with the Office of Financial Regulation through the Regulatory Enforcement and Licensing System. Form U-4, Uniform Application for Securities Industry Registration or Transfer, is incorporated by reference in subsection 69W-301.002(7), F.A.C.

(2) No change.

Rulemaking Specific Authority 215.405, 517.03(1), 517.12(6) FS. Law Implemented 517.12(6), (7), (10), 517.1205, 943.053 FS. History—New 9-20-82, Formerly 3E-301.02, Amended 10-15-86, 10-4-88, 6-24-90, 7-29-90, 10-14-90, 8-1-91, 6-16-92, 6-28-93, 11-14-93, 3-13-94, 4-30-96, 12-29-96, 6-22-98, 5-10-00, 9-19-00, 7-31-02, 12-11-03, Formerly 3E-600.002, Amended 3-16-06, 5-15-07, 12-24-07, 12-25-08, _____.

69W-600.004 Registration of Issuer/Dealers, Principals and Branch Offices.

(1) through (2) No change.

(3)(a) Every branch office of a registered Florida dealer or investment adviser shall be registered with the Office of Financial Regulation prior to engaging in business therefrom. Such registration shall consist of an application filed with the Office of Financial Regulation on the forms prescribed by the Office of Financial Regulation and payment of the statutory fees required by Section 517.12(10), F.S. Such forms and fees shall be filed electronically in accordance with the provisions of Rule 69W-301.002, F.A.C. ~~The Office of Financial~~

~~Regulation shall deem an application to be received at such time as it and the appropriate fee have been date stamped by the cashier's office of the Department of Financial Services.~~ Such office may or may not be designated as an Office of Supervisory Jurisdiction (OSJ) at the discretion of the registrant. A manager for each branch office shall be designated and registered with the Office of Financial Regulation as a principal. For such offices not designated as an OSJ, the branch office manager need not be located at the office(s) for which he is delegated supervisory responsibility; however, in such cases, the registrant must specify in writing to the Office of Financial Regulation, the names of the associated persons designated as resident agent in charge as well as the branch office manager. ~~For any dealer that is a member of the NASD, or any investment adviser, the application for registration of any branch office shall be filed with the Office of Financial Regulation through the CRD.~~

(b) A complete application must include the following exhibits or forms that are appropriate for the type of registration requested:

1. Form BR, which is incorporated by reference under subsection 69W-301.002(7), F.A.C.

2. Statutory fee in the amount required by Section 517.12(10), F.S.

3. Manager and resident agent as appropriate in this rule must be registered as set forth in Rule 69W-600.002, F.A.C.

4. Evidence of current registration or exemption from the registration requirements of the Florida Secretary of State.

(c) If the information contained in any branch office registration form becomes inaccurate or incomplete for any reason before or after the branch office becomes registered, including changing the location of the branch office or the supervisory personnel thereof, the dealer or investment adviser shall amend the information by filing a complete and originally executed Form BR, with the Office of Financial Regulation within thirty (30) days of the change and denoting thereon that the information reported is an amendment to a previous filing. For any dealer that is a member of the ~~FINRA NASD~~, or any investment adviser, the Form BR shall be filed with the Office of Financial Regulation through the CRD, as set forth in ~~this rule~~ Rules 69W-301.002, 69W-600.0091 and 69W-600.0093, F.A.C. Issuer/Dealers and Dealers that are not members of FINRA ~~A non-NASD member registrant~~ may amend the branch office registration information by submitting a Form BR directly with the Office of Financial Regulation electronically through the Regulatory Enforcement and Licensing System, in accordance with Rule 69W-301.002, F.A.C. Form BR, Uniform Branch Office Registration Form, is incorporated by reference in subsection 69W-301.002(7), F.A.C. Failure to file any amendment or written notification, as provided herein, shall be considered a violation of Section 517.12(13), F.S.

(d) No change.

Rulemaking Specific Authority 517.03(1), 517.12(6) FS. Law Implemented 517.12(5), (6), (10) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.04, Amended 10-14-90, 6-16-92, 1-11-93, 11-7-93, 11-14-93, 12-29-96, 10-20-97, 6-10-99, 8-19-99, 5-27-01, 7-31-02, Formerly 3E-600.004, Amended 3-16-06, 5-15-07, _____.

69W-600.005 Examinations/Qualifications.

(1) through (2) No change.

(3) Examination Requirements for Investment Adviser Representative ~~and Principal~~: An individual applying to be registered as an investment adviser or investment adviser representative shall provide the Office of Financial Regulation with proof of passing, within two years of the date of application for registration, one of the following examinations: 1. the Uniform Investment Adviser Law Examination (Series 65) or 2. the General Securities Representative Examination (Series 7) and the Uniform Combined State Law Examination (Series 66).

(4) No change.

(5) The examination requirement for ~~investment adviser principals~~, investment adviser representatives, and associated persons of issuer dealers shall not apply to an individual who currently holds one of the following professional designations: 1. Certified Financial Planner (TM) or CFP® awarded by the Certified Financial Planner Board of Standards, Inc.; 2. Chartered Financial Consultant (ChFC) awarded by the American College, Bryn Mawr, PA; 3. Personal Financial Specialist (PFS) awarded by the American Institute of Certified Public Accountants; 4. Chartered Financial Analyst (CFA) awarded by the Institute of Chartered Financial Analysts; 5. Chartered Investment Counselor (CIC) awarded by the Investment Counsel Association of America, Inc.

Rulemaking Specific Authority 517.03(1) FS. Law Implemented 517.12(8) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.05, Amended 8-1-91, 1-11-93, 4-18-96, 4-2-00, 10-30-03, Formerly 3E-600.005, Amended _____.

69W-600.006 ~~Associated Persons~~² Fingerprints Requirements.

(1) Fingerprints filed in accordance with Section 517.12(7), F.S., shall be on fingerprint cards supplied by the Office of Financial Regulation taken by an authorized law enforcement agency, and accompanied by a non-refundable \$43.25 processing fee. Form FL921250Z, Florida Fingerprint Card, is incorporated by reference in subsection 69W-301.002(7), F.A.C.

(2) ~~The fingerprint card requirement to file a fingerprint card and fee with the Office of Financial Regulation is waived for those associated persons pending requesting registration in Florida with a Financial Industry Regulatory Authority (FINRA) member firm and such fingerprint card has with a dealer which is registered with a national securities exchange or national securities association or the Securities and Exchange Commission, provided that fingerprints have been~~

~~submitted and processed by FINRA on behalf of the member firm with which said associated person is pending registration, for such persons pursuant to the provisions of SEC rule 17f-2 (17 C.F.R. § 240.17f-2 (2009) 2006), which is hereby incorporated by reference, by said person's current employer.~~

(3) Notwithstanding any exemptions found in SEC rule 17f-2 (17 C.F.R. § 240.17f-2 (2009)), any direct owner, principal, or indirect owner that is required to be reported on Form BD, Uniform Application for Broker-Dealer Registration, or Form ADV, Uniform Application for Investment Adviser Registration, pursuant to Section 517.12(7), F.S., who is not currently registered in Florida with the firm they are seeking to join or act as a direct owner, principal, or indirect owner shall submit to the Office fingerprint cards supplied by the Office of Financial Regulation taken by an authorized law enforcement agency, and accompanied by a non-refundable \$43.25 processing fee. Such fingerprint card and fee shall be filed directly with the Office until such time as FINRA has the capability to electronically display the fingerprint card results to Florida via the CRD system. Form FL921250Z (Florida Fingerprint Card), Form BD, and Form ADV are incorporated by reference in subsection 69W-301.002(7), F.A.C.

(4) The federal regulations referenced in this rule are hereby incorporated by reference and may be obtained by mail from the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399.

Rulemaking Specific Authority 215.405, 517.03 FS. Law Implemented 517.12(7), 943.053 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.06, Amended 8-1-91, Formerly 3E-600.006, Amended 5-15-07, 12-24-07, 12-25-08, _____.

69W-600.007 Changes in Name and Successor Registration Requirements.

(1) Where only a change in the name of an applicant or registrant as dealer, investment adviser or associated person occurs, notices of such fact shall be filed as an amendment on the forms prescribed by the Office of Financial Regulation within thirty (30) calendar days of the date of such change. For registrants who are a member of the Financial Industry Regulatory Authority (FINRA) NASD, such amendment shall be filed with the Office of Financial Regulation through the CRD System pursuant to subsection 69W-600.001(2), F.A.C. Any amendments to organizational documents or accompanying letters of explanation shall be promptly submitted directly to the Office of Financial Regulation when specifically requested by the Office of Financial Regulation.

(2) Where there is a change in legal entity of a proprietary, partnership, or corporate registrant, the successor entity shall file with the Office of Financial Regulation an amendment to Form BD, Uniform Application for Broker-Dealer Registration, which is incorporated by reference in subsection 69W-301.002(7), F.A.C. or Form ADV, Uniform Application for Investment Adviser Registration, which is incorporated by

reference in subsection 69W-301.002(7), F.A.C., within thirty (30) calendar days of the date of such change. For registrants who are a member of the ~~FINRA NASD~~, such amendment shall be filed with the Office of Financial Regulation through the CRD System pursuant to subsection 69W-600.001(2), F.A.C. Any amendments to organizational documents, accompanying letters of explanation, or current financial statements of the successor shall be promptly submitted directly to the Office of Financial Regulation when specifically requested by the Office of Financial Regulation.

(3) Merger Situations: Where there is a merger of dealer or investment adviser registrants involving (a) the assumption by the successor of substantially all assets and liabilities of the merged entities, and (b) the continuation of the activities of the merged entities successor entity, the merging entities shall file notification with the Office of Financial Regulation denoting such changes as are applicable within thirty (30) calendar days prior to the date of such change. The successor entity shall file an amendment to Form BD, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., or Form ADV, which is incorporated by reference in subsection 69W-301.002(7), F.A.C. denoting such changes as are applicable within thirty (30) calendar days of date of such change. For registrants who are a member of the ~~FINRA NASD~~, each such amendment shall be filed with the Office of Financial Regulation through the CRD System pursuant to subsection 69W-600.001(2), F.A.C. A copy of the plan of merger/merger agreement, amended organizational documents, accompanying letters of explanation, or current financial statements of the successor (merged) entity shall be promptly provided directly to the Office of Financial Regulation when specifically requested by the Office of Financial Regulation.

(4) Change of Control:

(a) Where a person or a group of persons directly or indirectly or acting by or through one or more persons, proposes to acquire a controlling interest in a dealer or investment adviser registrant, and where the acquirer is currently registered with the Office of Financial Regulation, or where the acquirer has not within the preceding 10 years committed any reportable act as defined in Rule 69W-200.001, F.A.C., the resulting entity shall file with the Office of Financial Regulation an amendment to Form BD, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., or Form ADV, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., denoting such changes as are applicable thirty (30) calendar days prior to the date of such acquisition. Any amended organizational documents, accompanying letters of explanation, or financial statements of the resulting entity shall be promptly filed directly with the Office of Financial Regulation when specifically requested by the Office of Financial Regulation.

(b) Where a person or a group of persons directly or indirectly or acting by or through one or more persons, proposes to acquire a controlling interest in a dealer or investment adviser registrant, and where the acquirer has within the preceding 10 years committed any reportable act as defined in Rule 69W-200.001, F.A.C., and is not currently registered with the Office of Financial Regulation, the resulting entity shall prior to such acquisition file with the Office of Financial Regulation a new application for registration on the forms prescribed by the Office of Financial Regulation, together with all required exhibits and fees. Additionally, there shall be filed with the Office of Financial Regulation, at the time the new application is filed, a notice of withdrawal, termination or cancellation of registration of the acquired entity on the forms prescribed by the Office of Financial Regulation, effective upon disposition of the new application by the Office of Financial Regulation. The Office of Financial Regulation may waive the requirements of this subsection where the Office of Financial Regulation determines it is not necessary, based upon the nature and substance of the proposed acquirer's disciplinary history and experience, to require the filing of a new application for registration. Any person who receives a waiver of this subsection shall effect such change of control in compliance with the provisions of paragraph (a).

(c) No change.

(5) For the purposes of subsections (2) and (3) of this rule, in the event that a person(s) succeeds to and continues the business of a Florida registered dealer or investment adviser, the registration of the predecessor shall be deemed to remain effective as the registration of the successor for a period of thirty (30) calendar days after such succession, provided that an amendment to Form BD, which is incorporated by reference in subsection 69W-301.002(7), F.A.C. or Form ADV, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., together with the accompanying documents as prescribed heretofore, is filed by the successor within thirty (30) calendar days after such succession.

(6) No change.

Rulemaking Specific Authority 517.03(1), 517.12(13) FS. Law Implemented 517.12(13) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.07(4), Amended 10-15-86, 12-8-87, 8-1-91, 6-16-92, 1-11-93, 6-22-98, 8-9-98, 6-10-99, 5-10-00, 7-31-02, Formerly 3E-600.007, Amended 3-16-06, _____.

C.f. See Rule 69W-301.002(7) for forms referenced herein which have been previously adopted by the Office of Financial Regulation.

69W-600.008 Termination of Registration as Dealer, Investment Adviser, Branch Office, Principal or Agent.

(1) Where a registrant withdraws, cancels, or otherwise terminates registration, or is terminated for any reason, notice of such fact shall be filed with the Office of Financial Regulation on the forms prescribed by the Financial Services Commission, in accordance with subsection 69W-301.002(7).

F.A.C., within twenty (20) calendar days of the date of termination. Such forms shall be filed electronically in accordance with Rules 69W-301.002, 69W-600.0091, 69W-600.0092 and 69W-600.0093, F.A.C.

(2) Any dealer which is a member of the Financial Industry Regulatory Authority (FINRA) ~~National Association of Securities Dealers (“NASD”)~~ or any associated person or branch office of a member firm shall file any withdrawals, cancellations, or terminations of registrations with the Office of Financial Regulation through the Central Registration Depository (“CRD”) of the FINRA ~~NASD~~.

(3) Any investment adviser shall file any withdrawals, cancellations, or terminations of registration with the Office of Financial Regulation through the Investment Adviser Registration Depository (“IARD”) of the FINRA. Any associated person or branch office of an investment adviser shall file any withdrawals, cancellations, or terminations of registration with the Office of Financial Regulation through the Central Registration Depository of the FINRA. Any withdrawals, cancellations, or terminations of registrations for branch offices shall be filed directly with the Office of Financial Regulation as prescribed in paragraph 69W-600.004(3)(c), F.A.C.

(4) through (5) No change.

(6) The forms to be utilized for providing notice to the Office of Financial Regulation under subsections (1), (2) and (3) above, and which are incorporated by reference in subsection 69W-301.002(7), F.A.C., are:

(a) Notice of Withdrawal from Registration as Investment Adviser (Form ADV-W).

(b) Uniform Request for Broker Dealer Withdrawal (Form BDW).

(c) Uniform Branch Office Registration Form (Form BR).

(d) Uniform Termination Notice for Securities Industry Registration (Form U-5).

Rulemaking Specific Authority 517.03(1) FS. Law Implemented 517.12(12)(b), 517.161(5) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.08, Amended 7-29-90, 8-1-91, 6-16-92, 1-11-93, 6-22-98, 6-10-99, 5-10-00, 5-27-01, Formerly 3E-600.008, Amended 3-16-06, _____.

69W-600.009 Registration Renewals.

(1) No change.

(2) In addition to verifying registration with the Office of Financial Regulation as provided in subsection (1), to renew its registration and that of its branch offices and associated persons, each dealer or investment adviser shall pay all renewal fees as required by Section 517.12(11), F.S.

(a) Renewal fees for FINRA ~~NASD~~ member firms, associated persons of FINRA ~~NASD~~ member firms, and branch offices of FINRA ~~NASD~~ member firms, shall be submitted through the CRD by December 31 of the year the registration expires.

(b) No change.

(c) Renewal fees for non-FINRA ~~non-NASD~~ member firms, associated persons of non-FINRA ~~non-NASD~~ member firms and all branch offices of non-FINRA ~~non-NASD~~ member firms shall be filed electronically on the Office’s website at www.flofr.com through the Regulatory Enforcement and Licensing (REAL) System of the OFR and shall be deemed received on the date the Office issues a confirmation of submission and payment to the applicant via the Office’s website sent directly to the Office of Financial Regulation. A confirmation of submission is issued by the Office upon successful filing of a renewal and payment of all fees. The Office of Financial Regulation shall deem a fee received as payment at such time as it has been date stamped by the cashier’s office of the Department of Financial Services. All renewal fees must be received by the Office of Financial Regulation by December 31 of the year the registration expires.

(3) For FINRA members, federal covered advisers and investment advisers, failure ~~Failure~~ to submit the requisite amount of fees as provided for in subsection (2) of this rule by December 31 of the year of expiration of the registration shall result in such registration not being renewed. If December 31 falls on a Saturday, Sunday or legal holiday pursuant to Section 110.117, F.S., the renewals received on the next business day will be considered timely received. However, an expired registration may be reinstated in accordance with the provisions of Section 517.12(11), F.S., provided that all requisite information and fees are date stamped by the cashier’s office of the Department of Financial Services on or before January 31 of the year following the year of expiration. Failure to submit the requisite amount of fees necessary to reinstate registration by January 31 of the year following the year of expiration shall result in such registration not being reinstated. If January 31 falls on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., the reinstatement received on the next business day will be considered timely received. In the event that the renewal or reinstatement is withdrawn or not granted, any fees filed to renew or reinstate registration shall become the revenue of the state pursuant to Section 517.12(10), F.S., and shall not be returnable.

(4) For issuer/dealers, Canadian dealers, and dealers that are not members of FINRA, failure to submit the requisite amount of fees as provided for in subsection (2) of this rule by December 31 of the year of expiration of the registration shall result in such registration not being renewed. If December 31 falls on a Saturday, Sunday or legal holiday pursuant to Section 110.117, F.S., the renewals received on the next business day will be considered timely received. However, an expired registration may be reinstated in accordance with Section 517.12(11), F.S., provided that all requisite information and fees are filed electronically on the Office’s website at www.flofr.com through the Regulatory Enforcement and Licensing (REAL) System of the OFR on or before January 31 of the year following the year of expiration.

Failure to submit the requisite amount of fees necessary to reinstate registration by January 31 of the year following the year of expiration shall result in such registration not being reinstated. If January 31 falls on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., the reinstatement received on the next business day will be considered timely received. If the renewal or reinstatement is withdrawn or not granted, any fees filed to renew or reinstate registration shall become the revenue of the state pursuant to Section 517.12(10), F.S., and shall not be returnable.

Rulemaking Specific Authority 517.03(1), 517.12(6), (15) FS. Law Implemented 517.12(6), (10), (11), (15) FS. History—New 12-5-79, Amended 9-20-82, 8-29-83, Formerly 3E-600.09, Amended 1-7-88, 6-16-92, 11-14-93, 2-5-01, 5-27-01, Formerly 3E-600.009, Amended 5-15-07,_____.

69W-600.0091 Central Registration Depository System.

(1) All ~~FINRA NASD~~ member dealers requesting initial registration, amendment or termination of registration in this state shall file the appropriate Form BD or BDW, which are incorporated by reference in subsection 69W-301.002(7), F.A.C., and the assessment fee required by Section 517.12(10) or (11), F.S., with the Central Registration Depository System (“CRD”) of the ~~FINRA NASD~~. However, responses to requests by the Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation. Any application for registration as a dealer filed with the Office of Financial Regulation through the CRD shall be deemed received by the Office of Financial Regulation upon receipt of the Form BD and the application fee. The application fee shall be deemed received by the Office of Financial Regulation on the “payment date” reflected on the CRD “disbursement detail” report.

(2) All ~~FINRA NASD~~ member dealers registered in this state requesting initial registration, amendment, or termination of a branch office of such member dealer shall file the appropriate Form BR and the application fee required by Section 517.12(10) or (11), F.S., with the CRD. However, responses to requests by the Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation. Any application for registration as a branch office filed with the Office of Financial Regulation through the CRD shall be deemed received by the Office of Financial Regulation upon receipt of the Form BR and the application fee. The application fee shall be deemed received by the Office of Financial Regulation on the “payment date” reflected on the CRD “disbursement detail” report.

(3) All ~~FINRA NASD~~ member dealers registered in this state requesting initial registration, amendment, reaffiliation or termination of an associated person of such member dealer shall file Form U-4 or U-5, which are incorporated by reference in subsection 69W-301.002(7), F.A.C., and the assessment fee required by Section 517.12(10) or (11), F.S., with the CRD of the ~~FINRA NASD~~. However, responses to requests by the Office of Financial Regulation for additional

information shall be filed directly with the Office of Financial Regulation. Any application for registration as an associated person of an ~~FINRA NASD~~ member dealer filed with the Office of Financial Regulation through the CRD shall be deemed received by the Office of Financial Regulation on the date designated in the “Status Date” field on the line notated “FL” with a “Registration Status” of “pending” as indicated on the CRD “Registrations with Current Employers” screen.

Rulemaking Specific Authority 517.03, 517.12(15) FS. Law Implemented 517.12(10), (11), (15) FS. History—New 8-29-83, Formerly 3E-600.091, Amended 8-1-91, 6-16-92, 4-30-96, 9-19-00, Formerly 3E-600.0091, Amended 5-15-07,_____.

69W-600.0092 Investment Adviser Registration Depository for Federal Covered Advisers.

(1) All federal covered advisers making, amending, or terminating a notice filing in this state shall file Form ADV, Part 1 or Form ADV-W and the assessment fee required by Section 517.1201(1) or (2), F.S., with the Investment Adviser Registration Depository (IARD) of the ~~FINRA in accordance with subsection 69W-301.002(2), F.A.C NASD~~. When requested by the Office of Financial Regulation, Form ADV, Part 2, and all responses to requests by the Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation. Any notice filing made by a federal covered adviser with the Office of Financial Regulation through the IARD shall be deemed received by the Office of Financial Regulation upon receipt of the Form ADV and the filing fee. The filing fee shall be deemed received by the Office of Financial Regulation on the “payment date” reflected on the CRD “disbursement detail” report. Forms ADV and ADV-W are incorporated by reference in subsection 69W-301.002(7), F.A.C.

(2) All federal covered advisers who notice file in this state and who request initial registration, amendment, reaffiliation or termination of an associated person of such federal covered adviser shall file the Form U-4 or Form U-5, and the assessment fee required by Section 517.12(10) or (11), F.S. with the CRD of the ~~FINRA in accordance with subsection 69W-301.002(2), F.A.C NASD~~. However, responses to requests by the Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation. Forms U-4 and U-5 are incorporated by reference in subsection 69W-301.002(7), F.A.C.

Rulemaking Specific Authority 517.03, 517.12(6), (15), 517.1201 FS. Law Implemented 517.1201(1), (2), (15) FS. History—New 7-31-02, Formerly 3E-600.0092, Amended 3-16-06, 5-15-07,_____.

69W-600.0093 Investment Adviser Registration Depository for Investment Advisers.

(1) All investment advisers requesting initial registration, amendment, or termination of registration in this state shall file the Form ADV, Part 1 and 2, or ADV-W and the assessment fee required by Section 517.12(10) or (11), F.S., with the Investment Adviser Registration Depository (IARD) of the

~~FINRA in accordance with subsection 69W-301.002(2), F.A.C. NASD. Form ADV, Part 2, and a~~ All responses to requests by the Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation. ~~Investment advisers shall file Form ADV, Part 2 with the IARD at such time as the IARD develops the capability to process the form.~~ Applications for registration as an investment adviser filed with the Office of Financial Regulation through the IARD shall be deemed received by the Office of Financial Regulation upon receipt of the Form ADV and the filing fee. The filing fee shall be deemed received by the Office of Financial Regulation on the "payment date" reflected on the CRD "disbursement detail" report. Forms ADV and ADV-W are incorporated by reference in subsection 69W-301.002(7), F.A.C.

(2) All investment advisers registered in this state through the IARD requesting initial registration, amendment, or termination of a branch of such investment adviser shall file Form BR and the assessment fee required by Section 517.12(10) or (11), F.S., with the CRD of the FINRA in accordance with subsection 69W-301.002(2), F.A.C. NASD. However, all responses to requests by the Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation. Applications for registration as a branch office filed with the Office of Financial Regulation through the CRD shall be deemed received by the Office of Financial Regulation upon receipt of the Form BR and the application fee. The application fee shall be deemed received by the Office of Financial Regulation on the "payment date" reflected on the CRD "disbursement detail" report. Form BR is incorporated by reference in subsection 69W-301.002(7), F.A.C.

(3) All investment advisers registered in this state through the IARD requesting initial registration, amendment, reaffiliation or termination of an associated person of such investment adviser may file Form U-4 or Form U-5 and the assessment fee required by Section 517.12(10) or (11), F.S., with the CRD of the FINRA NASD in accordance with subsection 69W-301.002(2), F.A.C. However, all responses to requests by the Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation. Forms U-4 and U-5 are incorporated by reference in subsection 69W-301.002(7), F.A.C.

~~(4) All investment advisers currently registered with the Office of Financial Regulation shall transition their Florida registrations onto IARD of the NASD, and the Florida registrations of their associated persons onto the CRD of the NASD, by June 30, 2007. All investment advisers who transition onto IARD of the NASD shall file a complete Form ADV through the IARD of the NASD within 30 days after the transition date. All associated persons who transition onto the CRD of the NASD shall file a complete Form U-4 through the~~

~~CRD of the NASD within 30 days after the transition date. Form U-4 and Form ADV are incorporated by reference in subsection 69W-301.002(7), F.A.C.~~

Rulemaking Specific Authority 517.03, 517.12(6), (15) FS. Law Implemented 517.12(10), (11), (15) FS. History—New 7-31-02, Formerly 3E-600.0093, Amended 3-16-06, 5-15-07, _____.

69W-600.010 Notice of Civil, Criminal or Administrative Action.

(1) through (2) No change.

(3) Any applicant or registrant in this state who is a member of the Financial Industry Regulatory Authority (FINRA) (formerly known as the National Association of Securities Dealers, Inc.) ("NASD") shall file such notifications with the Office of Financial Regulation through the Central Registration Depository ("CRD") of the FINRA NASD in accordance with Rule 69W-600.0091, F.A.C. However, responses to requests by the Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation.

(4) Any applicant or registrant in this state who is a federal covered adviser or investment adviser shall file such notifications with the Office of Financial Regulation through the Investment Adviser Registration Depository (IARD) of the FINRA in accordance with Rules 69W-600.0092 and 69W.600.0093, F.A.C. However, responses to requests by the Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation.

Rulemaking Specific Authority 517.03 FS. Law Implemented 517.12(6), (12), 517.161 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.10, Amended 9-19-00, Formerly 3E-600.010, Amended _____.

69W-600.012 Rules of Conduct.

(1) Confirmation of Transactions: Every dealer registered in this state, including those defined as issuer/dealers under Rule 69W-200.001, F.A.C., shall give or send to the customer a written confirmation at or before completion of each transaction. Such confirmation shall set forth at least the following:

(a) through (c) No change.

(d) Compliance with SEC Rule 10b-10 (17 CFR § 240.10b-10 (2009)) and the confirmation, preparation and disclosure requirements of SEC Rule 17a-3 (17 CFR § 240.17a-3 (2009)) or MSRB Rules G-8 (2005) and G-15 (2005), as those rules existed on July 1, 2003, shall be deemed compliance with this rule.

(2) through (4) No change.

(5) It shall be ~~unlawful and~~ a violation of Section 517.301(1), F.S., for any dealer or associated person to engage in any "device, scheme, or artifice to defraud" which shall include selling or effecting the purchase of any security into, in, or from offices in this state in violation of sections 9, 10,

11A or 15(c) of the Securities Exchange Act of 1934 (15 U.S.C. §§ 78i, 78j, 78k-1 and 78o(c) (2006)) or of SEC Rules 9b-1 (17 CFR § 240.9b-1(2009)), 10b-1 through 10b-21 (17 CFR §§ 240.10b-1 through 240.10b-21 (2009)) et seq., 11Aa3-1 (17 C.F.R. § 242.601 (2009)), 15c1-1 through 15c1-9 (17 CFR §§ 240.15c1-1 through 240.15c1-9 (2009)), et seq., or 15c2-1 through 15c2-12 (17 CFR §§ 240.15c2-1 through 240.15c2-12 (2009)), et seq. (17 CFR 240.9b-1; 17 CFR 240.10b-1 et.; 17 CFR 240.11Aa3 seq-1; 17 CFR 240.15c1-1 et seq.; or 17 CFR 240.15c2-1 et seq., respectively), as such provisions existed on July 1, 2003; or section 15(g) of the Securities Exchange Act of 1934 (15 U.S.C. § 78o(g) (2006)) or of SEC Rules 15g-1 through 15g-9 (17 CFR §§ 240.15g-1 through 240.15g-9 (2009) et seq.) as such provisions existed on July 1, 2003; or Regulation M (17 CFR 242.100-.105 (2009)) as such provisions existed on July 1, 2003.

(6) All federal statutes, federal regulations, and Municipal Securities Rulemaking Board (MSRB) rules referenced in this rule are incorporated by reference and may be obtained by mail from the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399.

Rulemaking Specific Authority 517.03(1) FS. Law Implemented 517.121, 517.301(1) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.12, Amended 12-25-89, 10-14-90, 8-1-91, 6-16-92, 1-11-93, 4-11-94, 1-3-99, 8-19-99, 10-30-03, Formerly 3E-600.012, Amended _____.

69W-600.013 Prohibited Business Practices for Dealers and Their Associated Persons.

(1) The following are deemed demonstrations of unworthiness by a dealer under Section 517.161(1)(h), F.S., without limiting that term to the practices specified herein:

(a) Extending, arranging for, or participating in arranging for credit to a customer in violation of Regulation T, Credit by Brokers and Dealers, (12 C.F.R. §§ 220.1-220.132 (2009 2006)), which is incorporated by reference.

(b) Executing any transaction in a margin account without obtaining from its customer a written margin agreement prior to settlement date for the initial transaction in the account.

(c) Failing to segregate customers' free securities or securities in safekeeping.

(d) Hypothecating a customer's securities in violation of SEC Rule 8c-1, (17 C.F.R. § 240.8c-1 (2009 2006)), which is incorporated by reference.

(e) Failing to execute a customer's order.

(f) Executing orders for the purchase by a customer of securities not registered under Section 517.081 or 517.082, F.S., unless the securities are exempted under Section 517.051, F.S., or the transaction is exempted under Section 517.061, F.S.

(g) Representing itself as a financial or investment planner, consultant, or advisers, when the representation does not fairly describe the nature of the services offered, the qualifications of the person offering the services, and the method of compensation for the services.

(h) With respect to any customer, transaction or business in this state, violating any of the following:

1. ~~Financial Industry Regulatory Authority (FINRA) Rules 2000 through 7700, National Association of Securities Dealers (NASD) Rules 2000 through 3520, Conduct Rules, Marketplace Rules, or the Uniform Practice Code of the National Association of Securities Dealers (NASD), Rules 11100 through 11800, as such rules existed on December 15, 2009. The foregoing NASD regulations, along with the interpretive materials for those regulations, are published in the NASD manual dated March 2006, which is incorporated by reference.~~

2. For members of the New York Stock Exchange, Rule 405, 412, 435, or 445 of the New York Stock Exchange, as such rules and interpretive supplementary materials existed on ~~December 15, 2009~~ May 31, 2006. The foregoing New York Stock Exchange rules, including the interpretive supplementary materials, are incorporated by reference.

3. Section 2, 4, 5, or 6 of the Securities Act of 1933, (15 U.S.C.A. §§ 77b, ~~77c~~, 77d, 77e, or 77f (2006 Thomson West 2006 (current through P.L. 109-229))), or SEC Rules 134, 134a, 135a, 144, 144A, 156, 419, 481, or 482, (17 C.F.R. §§ 230.134, 230.134a, 230.135a, 230.144, 230.144A, 230.156, 230.419, 230.481 or 230.482 (2009 2006)). ~~The foregoing sections of the Securities Act of 1933 and rules of the SEC are incorporated by reference.~~

4. Section 15(b)(4)(E) of the Securities Exchange Act of 1934, (15 U.S.C.A. § 78o(b)(4)(E) (2006 Thomson West 2006 (current through P.L. 109-229))); Regulation SHO, Regulation of Short Sales, (17 C.F.R. §§ 242.200-242.203 (2009 2006)); or NASD Conduct Rule 3210, as it existed on December 15, 2009. ~~The foregoing provisions of the Securities Exchange Act of 1934 and Regulation SHO, Regulation of Short Sales, are incorporated by reference. NASD Conduct Rule 3210, as it existed on July 3, 2006, is incorporated by reference.~~

5. Section 15B of the Securities Exchange Act of 1934, (15 U.S.C.A. § 78o-4 (2006 Thomson West 2006 (current through P.L. 109-229))), or the following rules of the Municipal Securities Rulemaking Board (MSRB), ~~which have been promulgated under Section 15B:~~ MSRB Definitional Rules D-1 to D-12, ~~inclusive~~; and General Rules G-1 to ~~G-41~~ G-34, ~~inclusive~~; as those rules existed on December 15, 2009 ~~May 31, 2006~~. ~~Section 15B of the Securities Act of 1934 and the foregoing MSRB rules, including the MSRB interpretive letters and notices construing those rules, are incorporated by reference.~~

6. To the extent that any of the rules described in subparagraphs 1. through 5. of this section or their interpretation by the FINRA, NASD, NYSE, MSRB, or SEC, as appropriate, conflict or are inconsistent with other provisions of the Florida Securities and Investor Protection Act or rules promulgated pursuant thereto, this paragraph of this rule shall not be deemed controlling.

(i) Failing to furnish to a customer purchasing securities in an offering, not later than the date of confirmation of the transaction, either a final prospectus or a preliminary prospectus and an additional document, which together include all information set forth in the final prospectus.

(j) Introducing customer transactions on a “fully disclosed” basis to another dealer that is not registered under Chapter 517, F.S., unless the customer is a person described in Section 517.061(7), F.S.

(k) Recommending to a customer that the customer engage the services of an investment adviser that is not registered or exempt from registration under Chapter 517, F.S., unless the customer is a person described in Section 517.061(7), F.S.

(l) Recommending to a customer that the customer engage the services of an investment adviser in connection with which the dealer receives a fee or remuneration (other than directed business) from the investment adviser, except as permitted in Rule 69W-600.003, F.A.C.

(m) Selling or offering for sale any security in a transaction exempt from registration pursuant to Section 517.061(17)(a)1., F.S., where the issuer of such securities has not filed with the SEC within the specified period of time all reports required by Sections 13 or 15D of the Securities Exchange Act of 1934, (15 U.S.C.A. §§ 78m, 78o-6 (2006 Thomson West 2006 (current through P.L. 109-229))). ~~The foregoing sections of the Securities Exchange Act of 1934 are incorporated by reference.~~

(n) Giving false or otherwise misleading customer information to any financial institution or regulatory agency.

(o) Any unethical practice pursuant to Rule 69W-600.0133, F.A.C.

(2) The following are deemed demonstrations of unworthiness by an associated person of a dealer under Section 517.161(1)(h), F.S., without limiting that term to the practices specified herein:

(a) Borrowing money or securities from a customer, except when persons are in compliance with NASD Conduct Rule 2370(a)(1), (a)(2)(A)-(C) only, and NASD Conduct Rule 2370(b)-(c), as these rules existed on December 15, 2009 which are incorporated by reference in subparagraph (1)(h)1.;

(b) Acting as a custodian for money, securities or an executed stock power of a customer;

(c) Effecting transactions in securities, or investments as defined by Section 517.301(2), F.S., not recorded on the regular books or records of the dealer, which the associated

person represents, unless the transactions are disclosed to, and authorized in writing by, the dealer prior to execution of the transactions;

(d) Operating an account under a fictitious name, unless disclosed to the dealer, which the associated person represents;

(e) Sharing directly or indirectly in profits or losses in the account of any customer without the written authorization of the customer and the dealer, which the associated person represents;

(g) Failing to furnish to each offeree of a Small Corporate Offering Registration (SCOR) a copy of the “Florida Guide to Small Business Investments”, OFR-S-13-97, revised May 1, 2004, which is incorporated by reference in subsection 69W-301.002(7), F.A.C.; and (f) Dividing or otherwise splitting commissions, profits or other compensation in connection with the purchase or sale of securities in this state with any person not also licensed as an associated person for the same dealer, or for a dealer under direct or in indirect common control;

(h) Engaging in any of the practices specified in paragraph (1)(a), (b), (e), (f), (g), (h), (i), (k), (l), (m), (n) or (o).

(3) The federal statutes, federal regulations, Financial Industry Regulatory Authority (FINRA) rules, National Association of Securities Dealers (NASD) rules, New York Stock Exchange rules, and Municipal Securities Rulemaking Board (MSRB) rules referenced in this rule are hereby incorporated by reference and All materials incorporated by reference in this rule may be obtained by mail from the Office of Financial Regulation, Bureau of Securities Regulation, 200 E. Gaines Street, Tallahassee, Florida 32399-0374.

Rulemaking Specific Authority 517.03(1), 517.1217 FS. Law Implemented 517.081, 517.1217, 517.161(1) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.13, Amended 8-1-91, 6-16-92, 1-11-93, 11-7-93, 5-5-94, 9-9-96, 10-20-97, 1-25-00, 10-30-03, Formerly 3E-600.013, Amended 10-23-06, 1-18-09,

69W-600.0131 Prohibited Business Practices for Investment Advisers and Their Associated Persons.

(1) The following are deemed demonstrations of unworthiness by an investment adviser or an associated person of an investment adviser under Section 517.161(1)(h), F.S., without limiting that term to the practices specified herein:

(a) With respect to any customer, transaction or business in, to or from this state, engaging in any conduct prohibited by, or failing to comply with the requirements of, the following: Sections 204, 204A, 205, 206, 207, 208 of the Investment Advisers Act of 1940, (15 U.S.C.A. §§ 80b-4, 80b-4a, 80b-5, 80b-6, 80b-7, 80b-8 (2006 Thomson West 2006 (current through P.L. 109-237))), or SEC Rules 204-3, 205-1, 205-2, 205-3, 206(3)-1, 206(3)-2, 206(4)-1, 206(4)-3, and 206(4)-4, (17 C.F.R. §§ 275.204-3, 275.205-1, 275.205-2, 275.205-3, 275.206(3)-1, 275.206(3)-2, 275.206(4)-1, 275.206(4)-3, and 275.206(4)-4 (2009 2006)), ~~promulgated under the Investment~~

~~Advisers Act of 1940. The foregoing provisions of the Investment Advisers Act of 1940 and rules of the SEC are incorporated by reference.~~

(b) through (q) No change.

(r) Entering into, extending or renewing any investment advisory contract contrary to the provisions of Section 205 of the Investment Advisers Act of 1940, 15 U.S.C.A. § 80b-5 (2006) ~~(Thomson/West 2006 (current through P.L. 109-237)), which is incorporated by reference in paragraph (a) of this subsection.~~ This provision shall apply to all advisers and investment adviser representatives registered or required to be registered under this Act, notwithstanding whether such adviser or representative would be exempt from federal registration pursuant to Section 203(b) of the Investment Advisers Act of 1940, ~~(15 U.S.C.A. § 80b-3(b) (2006 Thomson/West 2006 (current through P.L. 109-237)), which is incorporated by reference;~~

(s) Including, in an advisory contract, any condition, stipulation, or provisions binding any person to waive compliance with any provision of Chapter 517, F.S., or with any provision of, or with any rule, regulation, or order issued under, the Investment Advisers Act of 1940 ~~(15 U.S.C. § 80b-1 through 80b-21 (2006)), which is incorporated by reference;~~

(t) Taking any action, directly or indirectly, with respect to those securities or funds in which any client has any beneficial interest, where the investment adviser has custody or possession of such securities or funds when the adviser's action is subject to and does not comply with the requirements of Rule 69W-600.0132, F.A.C.

(u) No change.

(2) The federal statutory and regulatory provisions referenced herein shall apply to investment advisers, investment adviser representatives and federal covered advisers, to the extent permitted by the National Securities Markets Improvement Act of 1996 ~~(Pub. L. 110-290).~~

~~(3) The federal statutes and federal regulations referenced in this rule are hereby incorporated by reference and All materials incorporated by reference in this rule may be obtained by mail from the Office of Financial Regulation, Bureau of Securities Regulation, 200 E. Gaines Street, Tallahassee, Florida 32399-0374.~~

Rulemaking Specific Authority 517.03(1), 517.1215 FS. Law Implemented 517.12(4), 517.1215, 517.161(1), FS. History--New 1-25-00, Amended 10-30-03, Formerly 3E-600.0131, Amended 10-23-06, 1-18-09, _____.

69W-600.0132 Custody Requirements for Investment Advisers.

(1) Definitions. For purposes of this section:

(a) through (b) No change.

(c) "Qualified custodian" means the following independent institutions or entities that are not affiliated with the adviser by any direct or indirect common control and have not had a material business relationship with the adviser in the previous two years:

1. through 2. No change.

3. A registered futures commission merchant registered under Section 4f(a) of the Commodity Exchange Act (7 U.S.C. § 6f (2006)), holding the client assets in customer accounts, but only with respect to clients' funds and security futures, or other securities incidental to transactions in contracts for the purchase or sale of a commodity for future delivery and options thereon; and

4. No change.

(2) Safekeeping required. If the investment adviser is registered or required to be registered, it is unlawful and deemed to be a fraudulent, deceptive, or manipulative act, practice or course of business for the investment adviser to have custody of client funds or securities unless:

(a) through (c) No change.

(d) Account statements must be sent to clients, either:

1. By a qualified custodian for which the investment adviser has a reasonable basis for believing that the qualified custodian sends an account statement, at least quarterly, to each of the adviser's clients for which it maintains funds or securities, identifying the amount of funds and of each security in the account at the end of the period and setting forth all transactions in the account during that period; or

2. By the adviser who sends an account statement, at least quarterly, to each client for whom the adviser has custody of funds or securities, identifying the amount of funds and of each security of which the adviser has custody at the end of the period and setting forth all transactions during that period; and an independent certified public accountant verifies all client funds and securities by actual examination at least once during each calendar year at a time chosen by the accountant without prior notice or announcement to the adviser and that is irregular from year to year, and files a copy of the auditors report and financial statements with the Office of Financial Regulation within 30 days after the completion of the examination, along with a letter stating that it has examined the funds and securities and describing the nature and extent of the examination; and the independent certified public accountant, upon finding any material discrepancies during the course of the examination, notifies the Office of Financial Regulation within one business day of the finding, by means of a facsimile transmission or electronic mail, followed by first class mail, directed to the attention of the Office of Financial Regulation;

3. If the investment adviser is a general partner of a limited partnership (or managing member of a limited liability company, or holds a comparable position for another type of pooled investment vehicle), the account statements required

under paragraph (d) of this subsection must be sent to each limited partner (or member or other beneficial owner or their independent representative).

(e) Independent Representative. A client may designate an independent representative to receive, on his behalf, notices and account statements as required under paragraphs (c) and (d) of this subsection.

(f) Direct Fee Deduction. An adviser who has custody as defined in sub-subparagraph (1)(a)1.b. of this rule by having fees directly deducted from client accounts must also provide the following safeguards:

1. Written Authorization. The adviser must have written authorization from the client to deduct advisory fees from the account held with the qualified custodian;

2. Notice of Fee Deduction. Each time a fee is directly deducted from a client account, the adviser must concurrently:

a. Send the qualified custodian an invoice of the amount of the fee to be deducted from the client's account; and

b. Send the client an invoice itemizing the fee. Itemization includes the formula used to calculate the fee, the amount of assets under managements the fee is based on, and the time period covered by the fee.

3. Notice of Safeguards. The investment adviser notifies the Office of Financial Regulation in writing that the investment adviser intends to use the safeguards provided above. Such notification is required to be given on Form ADV, which is incorporated by reference in subsection 69W-301.002(7), F.A.C.

4. Waiver of Net Capital Requirement. An investment adviser having custody solely because it meets the definition of custody as defined in sub-subparagraph (1)(a)1.b. of this rule and who complies with the safekeeping requirements in paragraphs (2)(a)-(f) of this rule will not be required to meet the financial requirements for custodial advisers as set forth in paragraph 69W-600.016(3)(a), F.A.C.

5. Waiver of Audited Financial Statements. An investment adviser having custody solely because it meets the definition of custody as defined in sub-subparagraph (1)(a)1.b. of this rule and who complies with the safekeeping requirements in paragraphs (2)(a)-(f) of this rule shall file unaudited financial statements and comply with the requirements as set forth in paragraph 69W-300.002(4)(c), F.A.C.

(g) through (h) No change.

(3) Exceptions.

(a) Shares of mutual funds. With respect to shares of an "open-end company" as defined in Section 5(a)(1) of the Investment Company Act of 1940, (15 U.S.C. § 80a-5(a)(1) (2006)), ("mutual fund"), the investment adviser may use the mutual fund's transfer agent in lieu of a qualified custodian for purposes of complying with subsection (2) of this rule;

(b) through (c) No change.

(d) Registered investment companies. The investment adviser is not required to comply with this rule with respect to the account of an investment company registered under the Investment Company Act of 1940 (15 U.S.C. § 80a-1 through 80a-64 (2006)) ~~{15 U.S.C. 80a-1 to 80a-64}~~.

(e) through (f) No change.

(4) The federal statutes referenced in this rule are hereby incorporated by reference and All materials incorporated by reference in this rule may be obtained by mail from the Office of Financial Regulation, Bureau of Securities Regulation, 200 E. Gaines Street, Tallahassee, Florida 32399-0374.

Rulemaking Specific Authority 517.03(1), 517.1215 FS. Law Implemented 517.1215 FS. History—New 10-23-06, Amended

69W-600.014 Books and Records Requirements.

Except as otherwise provided herein, every dealer, investment adviser, branch office, and associated person conducting business in this state shall prepare and maintain on a current basis, and preserve for the periods of time specified, such records, prescribed herein, as are appropriate for said dealer's, investment adviser's, branch office's, or associated person's course of business, and are sufficient to provide an audit trail of all business transactions by said dealer, investment adviser, associated person, or branch office. Associated persons who conduct business from a registered branch office in this state shall be exempt from the provisions of this rule.

(1) All dealers are required to prepare and maintain appropriate books and records relating to their business as described in either SEC Rules 17a-3 or 17a-4, (17 C.F.R. §§ 240.17a-3, 240.17a-4 (2009 2006)), or MSRB Rules G-7, G-8 and G-9, as such rules existed on December 15, 2009; and records evidencing compliance with NASD Conduct rule 3000, as such rule existed on December 15, 2009. ~~SEC Rules 17a-3 and 17a-4 are incorporated by reference. MSRB Rules G-7, G-8, and G-9 are incorporated by reference in subparagraph 69W-600.013(1)(h)5., F.A.C. NASD Conduct Rule 3000 is incorporated by reference in subparagraph 69W-600.013(1)(h)1., F.A.C.~~

(2) All issuer/dealers are required to maintain at least the following records:

(a) Ledgers, journals (or other records) reflecting all assets, liabilities, income and expenses, and capital accounts properly maintained in accordance with United States generally accepted accounting principles;

(b) Copies of all promotional sales materials and correspondence used in connection with the sales of all securities as distributed;

(c) A record of all sales of securities made by, or on behalf of, the issuer as described in and in compliance with SEC Rule 17a-3(a)(1), (17 C.F.R. § 17a-3(a)(1) (2009 2006)), which is incorporated by reference in subsection (1);

(d) Securities certificate and securities holder records reflecting names and addresses of all holders of record, certificates issued to such holders, number of shares or bonds issued, and full details as to transfers or cancellations;

(e) In lieu of the issuer/dealer preparing and maintaining such records as detailed in paragraph (d) above, a qualified transfer agent/registrar may be appointed, provided such information is accessible to the issuer/dealer.

(3) All investment advisers, notwithstanding the fact that the investment adviser is not registered or required to be registered under the Investment Advisers Act of 1940, shall prepare and maintain true, accurate and current records relating to their business as described in SEC Rule 204-2, (17 C.F.R. § 275.204-2 (2009 2006)), ~~which is incorporated by reference~~; and have available for the Office of ~~Financial~~ Financial Regulation at least the following records:;

(a) All trial balances, financial statements prepared in accordance with United States generally accepted accounting principles, and internal audit working papers relating to the investment adviser's business as an investment adviser. For purposes of this paragraph, "financial statements" means balance sheets, income statements, cash flow statements and net worth computations as required by Rule 69W-300.002, F.A.C.

(b) A list or other record of all accounts with respect to the funds, securities, or transactions of any client.

(c) A copy in writing of each agreement entered into by the investment adviser with any client.

(d) A file containing a copy of each record required by SEC Rule 204-2(11), (17 C.F.R. § 275.204-2(11) (2009 2006)), ~~which is incorporated by reference in this subsection~~, including any communication by electronic media that the investment adviser circulates or distributes, directly or indirectly, to two or more persons, other than persons connected with the investment adviser.

(e) A copy of each written statement and each amendment or revision given or sent to any client or prospective client of the investment adviser in accordance with the provisions of SEC Rule 204-3, (17 C.F.R. § 275.204-3 (2009 2006)), which is incorporated by reference in paragraph 69W-600.0131(1)(a), F.A.C., and a record of the dates that each written statement, and each amendment or revision was given or offered to be given to any client or prospective client who subsequently becomes a client.

(f) For each client that was obtained by the adviser by means of a solicitor to whom a cash fee was paid by the adviser, records required by SEC Rule 206(4)-3, (17 C.F.R. § 275.206(4)-3 (2009 2006)), which is incorporated by reference in paragraph 69W-600.0131(1)(a), F.A.C.

(g) All records required by SEC Rule 204-2(16), (17 C.F.R. § 275.204-2(16) (2009 2006)), ~~which is incorporated by reference in this subsection~~.

(h) A file containing a copy of all communications received or sent regarding any litigation involving the investment adviser or any investment adviser representative or employee, and regarding any customer or client complaint.

(i) Written information about each investment advisory client that is the basis for making any recommendation or providing any investment advice to such client.

(j) Written procedures to supervise the activities of employees and investment adviser representatives that are reasonably designed to achieve compliance with applicable securities laws and regulations.

(k) A file containing a copy of each document, other than any notices of general dissemination, that was filed with or received from any state or federal agency or self regulatory organization and that pertains to the registrant or its investment adviser representatives. Such file should contain, but is not limited to, all applications, amendments, renewal filings, and correspondence.

(4) Notwithstanding other record preservation requirements of this rule, the following records or copies shall be required to be maintained in the business location of the investment adviser from which the customer or client is being provided or has been provided with investment advisory services:

(a) Records required to be preserved under paragraphs (a)(3), (a)(7)-(11), (a)(14)-(15), (b) and (c) inclusive, of SEC Rule 204-2 of the Investment Advisers Act of 1940, (17 C.F.R. § 275.204-2 (2009 2006)), which is incorporated by reference in subsection (3); and

(b) Records or copies required under the provision of paragraphs (a)(11) and (a)(16) of SEC Rule 204-2 of the Investment Advisers Act of 1940 (17 C.F.R. § 275.204-2 (2009)), which records or related records identify the name of the investment adviser representative providing investment advice from that business location, or which identify the business location's physical address, mailing address, electronic mailing address, or telephone number. ~~SEC Rule 204-2, 17 C.F.R. § 275.204-2 (2006), is incorporated by reference in subsection (3).~~

(5) No provisions of this rule, unless specifically designated as a required form, shall be deemed to require the preparation, maintenance, or preservation of a dealer's or investment adviser's books and records in a particular form or system, provided that whatever form or system utilized by such dealer's or investment adviser's course of business is sufficient to provide an audit trail of all business transactions.

(6) Every investment adviser that has its principal place of business in a state other than this state shall be exempt from the requirements of this rule, provided the investment adviser is licensed in such state and is in compliance with that state's record keeping requirements.

(7) All books and records described in this rule shall be preserved in accordance with the following:

(a) Those records required under subsection (1) of this rule shall be preserved for such periods of time as specified in either SEC Rule 17a-4, (17 C.F.R. § 240.17a-4 (2009 2006)), ~~which is incorporated by reference in subsection (1), or MSRB Rule G-9, as such rule existed on December 15, 2009, which is incorporated by reference in paragraph 69W-600.013(1)(h), F.A.C.~~

(b) Those records required under subsection (2) of this rule shall be preserved for a period of not less than five (5) years while effectively registered with the Office of Financial Regulation, nor for less than five (5) years after withdrawal or expiration of registration in this State.

(c) Books and records required to be prepared under the provisions of subsection (3) shall be maintained and preserved in an easily accessible place for a period of not less than five years from the end of the fiscal year during which the last entry was made on such record, the first two years in the principal office of the investment adviser.

(d) Books and records required to be made under the provisions of subsection (3), shall be maintained and preserved for a period of not less than five years from the end of the fiscal year during which the last entry was made on such record or for the time period during which the investment adviser was registered or required to be registered in the state, if registered less than five years.

(e) Each investment adviser registered or required to be registered in this state and which has a business location in this state shall maintain at such business location:

1. The records or copies required under the provisions of paragraphs (a)(3), (a)(7)-(10), (a)(14)-(15), (b), and (c) of SEC Rule 204-2, (17 C.F.R. § 275.204-2 (2009 2006)), ~~which is incorporated by reference in subsection (3); and~~

2. The records or copies required under the provisions of paragraphs (3)(a)-(k)(j) above related to customers or clients for whom the investment adviser representative provides or has provided investment advisory services; and

3. The records or copies required under the provisions of paragraphs (a)(11) and (a)(16) of SEC Rule 204-2, (17 C.F.R. § 275.204-2 (2009 2006)), which records or related records identify the name of the investment adviser representative or which identify the business location's physical address, mailing address, electronic mailing address, or telephone number. The records will be maintained for the period described in subsections (d) and (e) of SEC Rule 204-2, (17 C.F.R. § 275.204-2 (2009 2006)). The investment adviser shall be responsible for ensuring compliance with the provision of this subsection. SEC Rule 204-2, (17 C.F.R. § 275-204-2 (2009 2006)), ~~is incorporated by reference in subsection (3).~~

(8) ~~The federal regulations, federal statutes, and Municipal Securities Rulemaking Board (MSRB) rules referenced in this rule are hereby incorporated by reference and All materials incorporated by reference in this rule may be obtained by mail~~

from the Office of Financial Regulation, Bureau of Securities Regulation, 200 E. Gaines Street, Tallahassee, Florida 32399-0374.

~~Rulemaking Specific Authority 517.03(1), 517.121(1), 517.1215 FS. Law Implemented 517.121(1), 517.1215 FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-600.14, Amended 10-14-90, 8-1-91, 6-16-92, 1-11-93, 9-9-96, 6-22-98, 1-25-00, 10-30-03, Formerly 3E-600.014, Amended 10-23-06, 5-15-07, _____.~~

69W-600.015 Financial Reporting Requirements – Statement of Financial Condition – Dealers and Investment Advisers.

(1) No change.

(2) Every dealer registered pursuant to Section 517.12, F.S., and rules thereunder shall file annually with the Office of Financial Regulation, within ninety (90) days after the conclusion of said registrant's fiscal year, audited financial statements as prepared by an independent outside auditor, unless exempted under Rule 69W-300.002, F.A.C.

(a) The Office of Financial Regulation will allow up to a thirty (30) day extension of the filing requirement as set forth in this paragraph provided written request is made prior to the date such audited report is due to be filed, and provided further that good cause for such delay is shown. Good cause shall include excusable neglect or circumstances beyond the control of the registrant.

(b) Every dealer defined as a broker/dealer under Rule 69W-300.002, F.A.C., shall be required to include in such audited financial statements filed verification of said broker/dealer's compliance with the provisions of Rules 69W-600.016 and 69W-600.017, F.A.C.

(c) In lieu of the provisions of paragraph (b) above, the Office of Financial Regulation will accept those statements prepared and filed by a dealer in accordance with the provisions of SEC Rule 17a-5 (17 C.F.R. CFR § 240.17a-5 (2009)) and SEC Rule 17a-10 (17 C.F.R. CFR § 240.17a-10 (2009)), ~~as such rules existed on July 1, 2003.~~

(3) Every investment adviser registered pursuant to Section 517.12, F.S., and rules thereunder shall file annually with the Office of Financial Regulation, within ninety (90) days after the conclusion of said registrant's fiscal year, financial statements as of fiscal year end, such statements prepared in accordance with the provisions of Rule 69W-300.002, F.A.C.

(4) The provisions of paragraph (2)(a) of this rule apply to the filing requirements set forth in subsection (3).

(5) The federal regulations referenced in this rule are hereby incorporated by reference and may be obtained by mail from the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399.

~~Rulemaking Specific Authority 517.03(1), 517.12(9), 517.121(2) FS. Law Implemented 517.12(9), 517.121(2) FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-600.15, Amended 6-16-92, 10-30-03, 4-8-04, Formerly 3E-600.015, Amended _____.~~

69W-600.016 Net Capital Requirements for Dealers and Investment Advisers.

(1) The net capital of an applicant or registrant under Section 517.12, F.S., shall be maintained at a level required by this rule.

(2) All dealer applicants and registrants shall meet and at all times maintain the net capital and ratio requirements as prescribed by SEC Rule 15c3-1 including any appendices thereto (17 C.F.R. § 240.15c3-1, 240.15c3-1a, 240.15c3-1b, 240.15c3-1c and 240.15c3-1d (2009)), computed in accordance with said rule, ~~as such rule existed on January 1, 1993.~~

(a) All reporting requirements as specified in (17 C.F.R. § 240.17a-11 (2009)), ~~as such rule existed on January 1, 1993,~~ when such regulation is referred in SEC Rule 15c3-1 shall be applicable with the exception that such reports and notifications required by said rule shall be forwarded to the Office of Financial Regulation as well as the other regulatory agencies specified, if applicable.

(b) All references to (17 C.F.R. § 240.17a-3 (2009)) and (17 C.F.R. § 240.17a-4 (2009)), ~~as such provisions existed on January 1, 1993,~~ in the foregoing and subsequent provisions of Office of Financial Regulation or SEC Rules as adopted by the Office of Financial Regulation, shall be read as to mean Office of Financial Regulation, Rule 69W-600.014, F.A.C.

(3) Issuer/dealer or investment adviser applicants or registrants shall meet the net capital requirements of this section:

(a) Investment advisers who have custody of client funds or securities or who receive payment of advisory fees six months or more in advance and in excess of \$500 per client shall maintain net capital in the amount of \$25,000 calculated as prescribed by SEC Rule 15c3-1 (17 C.F.R. ~~CFR~~ § 240.15c3-1 (2009)), including any ratio requirements and appendices thereto, ~~as such provisions existed on January 1, 1993.~~

(b) Investment advisers who do not have custody of client funds or securities or who do not receive payment for advisory services six months or more in advance and in excess of \$500 per client shall maintain net capital: (1) in the amount of \$5,000 calculated as prescribed by SEC Rule 15c3-1 (17 C.F.R. ~~CFR~~ § 240.15c3-1 (2009)), including any ratio requirements and appendices thereto, ~~as such provisions existed on January 1, 1993;~~ or (2) of at least \$2,500. For purposes of option (2) of this subsection, net capital shall be defined as assets minus liabilities in accordance with United States Generally Accepted Accounting Principles ~~as adopted by the American Institute of Certified Public Accountants, as such provisions existed on June 1, 1992.~~

(c) Investment advisers who compute net capital in accordance with SEC Rule 15c3-1, ~~as such rule existed on January 1, 1993,~~ may exclude liabilities which are subordinated to the claims of creditors pursuant to a

subordination agreement, provided such agreement complies with all terms and conditions specified in Appendix D to SEC Rule 15c3-1 (17 C.F.R. ~~CFR~~ § 240.15c3-1 and 240.15c3-1d (2009)), ~~as such provision existed on January 1, 1993;~~ except for the requirement that such agreement be filed with and approved by the Securities and Exchange Commission. Those investment advisers who have subordination agreements in effect prior to the effective date of this subsection shall not be required to comply with the conditions specified in Appendix D to SEC Rule 15c3-1. Should the investment adviser renegotiate or enter into a new subordination agreement, the agreement must comply with the provisions of Appendix D of SEC Rule 15c3-1.

(d) An issuer/dealer shall maintain net capital, defined as assets minus liabilities and computed in accordance with United States Generally Accepted Accounting Principles ~~as adopted by the American Institute of Certified Public Accountants, as such provisions existed on June 1, 1992,~~ of at least \$5,000, unless required elsewhere by these rules to maintain a greater minimum net capital.

(4) The Office of Financial Regulation may examine the financial statements, general ledgers, journals, source documents, general correspondence, contracts and other pertinent data and receive testimony from employees of entities associated or affiliated with, or controlling or controlled by, a dealer or investment adviser applicant or registrant.

(5) Any dealer, issuer/dealer or investment adviser who fails to maintain the minimum net capital as required under this rule shall, in addition to the financial reporting requirements set forth in paragraph (2)(a) above, give the Office of Financial Regulation telegraphic or facsimile notice within 24 hours that such entity's net capital is less than required under the rule and immediately suspend business operations. Such entity shall not resume operations unless and until financial statements which verify compliance with this rule have been submitted and approved by the Office of Financial Regulation in writing.

(6) The federal regulations referenced in this rule are hereby incorporated by reference and may be obtained by mail from the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399.

Rulemaking Specific Authority 517.03(1) FS. Law Implemented 517.12(9), (16) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.16, Amended 10-15-86, 8-1-91, 6-29-93, 11-22-93, Formerly 3E-600.016, Amended _____.

69W-600.017 Customer Protection Rule – Reserve Requirements and Custody of Customer Funds and Securities. All Dealer applicants and registrants subject to the net capital provisions of subsection 69W-600.016(2), F.A.C., shall be required to prepare and maintain such records and accounts as specified in, and to comply in all other respects with, the provisions of SEC Rule 15c3-3 (17 C.F.R. ~~CFR~~ § 240.15c3-3 (2009)), which is hereby incorporated by reference and may be

obtained by mail from the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399 as such provisions existed on February 28, 1992.

Rulemaking Specific Authority 517.03(1), 517.12(9), 517.121(2) FS. Law Implemented 517.12(9), 517.121(2) FS. History—New 12-5-79, Formerly 3E-600.17, Amended 6-16-92, Formerly 3E-600.017, Amended _____.

69W-600.020 Continuing Education Requirements.

(1) Failure to comply with any of the applicable continuing education requirements set forth in any one of the following shall be deemed a demonstration of unworthiness by a dealer or associated person under Section 517.161(1)(h), F.S.:

(a)(1) NASD Membership and Registration Rule 1120 of the Financial Industry Regulatory Authority National Association of Securities Dealers, as such provisions existed on December 15, 2009 July 1, 2003;

(b)(2) Rule 345A 345 A of the New York Stock Exchange, as such provisions existed on December 15, 2009 July 1, 2003;

(c)(3) Rule G-3(h) of the Municipal Securities Rulemaking Board, as such provisions existed on December 15, 2009 July 1, 2003;

(d)(4) Rule 341A 341 A of the American Stock Exchange, as such provisions existed on December 15, 2009 July 1, 2003;

(e)(5) Rule 9.3A of the Chicago Board of Options Exchange, as such provisions existed on December 15, 2009 July 1, 2003;

(f)(6) Article VI, Rule 11 9 of the Chicago Stock Exchange, as such provisions existed on July 1, 2003;

(7) Rule 9.27(e) of the Pacific Stock Exchange, as such provisions existed on July 1, 2003; or

(g)(8) Rule 640 of the Philadelphia Stock Exchange, as such provisions existed on December 15, 2009 July 1, 2003.

(2) The rules of the NASD, New York Stock Exchange, Municipal Securities Rulemaking Board, American Stock Exchange, Chicago Board of Options Exchange, Chicago Stock Exchange and Philadelphia Stock Exchange referenced in this rule are hereby incorporated by reference and may be obtained by mail from Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399.

Rulemaking Specific Authority 517.03(1) FS. Law Implemented 517.12(18), 517.161(1) FS. History—New 12-21-95, Amended 8-19-99, 10-30-03, Formerly 3E-600.020, Amended _____.

DEPARTMENT OF FINANCIAL SERVICES

Securities

RULE NO.:
69W-600.0011

RULE TITLE:
Effect of Law Enforcement Records on Applications for Registration as Dealer, Issuer/Dealer, or Investment Adviser

PURPOSE AND EFFECT: During the regular 2009 legislative session, the Florida Legislature passed House Bill 483, relating to investor protection. The bill was signed into law on June 29, 2009, and took effect on July 1, 2009. A key provision of the new law requires the Financial Services Commission to adopt registration disqualifying periods for applicants and their relevant persons based upon criminal convictions, pleas of nolo contendere, or pleas of guilt, regardless of whether adjudication was withheld. The proposed rule implements these requirements and applies to dealers, issuer/dealers, and investment advisers, including their relevant persons. "Relevant persons" include any direct owner, principal, or indirect owner that is required to be reported on behalf of the applicant on Form BD (Uniform Application for Broker-Dealer Registration) or Form ADV (Uniform Application for Investment Adviser Registration).

SUBJECT AREA TO BE ADDRESSED: Securities Regulation – Registration Disqualifying Periods for Dealers, Issuer/Dealers, and Investment Advisers

RULEMAKING AUTHORITY: 517.1611(2) FS.

LAW IMPLEMENTED: 517.12, 517.161 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: Pam Epting, Chief, Bureau of Regulatory Review, Division of Securities, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399-0375, (850)410-9500, pam.epting@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69W-600.0011 Effect of Law Enforcement Records on Applications for Registration as Dealer, Issuer/Dealer, or Investment Adviser.

(1) General Procedure Regarding Law Enforcement Records. For purposes of this rule, an "applicant" is any Dealer, Issuer/Dealer or Investment Adviser seeking registration in Florida. Any direct owners, principals, or indirect owners that are required to be reported on behalf of the applicant on Form BD or Form ADV pursuant to subsection 517.12(15), F.S., shall be referred to collectively as "relevant

persons". As part of the application review process for each Dealer, Issuer/Dealer, or Investment Adviser, submitted on Form BD or Form ADV, the Office is required to consider the law enforcement records of all relevant persons when deciding whether to approve an application for registration. When conducting this review, the Office reviews the criminal history information derived from the fingerprint check, any responses made by the applicant or relevant person, and information from other resources such as the Financial Industry Regulatory Authority. In the event of a question regarding the relevant person's criminal history, the Office may request additional information from the applicant to determine the status of a criminal event, the specific facts and circumstances surrounding a criminal event, or to address other issues determined relevant to the review of the law enforcement record. The Office will notify the applicant of any specific documents that it requires in order to complete its review of the relevant person's law enforcement record. Documentation that is typically requested includes:

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

(b) A certified copy of the charges.

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

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

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

If the requested documentation cannot be obtained, the applicant shall submit evidence of that fact in order for the application to be deemed complete. Evidence that documentation cannot be obtained shall consist of a written statement on the letterhead of the agency that would be the custodian of the documents, signed by a representative of that agency, stating that they have no record of such matter, or that the record is lost or was damaged or destroyed, or otherwise stating why the document cannot be produced.

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

(a) The omission of any part of a law enforcement record required to be disclosed is a material misrepresentation or material misstatement on the application and the application shall be denied pursuant to Section 517.161(1)(b), F.S.

(b) If the Office discovers the applicant's failure to disclose any part of a law enforcement record required to be disclosed regarding a relevant person on the application after a registration has been granted, the Office will suspend or revoke each registration currently held by the applicant as follows:

1. Suspension for 12 months if, had the application been accurate, the application would have been granted, based upon the statutes and rules applicable to the application at the time the Office granted registration.

2. Revocation if, had the application been accurate, the application would have been denied, based upon the statutes and rules applicable to the application at the time the Office granted registration.

(3) Classification of Crimes.

(a) The Office makes a general classification of crimes into two classes: A and B, as listed in subsections (14) and (15), of this rule.

(b) These classifications reflect the Office's evaluation of various crimes in terms of moral turpitude and the seriousness of the crime as such factors relate to the prospective threat to public welfare typically posed by a person who would commit such a crime.

(c) The names or descriptions of crimes, as set out in the classification of crimes, are intended to serve only as generic names or descriptions of crimes and shall not be read as legal titles of crimes, or as limiting the included crimes to crimes bearing the exact name or description stated.

(d) For purposes of this rule, "trigger date" means the date on which an applicant was found guilty, or pled guilty, or pled nolo contendere to a crime.

(e) A charge in the nature of attempt or intent to commit a crime, or conspiracy to commit a crime, is classified the same as the crime itself.

(4) Relevant Person(s) With a Single Crime. The Office finds it necessary to implement the following standards for an applicant with relevant person(s) whose law enforcement record includes a single crime, subject to the mitigating factors set forth elsewhere in this rule before registration. All disqualifying periods referenced in this rule run from the trigger date.

(a) Class A Crime. The applicant will not be granted a registration until 15 years have passed since the trigger date.

(b) Class B Crime. The applicant will not be granted a registration until 5 years have passed since the trigger date.

(5) Relevant Person(s) With Multiple Crimes.

(a) The Office construes Section 517.161, F.S., to require that an applicant with relevant person(s) whose law enforcement record includes multiple Class A or Class B crimes, or any combination thereof, wait longer than those whose law enforcement record includes only a single crime before becoming eligible for registration in order to assure that such relevant person's greater inability or unwillingness to abide by the law has been overcome. Therefore, the Office finds it necessary that a longer disqualifying period be utilized in such instances before registration can safely be granted. Accordingly, where the relevant person has been found guilty or pled guilty or pled nolo contendere to more than one crime, the Office shall add 5 years to the disqualifying period for each additional crime.

(b) The additional periods are added to the basic disqualifying period for the one most serious crime, and the combined total disqualifying period then runs from the trigger date of the most recent crime.

(c) Classification as “Single Crime” versus “Multiple Crimes.” For purposes of this rule, two (2) or more offenses are considered a single crime if they are based on the same act or transaction or on two (2) or more connected acts or transactions.

(6) Mitigating Factors.

(a) The disqualifying period for a Class “A” or “B” crime or crimes shall be shortened upon proof of one or more of the following factors. Where more than one factor is present the applicant is entitled to add together all the applicable mitigation amounts and deduct that total from the usual disqualifying period, provided that an applicant shall not be permitted an aggregate mitigation of more than three (3) years for the following factors:

1. One year is deducted if the relevant person’s probation officer or prosecuting attorney in the most recent crime states in a signed writing that the probation officer or prosecuting attorney believes the relevant person would pose no significant threat to public welfare if registered.

2. One year is deducted if restitution or settlement has been made for all crimes in which restitution or settlement was ordered by the court, and proof of such restitution or settlement is shown in official court documents or as verified in a signed writing by the relevant person’s prosecuting attorney or probation officer.

3. One year will be deducted if the relevant person was under age 21 when the crime was committed and there is only one crime in the relevant person’s law enforcement record.

4. One year is deducted if the applicant furnishes proof that the relevant person was at the time of the crime addicted to drugs or suffering active alcoholism. The proof must be accompanied by a written letter from a properly licensed doctor, psychologist, or therapist licensed by a duly constituted state licensing body stating that the licensed person has examined or treated the relevant person and that in his or her professional opinion the addiction or alcoholism is currently in remission and has been in remission for the previous 12 months. The professional opinion shall be dated within 45 days of the time of application.

5. Other Mitigating Factors. An applicant is permitted to submit any other evidence of facts that the applicant believes should decrease the disqualifying period before registration is allowed and one additional year shall be deducted if the Office agrees the facts have a mitigating effect on the registration decision.

(b) The burden is upon the applicant to establish these mitigating factors. Where the mitigating factor relates to or requires evidence of government agency or court action, it must be proved by a certified true copy of the agency or court document.

(7) Circumstances Not Constituting Mitigation. The Office finds that no mitigating weight exists, and none will be given, for the following factors:

(a) Type of Plea. The Office draws no distinction among types of pleas, e.g., found guilty; pled guilty; pled nolo contendere.

(b) Collateral Attack on Criminal Proceedings. The Office will not allow or give any weight to an attempt to re-litigate, impeach, or collaterally attack judicial criminal proceedings or their results wherein the relevant person was found guilty or pled guilty or nolo contendere. Thus the Office will not hear or consider arguments such as: the criminal proceedings were unfair; the judge was biased; the witnesses or prosecutor lied or acted improperly; the defendant only pled guilty due to financial or mental stress; the defendant was temporarily insane at the time of the crime; or the defendant had ineffective counsel.

(c) The Office finds that subjective factors involving state of mind have no mitigating weight.

(8) Effect of Pending Appeal in Criminal Proceedings; Reversal on Appeal.

(a) The Office interprets the statutory grounds for denial of registration as arising immediately upon a finding of guilt, or a plea of guilty or nolo contendere, regardless of whether an appeal is or is not allowed to be taken. The Office will not wait for the outcome of an appeal to deny registration, unless a Florida court specifically stays the Office’s adverse action.

(b) If on appeal the conviction is reversed, the Office shall immediately drop the said crime as grounds for denial of registration.

(9) Pre-Trial Intervention. If at the time of application a relevant person is participating in a pre-trial intervention program based upon a charge of criminal conduct that would authorize denial of a registration under Section 517.161(1), F.S., the Office will deny the application for registration. The Office considers participation in a pre-trial intervention program to be a pending criminal prosecution under Section 517.161(6), F.S., and finds it necessary to the public welfare to wait until final disposition of all charges of criminal conduct that would authorize denial of a registration under Section 517.161(1), F.S., before an application for registration may be considered.

(10) Effect of Sealing or Expunging of Criminal Record.

(a) An applicant is not required to disclose or acknowledge, and is permitted in fact to affirmatively deny, any arrest or criminal proceeding for a relevant person, the record of which has been legally and properly expunged or

sealed by order of a court of competent jurisdiction prior to the time of application, and such denial or failure to disclose is not grounds for adverse action by the Office.

(b) Matters Sealed or Expunged Subsequent to Application. Occasionally a relevant person will have a matter sealed or expunged after the applicant submits an application, but before an application decision is made by the Office. In such situations the Office policy is as follows:

1. If the applicant properly revealed the law enforcement record relating to the relevant person on the application, and thereafter the record is sealed or expunged, the Office will not consider the matter in the application decision.

2. However, if the applicant did not reveal the law enforcement record relating to the relevant person on the application and the matter had not been sealed or expunged at the time of making the application, the Office will construe the failure to disclose the matter on the application as a material misrepresentation or material misstatement, and the application shall be denied pursuant to Section 517.161(1)(b), F.S.

(11) Effect of Varying Terminology.

(a) With regard to the following six subparagraphs, the Office treats each phrase in a particular subparagraph as having the same effect as the other phrases in that same subparagraph:

1. Adjudicated guilty; convicted.

2. Found guilty; entered a finding of guilt.

3. Pled guilty; entered a plea of guilty; admitted guilt; admitted the charges.

4. Nolo contendere; no contest; did not contest; did not deny; no denial.

5. Adjudication of guilt withheld; adjudication withheld; no adjudication entered; entry of findings withheld; no official record to be entered; judgment withheld; judgment not entered.

6. Nolle prosequi; nolle prosequi; charges withdrawn; charges dismissed; charges dropped.

(b) In all other instances the Office will look to the substantive meaning of the terminology used in the context in which it was used under the law of the jurisdiction where it was used.

(12) Imprisoned Persons and Community Supervision.

(a) Imprisonment. Notwithstanding any provision to the contrary in this rule, the Office shall not register any applicant under Chapter 517, F.S., while any relevant person of the applicant is imprisoned, under arrest, or serving a sentence for any crime. Further, the Office shall not register any applicant with a relevant person who has been released from imprisonment until the later of the period otherwise set out in these rules or five (5) years after the date of release. The Office finds it necessary that the person be released from imprisonment and thereafter demonstrate an ability to abide by the law by passage of at least five (5) years on good behavior, before registration can be granted without undue risk to the public welfare.

(b) Community Supervision. The Office shall not grant registration to an applicant who at the time of application or at any time during the pendency of the application has a relevant person who is under supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of the courts, paroling authorities, correctional agencies, or other criminal justice agencies for any felony crime or any misdemeanor crime involving fraud, dishonest dealing, or moral turpitude.

(13) Effect of Disqualifying Periods. The disqualifying periods established in this rule do not give an applicant a right to registration after any set period of time. Regardless of the expiration of any disqualifying period imposed by these rules, the burden to prove entitlement to registration remains on the applicant.

(14) Class "A" Crimes include felonies involving an act of fraud, dishonesty, or a breach of trust, or money laundering, and the Office finds that such crimes constitute crimes of moral turpitude. The Office finds the following list of crimes are Class "A" crimes. Crimes similar to the crimes on this list may also be considered Class "A" crimes, and no inference should be drawn from the absence of any crime from this list.

(a) Any type of fraud, including but not limited to Fraud, Postal Fraud, Wire Fraud, Securities Fraud, Welfare Fraud, Defrauding the Government, Credit Card Fraud, Defrauding an Innkeeper, Passing worthless check(s) with intent to defraud.

(b) Perjury.

(c) Armed robbery.

(d) Robbery.

(e) Extortion.

(f) Bribery.

(g) Embezzlement.

(h) Grand theft.

(i) Larceny.

(j) Burglary.

(k) Breaking and entering.

(l) Identity Theft.

(m) Any type of forgery or uttering a forged instrument.

(n) Misuse of public office.

(o) Racketeering.

(p) Buying, receiving, concealing, possessing or otherwise dealing in stolen property.

(q) Treason against the United States, or a state, district, or territory thereof.

(r) Altering public documents.

(s) Witness tampering.

(t) Tax evasion.

(u) Impersonating or attempting to impersonate a law enforcement officer.

(v) Money laundering.

(w) Murder in all degrees.

- (x) Arson.
- (y) Sale, importation, or distribution of controlled substances (drugs); or possession for sale, importation or distribution.
- (z) Aggravated Assault (e.g., as with a deadly weapon).
- (aa) Aggravated Battery (e.g., as with a deadly weapon).
- (bb) Rape.
- (cc) Sexually molesting any minor.
- (dd) Sexual battery.
- (ee) Battery of or threatening a law enforcement officer or public official in the performance of his/her duties.
- (ff) Kidnapping.
- (15) Class "B" Crimes any misdemeanor that involves fraud, dishonest dealing or any other act of moral turpitude.
- (16) Foreign Law Enforcement Records. If a law enforcement record includes convictions, charges, or arrests outside the United States, the Office shall consider the following factors to reduce, eliminate, or apply a disqualifying period:
 - (a) Whether the crime in the criminal record would be a crime under the laws of the United States or any state within the United States;
 - (b) The degree of penalty associated with the same or similar crimes in the United States; and
 - (c) The extent to which the foreign justice system provided safeguards similar to those provided criminal defendants under the Constitution of the United States; for example, the right of a defendant to a public trial, the right against self-incrimination, the right of notice of the charges; the right to confront witnesses, the right to call witnesses, and the right to counsel.
- (17) Form BD and Form ADV are incorporated by reference in subsection 69W-301.002(7), F.A.C.
- (18) For purposes of this rule, "certified" means that there must be a certification or attestation by the issuer of the record that the document is a true copy of a record contained in the issuer's office and the issuer's seal, if any.

Rulemaking Authority 517.1611(2) FS. Law Implemented 517.12, 517.161 FS. History—New _____.

FINANCIAL SERVICES COMMISSION

Securities

RULE NOS.:	RULE TITLES:
69W-700.002	Filing of Prospectus
69W-700.015	Offering Price of Equity Securities
69W-700.028	Small Corporate Offering Registration ("SCOR" Offering)

PURPOSE AND EFFECT: The rules are amended to reflect the most current versions of federal regulations and federal statutes referenced in the rules. Rule 69W-700.028, F.A.C., is clarified to reflect the appropriate forms that must be filed for small corporate offering registration.

SUBJECT AREA TO BE ADDRESSED: Securities Regulation.

RULEMAKING AUTHORITY: 517.03(1), 517.061(19) FS.

LAW IMPLEMENTED: 517.081(3), 517.081(7) 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: Pam Epting, Chief, Bureau of Regulatory, Review, Division of Securities, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399-0375, (850)410-9500, pam.epting@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69W-700.002 Filing of Prospectus.

(1) No change.

(2) Any prospectus which depicts the United States Securities and Exchange Commission's statement pursuant to a registration statement filed under the Securities Act of 1933 or a letter of notification under Regulation A of the Securities Act of 1933 (17 C.F.R. §§ 230.251 through 230.263 (2009)) will be considered to be in substantial compliance with the requirement of subsection (1) above. The federal regulations referenced in this rule are hereby incorporated by reference and may be obtained by mail from the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399.

Rulemaking Specific Authority 517.03(1) FS. Law Implemented 517.081(3) FS. History—(Formerly 3E-20.01) New 9-20-82, Formerly 3E-700.02, Amended 10-26-97, Formerly 3E-700.002, Amended _____.

69W-700.015 Offering Price of Equity Securities.

(1) The offering price of securities that an issuer is seeking to register shall not exceed:

(a) The established market price, for the securities of the same class as that proposed to be offered; or

(b) A proposed price that reflects a price earnings ratio of securities of similar issuers in the same industry; and further provided that the issuer has a consistent record of earnings for the preceding three (3) fiscal years; or

(c) The proposed offering price established by an underwriter under a firm underwriting commitment, if the underwriter is registered under the Securities Exchange Act of 1934 (15 U.S.C. §§ 78a through 78oo (2006)) and has the financial ability to perform its commitment in light of its net capital position. The federal statutes referenced in this rule are

hereby incorporated by reference and may be obtained by mail from the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399.

(2) through (3) No change.

(4) As a condition to registration, the Office of Financial Regulation shall require an escrow of all promotional securities issued where the Office of Financial Regulation determines that the promoters are unfairly benefiting at the expense of the public shareholders. The escrow agreement shall comply with Section 517.181, F.S., on Form OFR-S-14-97, SCOR (Small Corporate Offering Registration) Application to Register Securities, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., and shall include but not be limited to the following:

(a) through (d) No change.

Rulemaking Specific Authority 517.03(1) FS. Law Implemented 517.081(3), (7) FS. History--(Formerly 3E-20.15) New 9-20-82, Formerly 3E-700.15, Amended 11-30-97, Formerly 3E-700.015, Amended _____.

69W-700.028 Small Corporate Offering Registration ("SCOR" Offering).

(1) For the purpose of compliance with the registration provisions of Section 517.081(3)(g)2., the issuer shall file an application on Form OFR-S-12-97, SCOR (Small Corporate Offering Registration) Application to Register Securities, which is incorporated by reference in subsection 69W-301.002(7), F.A.C. The application shall include:

(a) Three (3) copies of Form U-7, Small Corporate Offering Registration Form, which is incorporated by reference in subsection 69W-301.002(7), F.A.C.;

(b) An irrevocable written Uniform Consent to Service of Process, Form U-2 or Form OFR-S-5-91, and Uniform Corporate Resolution, Form U-2A or Form OFR-S-6-91, which are incorporated by reference in subsection 69W-301.002(7), F.A.C., as described in Section 517.101, F.S. It shall be the choice of the applicant to file either the Form U-2 or the Form OFR-S-5-91, either of which are acceptable to the office. It shall also be the choice of the applicant to file either the Form U-2A or Form OFR-S-6-91;

(c) Payment of the statutory fee as required in Section 517.081, F.S.;

(d) Exhibits, where applicable, as prescribed in Part II to Form OFR-S-12-97, SCOR (Small Corporate Offering Registration) Application to Register Securities, which is incorporated by reference in subsection 69W-301.002(7), F.A.C.

(2) through (3) No change.

Rulemaking Specific Authority 517.03(1) FS. Law Implemented 517.081(3), (7) FS. History--New 11-30-97, Formerly 3E-700.028, Amended _____.

DEPARTMENT OF FINANCIAL SERVICES

Securities

<p>RULE NOS.: 69W-800.001</p> <p>69W-800.003</p> <p>69W-800.004</p>	<p>RULE TITLES: Filing – Notification Registration Including Shelf Filings</p> <p>Effective Registration</p> <p>Circulation of Preliminary Prospectus</p>
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PURPOSE AND EFFECT: Rule 69W-800.001, F.A.C., is amended to reflect the most current versions of federal regulations referenced in the rule, clarify the appropriate forms that must be filed for notification registrations and shelf filings, and reference the current versions of forms. Rule 69W-800.003, F.A.C., is amended to clarify the registration process. Rule 69W-800.004, F.A.C., is amended to reflect the most recent version of the Notification Registration form.

SUBJECT AREA TO BE ADDRESSED: Securities Regulation.

RULEMAKING AUTHORITY: 517.03(1) FS.

LAW IMPLEMENTED: 517.082, 120.53(1)(a), (b), 517.051(11) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pam Epting, Chief, Bureau of Regulatory Review, Division of Securities, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399-0375, (850)410-9500, pam.epting@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69W-800.001 Filing – Notification Registration Including Shelf Filings.

(1) An application for Notification Registration or a shelf filing not in conflict with the provisions of Section 517.082(3), Florida Statutes, shall be filed on OFR FORM-S-3-91, Notification Registration (~~Revised 1-91~~), and Form U-1, Uniform Application to Register Securities (~~Effective 10-97~~), which are hereby incorporated by reference in subsection 69W-301.002(7), F.A.C. The application shall include:

(a) One (1) copy of the initial registration statement as filed with the United States Securities and Exchange Commission unless effective upon filing with the Office of Financial Regulation;

(b) An irrevocable written Uniform Consent to Service of Process, Form U-2 or Form OFR-S-5-91 and Uniform Corporate Resolution, Form U-2A or Form OFR-S-6-91, which are incorporated by reference in subsection

69W-301.002(7), F.A.C., as described in Section 517.101, Florida Statutes. It shall be the choice of the applicant to file either the Form U-2 or the Form OFR-S-5-91, either of which are acceptable to the office. It shall also be the choice of the applicant to file either the Form U-2A or Form OFR-S-6-91;

(c) Payment of the statutory fee as required in Section 517.082, Florida Statutes;

(d) One (1) copy of the final pricing amendment/final prospectus as per the effective registration date with the Securities and Exchange Commission, except for Shelf Registration offerings to be made on a delayed or continuous basis pursuant to SEC Rule 415 (17 C.F.R. § 230.415 (2009)), which is incorporated by reference and may be obtained by mail from the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399; and

(e) Unless specifically requested by the Office of Financial Regulation, sales reports will not be required for securities offered or sold pursuant to Section 517.082, Florida Statutes.

(2) Exhibits which are required may not be incorporated by reference to previous filings.

(3) It shall not be the policy of the Office of Financial Regulation to issue status reports of an application filed unless the Office of Financial Regulation deems it necessary to issue such information.

(4) Telegraphic notification of effective registration with the SEC shall be filed within ten (10) business days from the date federal registration is granted if such registration was pending with the SEC at the time the notification application was filed.

(5) Should all documents required under this rule not be furnished to the Office of Financial Regulation within 60 days of the date of the effective federal registration, the Office of Financial Regulation shall deem the registration to be subject to revocation.

(6) Any application found to contain a material false statement shall be subject to administrative action by the Office of Financial Regulation.

~~(7) The forms adopted by the Office of Financial Regulation for registration under this section are as follows:~~

~~(a) OFR FORM S-3-91, Notification Registration (Revised 1-91);~~

~~(b) Form U-1, Uniform Application to Register Securities (effective 10/97);~~

~~(c) Form U-2, Uniform Consent to Service of Process and Form U-2A, Uniform Corporate Resolution (effective 10-1-96);~~

~~(d) OFR S-5-91, Uniform Consent to Service of Process (Revised 1-91);~~

~~(e) OFR S-6-91, Corporate Resolution (Revised 1-91);~~

Rulemaking Specific Authority 517.03(1) FS. Law Implemented 517.082 FS. History—New 10-15-86, Amended 12-8-87, 7-31-91, 10-1-96, 10-20-97, Formerly 3E-800.001, Amended _____.

69W-800.003 Effective Registration.

(1) A registration under Section 517.082, Florida Statutes, becomes effective when the federal registration becomes effective or as of the date the application is filed with the Office of Financial Regulation, whichever is later.

~~(2) A registration under Section 517.082, F.S., shall be filed in accordance with the provisions of subsection 69W-301.002(2), F.A.C. The Office of Financial Regulation shall deem an application to be officially received at such time as it has been date stamped by the cashier's office of the Office of Financial Regulation accompanied by the required fee or upon acceptance by the Securities Registration Depository (SRD) and notice by SRD to this state of such filing.~~

(3) Sales may be made in this state upon effectiveness as provided in subsection (1) of this rule without written confirmation by the Office of Financial Regulation.

Rulemaking Specific Authority 517.03(1) FS. Law Implemented 120.53(1)(a), (b), 517.051(11), 517.082 FS. History—New 10-15-86, Amended 11-14-93, 10-1-96, Formerly 3E-800.003, Amended _____.

69W-800.004 Circulation of Preliminary Prospectus.

A preliminary prospectus if designated as such may be used by dealers registered with the Office of Financial Regulation, provided that the Notification Registration (OFR FORM-S-3-91) ~~(Revised 1-91)~~, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., has been filed with the Office of Financial Regulation and each purchaser of securities is provided not later than the time of the sale of securities with the offering circular contained in the definitive registration statement effective under the Securities Act of 1933 as referenced in Section 517.082, Florida Statutes.

Rulemaking Specific Authority 517.03(1) FS. Law Implemented 517.082 FS. History—New 10-15-86, Amended 12-8-87, 7-31-91, 10-1-96, 10-20-97, Formerly 3E-800.004, Amended _____.

FINANCIAL SERVICES COMMISSION

Securities

RULE NO.:	RULE TITLE:
69W-900.001	Disclosure of Business Activities in Cuba

PURPOSE AND EFFECT: The rule is amended to reflect the most current version of federal regulations and federal statutes referenced in the rule. The rule is also amended to reflect the latest version of the Disclosure of Business Activities in Cuba Form.

SUBJECT AREA TO BE ADDRESSED: Securities Regulation.

RULEMAKING AUTHORITY: 517.075 FS.

LAW IMPLEMENTED: 517.075 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: Pam Epting, Chief, Bureau of Regulatory Review, Division of Securities, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399-0375, (850)410-9500, pam.epting@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69W-900.001 Disclosure of Business Activities in Cuba.

(1) For purposes of Section 517.075, Florida Statutes, a prospectus shall be defined as:

(a) A final prospectus containing the information required by Section 10(a) of the Securities Act of 1933 (15 U.S.C. § 77j(a) (2006)), for securities registered pursuant to Section 517.082, Florida Statutes; or

(b) A final prospectus in the form prescribed by Rule 69W-700.003, F.A.C., for securities registered pursuant to Section 517.081, Florida Statutes.

(c) The term prospectus shall not include amendments or supplements to a prospectus that is part of a registration statement filed with the Securities and Exchange Commission under Rule 415 of the Securities Act of 1933 (17 C.F.R. CFR § 230.415 (2009)).

(d) The federal regulations and federal statutes referenced in this subsection are hereby incorporated by reference and may be obtained by mail from the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399.

(2) The disclosure and notice requirements of Section 517.075, Florida Statutes, apply only to issuers filing initial or renewal applications for securities registration pursuant to Section 517.081 or 517.082, Florida Statutes, on or subsequent to April 10, 1992, who:

(a) Conduct business or have affiliates who conduct business in or with Cuba;

(b) Commence doing business in or with Cuba after the issuer's securities become effective with the Office of Financial Regulation; or

(c) Are required by Florida Law to report a material change in information previously reported regarding business conducted in or with Cuba.

(3) The Office of Financial Regulation's CUBA FORM (4/92), which is hereby incorporated by reference in subsection 69W-301.002(7), F.A.C., and available from the Office of

Financial Regulation, shall be used to notify the Office of Financial Regulation of any business or change in business as required by subsection (3) of Section 517.075, Florida Statutes.

(a) When required by Section 517.075, Florida Statutes, such form shall be filed with the Office of Financial Regulation.

(b) The obligation to provide updated information required by subsection 517.075(3), Florida Statutes, shall terminate when the distribution of the securities has been completed.

Rulemaking Specific Authority 517.075 FS. Law Implemented 517.075 FS. History—New 8-17-92, Formerly 3E-900.001, Amended.

DEPARTMENT OF FINANCIAL SERVICES Securities

RULE NO.: 69W-1000.001
RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: During the regular 2009 legislative session, the Florida Legislature passed House Bill 483, relating to investor protection. The bill was signed into law on June 29, 2009, and took effect on July 1, 2009. A key provision of the new law is a requirement that the Financial Services Commission adopt disciplinary guidelines for each ground for which disciplinary action may be imposed by the Office of Financial Regulation against individuals and firms that are subject to regulation under Chapter 517, Florida Statutes, the Florida Securities and Investor Protection Act. The rule implements this statutory requirement.

SUBJECT AREA TO BE ADDRESSED: Securities Regulation.

RULEMAKING AUTHORITY: 517.1611(1) FS.

LAW IMPLEMENTED: 517.1611(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 IS: Bill Reilly, Chief, Bureau of Securities Regulation, Division of Securities, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, FL 32399, phone (850)410-9805, E-mail: Bill.Reilly@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69W-1000.001 Disciplinary Guidelines.

(1) Pursuant to Section 517.1611, F.S., disciplinary guidelines applicable to each ground for which disciplinary action may be imposed by the Office against an individual or a firm under Chapter 517, F.S., have been adopted. The disciplinary guidelines are contained in "Office of Financial

Regulation, Division of Securities, Disciplinary Guidelines for Dealers, Investment Advisers and Associated Persons” (December 2009), which is hereby incorporated by reference. A copy of the disciplinary guidelines may be obtained by mail from the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399, or may be obtained electronically through the following website: <http://www/flofr.com>. The disciplinary grounds listed in the disciplinary guidelines include all rules adopted under the rulemaking authority of Chapter 517, F.S., including incorporations by reference. In determining an appropriate sanction within the range of penalties prescribed in this rule, the Office shall consider the circumstances set forth in subsection (5). In addition to the provisions of this rule, the Office may, when appropriate, seek civil remedies including the entry of an injunction, the appointment of a receiver by a court of competent jurisdiction, or any other remedy authorized by law.

(2) The level of sanction imposed for violations are reflected in the penalty matrix. The Office may impose a higher range of administrative fine, suspension, revocation or denial of registration, increased supervision and restrictions of an associated person's activities, barring of individuals or firms or any combination of these sanctions based on aggravating circumstances.

(3) In accordance with the disciplinary guidelines contained in this rule:

(a) The Office may impose a cease and desist order in conjunction with and in addition to any of the designated sanctions set forth in this rule when appropriate under the circumstances; and

(b) The Office has determined that repeated violations of its regulatory provisions should be punished more severely than a first or single violation. In most instances of repeated violations of the Office's regulatory provisions, the disciplinary guidelines allow for increasingly severe sanctions. The effect of repeated violation of the same or different provisions of the Office's regulations or aggravating and mitigating circumstances of the actions of the firm or of individuals may result in overlapping severity of sanctions for violations.

(4) The list of violations is intended to be comprehensive, but the omission of a violation from the list does not preclude the Office from taking any action authorized by Chapter 517, F.S.

(5) In accordance with Sections 517.1611(1)(a) and (b), F.S., the Office will consider the following circumstances in determining the appropriate sanction within the range of sanctions prescribed in this rule for each violation. The Office shall also consider these circumstances in determining a penalty that deviates from the range of penalties prescribed for each violation as a result of such circumstances:

(a) The individual's or firm's disciplinary history;

(b) Whether the individual or firm self-reported the conduct to regulatory authorities prior to examination or discovery by regulatory authorities;

(c) Whether the firm implemented corrective measures, prior to examination or discovery by regulatory authorities, to revise procedures to avoid recurrence of misconduct;

(d) Whether the individual or firm, prior to the entry of a Final Order, voluntarily made restitution or otherwise remedied the misconduct;

(e) Whether, at the time of the violation, the firm had controls and procedures that were implemented and reasonably designed to prevent or detect such a violation;

(f) Whether, at the time of the violation, the firm developed and implemented adequate training and educational initiatives;

(g) Whether the individual or firm demonstrated reasonable reliance on competent legal advice;

(h) Whether the individual or firm engaged in numerous acts to facilitate the violation or whether multiple clients were impacted by the acts or both;

(i) Whether the individual or firm engaged in the misconduct over an extended period of time;

(j) Whether the individual or firm attempted to conceal his or her misconduct or to lull into inactivity, mislead, deceive or intimidate a customer, regulatory authorities or, in the case of an individual respondent, the firm with which he or she is or was associated;

(k) With respect to other parties, including the investing public, the firm with which an individual respondent is associated or other market participants:

1. Whether the individual's or firm's misconduct resulted directly or indirectly in injury to such other parties, and

2. The nature and extent of the injury;

(l) Whether the individual or firm provided substantial assistance to the Office in its examination or investigation of the underlying misconduct, or whether the respondent attempted to impede or delay Office's examination or investigation, to conceal or withhold information from the Office, or to provide incomplete, inaccurate or misleading testimony or documentary information to the Office;

(m) Whether the individual's or firm's misconduct was the result of an intentional act, recklessness or negligence;

(n) Whether the firm with which an individual is or was associated disciplined the individual for the misconduct at issue prior to discovery by regulatory authorities and the extent of the discipline imposed by the firm;

(o) Whether the individual or firm engaged in the misconduct at issue, notwithstanding prior direct notice from the Office, another regulatory authority or the firm's staff, that the conduct may or will violate the provisions of Chapter 517, F.S.;

(p) Whether the individual or firm can demonstrate that the misconduct at issue was not reflective of their historical compliance record;

(q) Whether the individual's or firm's misconduct resulted in actual or potential financial or other gain or the value of such gain.

(r) The number, size and character of the transactions at issue;

(s) The age, financial status, and level of investment sophistication of the investor;

(t) Whether the violation is attributable to a principal, manager, supervisor or person exercising a similar function;

(u) The financial resources of the firm, nature of the firm's business, the number of individuals registered with the firm, the level of trading activity of the firm, other entities the firm controls, is controlled by, or is under common control with;

(v) Whether the violation of Chapter 517, F.S., is the result of an individual acting alone or the result of two or more persons acting in furtherance of an agreement, scheme or plan; and

(w) Other relevant, case-specific circumstances.

(6) The fines imposed by the rule are \$1,000 for a level "A" fine, \$5,000 for a level "B" fine, \$7,500 for a level "C" fine and level \$10,000 for a level "D" fine.

(7) The ranges for suspensions imposed by this rule are 5 to 15 days for an "A" level suspension; 16 to 30 days for a "B" level suspension; and, over 30 days for a "C" level suspension. A business day is defined as a day the major stock exchanges are open. Suspensions of 30 or fewer days are measured in business days while a suspension of 31 or more days is measured in calendar days.

Rulemaking Authority 517.1611(1) FS. Law Implemented 517.1611(1) FS. History--New _____.

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Library and Information Services

RULE NO.: 1B-2.011
 RULE TITLE: Library Grant Programs

PURPOSE AND EFFECT: The purpose of this amendment is to modify the guidelines for the Library Services and Technology Act Grant program. These revisions will update the grant program to implement Section 257.12(3), Florida Statutes regarding the adoption of an Internet safety education program by public libraries.

SUMMARY: The revisions to the Library Services and Technology Act Grant Guidelines and Application packet will bring the application guidelines document in line with Florida

Statute 257.12(3) regarding the adoption of an Internet safety education program by public libraries, and will update the grant forms, guidelines, and application packet.

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: 257.14, 257.15, 257.25 FS.

LAW IMPLEMENTED: 257.12, 257.14, 257.15, 257.25 FS.

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

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

PLACE: Gallery for Innovation and the Arts, R. A. Gray Building, 500 South Bronough Street, 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 3 days before the workshop/meeting by contacting: Dorothy Frank by mail at R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399, or by e-mail at dafrank@dos.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or (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 PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Marian Deeney by mail at R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399, or by e-mail at mdeeney@dos.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

1B-2.011 Library Grant Programs.

(1) This rule provides procedures for library grant programs administered by the Division of Library and Information Services (Division). Each program shall be governed by guidelines which contain information on eligibility requirements, application review procedures, evaluation and funding criteria, grant administration procedures, if applicable, and application forms. All grant awards shall be subject to final approval by the Secretary of State.

(2) Applicants for grants shall meet the eligibility and application requirements as set forth in the following guidelines for each grant program:

(a) The State Aid to Libraries Grant Guidelines and Application, effective 4-1-98, amended 11-20-01, amended 12-28-03, amended 2-21-07, amended _____, which contain guidelines and application forms, State Aid to Libraries Grant Application (Form DLIS/SA01), effective 4-1-98, amended 12-28-03, amended _____; State Aid to Libraries Grant Application – Multicounty Library (Form DLIS/SA02), effective 4-1-98, amended 12-28-03, amended _____; Grant Agreement, effective 12-28-03, amended _____; Certification of Credentials – Single Library Administrative Head (Form DLIS/SA03), effective 4-1-98, amended 12-28-03, amended _____; State Aid to Libraries Grant Application – Summary Financial Report (Form DLIS/SA04), effective 4-1-98, amended 12-28-03, amended _____; State Aid to Libraries Required Documents Checklist (Form DLIS/SA05), effective _____.

(b) The Library Construction Grant Guidelines and Application, effective 4-1-98, amended 2-14-99, amended 1-9-03, amended 2-21-07, which contain instructions, grant application (Form DLIS/PLC01), effective 4-1-98, amended 2-14-99, amended 4-4-00, amended 12-18-00, amended 1-9-03; Payment Request #1 (Form DLIS/PLC02) effective 1-9-03; Payment Request #2 (Form DLIS/PLC03) effective 1-9-03; Payment Request #3 (Form DLIS/PLC04) effective 1-9-03; Payment Request #4 (Form DLIS/PLC05) effective 1-9-03; and Closeout Report (Form DLIS/PLC06) effective 1-9-03.

(c) The Library Cooperative Grant Guidelines and Application, effective 4-1-98, amended 1-24-2008 which contain instructions and application (Form DLIS/LCG01), effective 4-1-98, amended 4-4-00, amended 1-24-2008; Mid-Year Report (Form DLIS/LCG02) effective 1-24-08, Annual Report Form (Form DLIS/LCG03) effective 1-24-08, Annual Statistical Report Form for Multitype Library Cooperatives (Form DLIS/LCG04), effective 4-1-98, amended 4-4-00, amended 1-24-2008, Grant Agreement (Form DLIS/LCG05), effective 1-24-08 and the FLIN Manual, effective 1-24-08.

(d) The Library Services and Technology Act Grant Guidelines and Application, effective 4-1-98, amended 2-14-99, amended 11-20-01, amended _____, which contain instructions and application (Form DLIS/LSTA01), effective 4-1-98, amended 2-14-99, amended 4-4-00, amended 12-18-00, amended 11-20-01; Mid-Year Report (Form DLIS/LSTA02), effective 2-14-99, amended 4-4-00, amended 12-18-00, amended 11-20-01; ~~and~~ Annual Report (Form DLIS/LSTA03), effective 4-4-00, amended 12-18-00, amended 11-20-01; and Grant Agreement, effective _____.

(e) The Florida Library Literacy Grants Guidelines and Application, effective 4-4-00, amended 11-20-01 which contain instructions and application (Form DLIS/FLL01), effective 4-4-00, amended 11-20-01; Mid-Year Report (Form

DLIS/FLL02), effective 4-4-00, amended 11-20-01; and Annual Report (Form DLIS/FLL03), effective 4-4-00, amended 11-20-01.

(f) The Community and Library Technology Access Partnership Grants Guidelines and Application which contain instructions and application (Form DLIS/CLTA01), effective 12-18-00; and Annual Report (Form DLIS/CLTA02), effective 12-18-00.

(g) The Community Libraries in Caring Program Application, effective 11-16-04, which contains instructions and application (Form DLIS/CLIC01), effective 11-16-04; Annual Report (Form DLIS/CLIC02), effective 11-16-04; and Grant Agreement (Form DLIS/CLIC03), effective 11-16-04, revised 2-21-06, amended 2-21-07.

(3) Guidelines and forms in this rule are incorporated by reference and may be obtained from the Director of the Division, Florida Department of State, Division of Library and Information Services, R. A. Gray Building, 500 South Bronough, Tallahassee, Florida 32399-0250.

(4) The Division of Library and Information Services will waive the financial matching requirements on grants for rural communities that have been designated in accordance with Sections 288.0656 and 288.06561, F.S. Eligible communities applying for Library Services and Technology Act grants, Florida Library Literacy Grants, and Library Construction grants must request waiver of matching requirements at the time of grant application.

(5) This section supersedes Chapters 1B-3 and 1B-5, F.A.C.

Rulemaking Specific Authority 257.14, 257.191, 257.192, 257.24, 257.41(2) FS. Law Implemented 257.12, 257.15, 257.16, 257.17, 257.171, 257.172, 257.18, 257.191, 257.192, 257.195, 257.21, 257.22, 257.23, 257.24, 257.25, 257.40, 257.41, 257.42 FS. History– New 1-25-93, Amended 7-17-96, 4-1-98, 2-14-99, 4-4-00, 12-18-00, 11-20-01, 3-20-02, 1-9-03, 12-28-03, 11-16-04, 2-21-06, 2-21-07, 1-24-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dorothy Frank

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Judith A. Ring

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 9, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 23, 2009

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.:	RULE TITLE:
5E-1.023	Procedures for Landowners and Leaseholders to Submit a Notice of Intent to Implement Nitrogen Best Management Practices (BMPs)

PURPOSE AND EFFECT: The purpose and effect is to delete portions of the rule referring to container nursery interim measures, which are no longer necessary since a statewide rule (Rule 5M-6.001 et. seq., F.A.C.) has been adopted for container nursery growers.

SUMMARY: The Office of Agricultural water Policy (OAWP) requested that portions of this rule referring to container nursery interim measures be deleted since they are no longer necessary in light of the a statewide rule (Rule 5M-6.001 et. seq., F.A.C.) that has been adopted for container nursery growers.

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: 570.07(23), 403.067(7)(c)2., 576.045(6) FS.

LAW IMPLEMENTED: 403.067, 576.045 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: Mr. Bruce Nicely, Chief of Bureau of Compliance Monitoring; 3125 Conner Boulevard, Building 8, Tallahassee, Florida 32399, (850)487-8731

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-1.023 Procedures for Landowners and Leaseholders to Submit a Notice of Intent to Implement Nitrogen Best Management Practices (BMPs).

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

(b) Citrus. The document titled Nitrogen Best Management Practices (BMPs) for Florida Ridge Citrus dated 7-23-2002, and the associated recordkeeping requirements dated 7-23-2002 are hereby adopted and incorporated by reference into this rule. Copies may be obtained from the Department of Agriculture and Consumer Services, Office of Agricultural Water Policy, 1203 Governors Square Blvd., Suite 200, Tallahassee, FL 32301. ~~“Ridge Citrus” Growers currently enrolled in the Nitrogen Interim Measure for Florida Citrus must submit a Notice of Intent to Implement the Best Management Practices for Florida Ridge Citrus by January 1, 2003, to maintain eligibility for the “waiver of liability” from the recovery of costs or damages associated with nitrate contamination of groundwater, Section 576.045(4), F.S., and the “presumption of compliance” with state nitrate groundwater quality standards, Section 576.045(5), F.S.~~

~~Effective January 1, 2003, the document titled Nitrogen Interim Measure for Florida Citrus under paragraph (5)(a) of this rule will be repealed for Ridge Citrus.~~

(5) Approved Nitrogen Interim Measures.

~~(a) Citrus. The Approved Nitrogen Interim Measure for Florida Citrus, dated 12-01-95, and the associated recordkeeping requirements dated 12-01-95 are hereby adopted and incorporated by reference into this rule. Copies may be obtained from the Department. Effective January 1, 2003, the document titled Nitrogen Interim Measure for Florida Citrus, under paragraph (5)(a) of this rule will be repealed for “Ridge Citrus”.~~

~~(a)(b) Bahiagrass and Bermuda Grass. The approved “Nitrogen Interim Measure for Bahiagrass and Bermuda Grass” dated 10-31-2000, and the associated recordkeeping requirements dated 10-31-2000 are hereby adopted and incorporated by reference into this rule. Copies may be obtained from the Department of Agriculture and Consumer Services, Office of Agricultural Water Policy, 1203 Governors Square Blvd., Suite 200, Tallahassee, FL 32301.~~

~~(e) Container Grown Plants. The document titled “Interim Measure for Florida Producers of Container Grown Plants”, dated 11-4-02 is hereby adopted and incorporated by reference into this rule. Copies may be obtained from the Department of Agriculture and Consumer Services, Office of Agricultural Water Policy, 1203 Governors Square Blvd., Suite 200, Tallahassee, FL 32301.~~

~~(b)(d) Urban turf or lawns – The document titled “Best Management Practices for Protection of Water Resources in Florida, June 2002, Florida Green Industries” published by the Florida Department of Environmental Protection is hereby adopted and incorporated by reference.~~

Rulemaking Specific Authority 403.067(7)(c)2., 576.045(6) FS. Law Implemented 403.067, 576.045 FS. History–New 10-16-96, Amended 5-1-01, 10-17-02, 2-4-03, 11-21-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Anderson H. Rackley, Director of Agricultural Environmental Services

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 2009

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:

6A-1.0956

RULE TITLE:

Suspension on the Basis of Felony Charges

PURPOSE AND EFFECT: The purpose of this rule amendment is to include legal guardians in hearings relating to student suspensions, to provide a deadline for decisions following the suspension hearing, and to update statutory references.

SUMMARY: This amendment updates the statutory references, provides language for the inclusion of guardians of students in addition to the student's parent at the administrative hearing relating to suspension and provides a deadline for decisions following the suspension hearing.

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: 1001.02(1), 1006.09(2) FS.

LAW IMPLEMENTED: 1006.09(2) FS.

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

DATE AND TIME: January 19, 2010, 9:30 a.m.

PLACE: Tampa Airport Marriott, 4200 George J. Bean Parkway, Pinellas Meeting Room, Tampa, Florida 33607

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Brooks Rumenik, Director, Office of Safe Schools, Department of Education, 325 West Gaines St., Suite 554, Tallahassee, FL 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.0956 Suspension on the Basis of Felony Charges.

When a student is formally charged with a felony by a proper prosecuting attorney for an incident which allegedly occurred on property other than public school property, but which incident is shown to have an adverse impact on the educational program, discipline, or welfare in the school in which the student is enrolled, the principal shall, in accordance with Section 1006.09 ~~232.26~~(2), Florida Statutes, conduct an administrative hearing for the purpose of determining whether or not the student should be suspended pending court determination of his or her guilt or innocence, or the dismissal of the charge, is made by a court of competent jurisdiction. The following procedures shall be followed by the principal in instituting and conducting the administrative hearing; provided, however, that a school board may, upon written approval of the Commissioner, utilize its own hearing policy in lieu of this rule.

(1) Upon receiving proper notice that a student has been formally charged with a felony, the principal shall immediately notify the parent or guardian of the student, in writing, of the

specific charges against the student and of the right to a hearing prior to disciplinary action being instituted under the provisions of Section 1006.09 ~~232.26~~(2), Florida Statutes.

(2) Such notice shall stipulate a date for hearing which shall be not less than two (2) school days nor more than five (5) school days from postmarked date, or delivery, of the notice and shall also advise the parent of the conditions under which a waiver of suspension may be granted, as prescribed in subsections (2) and (3) of Section 1006.09(2) ~~232.26~~, Florida Statutes. Pending such hearing, the student may be temporarily suspended by the principal.

(3) The hearing shall be conducted by the principal, or designee, and may be attended by the student, the parent or guardian, the student's representative or counsel, and any witnesses requested by the student, the parent or guardian, or the principal.

(4) The student may speak in his or her own defense, may present any evidence indicating his or her eligibility for waiver of disciplinary action, and may be questioned on his or her testimony. However, the student shall not be threatened with punishment or later punished for refusal to testify.

(5) In conducting the hearing, the principal or designee shall not be bound by rules of evidence or any other courtroom procedure, and no transcript of testimony shall be required.

(6) Following the hearing, the principal, within five (5) school days, shall provide the student and parent or guardian with a decision, in writing, as to whether or not suspension will be made. In arriving at this decision, the principal shall consider the conditions prescribed by subsections (2) and (3) of Section 1006.09(2) ~~232.26~~, Florida Statutes, under which a waiver of suspension may be granted, and may grant such a waiver when he or she determines such action to be in the best interests of the school and the student. Provided, however, that any suspension pending adjudication of guilt shall be made only upon a finding, based upon conclusive evidence, that a felony charge has been formally filed against the student by a proper prosecuting attorney. The principal shall have authority to modify the decision to either grant or deny a waiver, at any time prior to adjudication of the student's guilt by a court, provided that any such modification adverse to the student shall be made only following a hearing conducted in accordance with this rule.

Rulemaking Specific Authority 1001.02, 1006.09(2) ~~120.57(1)(a)6-, 229.053(1), 232.26(2)~~ FS. Law Implemented 1006.09(2) ~~232.26(2)~~ FS. History—New 2-18-74, Repromulgated 12-5-74, Amended 9-6-78, Formerly 6A-1.956, Amended 8-30-88,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Frances Haithcock, Chancellor, Division of Public Schools
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric J. Smith, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 8, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 18, 2009

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09514
 RULE TITLE: Excused Absences for Religious Instruction or Holiday

PURPOSE AND EFFECT: The purpose of this amendment is to revise the rule to apply to all public school students and not just grades 9-12. The effect is a rule that is aligned with Florida Statutes.

SUMMARY: The rule is amended to apply to all public school students and not just grades 9-12.

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: 1001.02(1), 1001.64, 1003.21(2)(b) FS.

LAW IMPLEMENTED: 1003.21(2)(b) FS.

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

DATE AND TIME: January 19, 2010, 9:30 a.m.

PLACE: Tampa Airport Marriott, 4200 George J. Bean Parkway, Pinellas Meeting Room, Tampa, Florida 33607

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Todd Clark, Bureau Chief, Bureau of Curriculum and Instruction, Department of Education, 325 West Gaines St., Suite 434, Tallahassee, FL 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09514 Excused Absences for Religious Instruction or Holiday.

(1) Release time during the school day to participate in religious instruction. Each school district which chooses to permit release time during the school day for students to participate in religious instruction shall adopt rules to implement Section 1003.21(2)(b), Florida Statutes, ~~for students in grades 9 through 12.~~ The school district's rules shall include, but are not limited to, the following:

- (a) through (4) No change.

Rulemaking Specific Authority 1001.02(1), 1003.21(2)(b), 1001.64 FS. Law Implemented 1003.21, 1003.436, 1006.33 FS. History--New 10-17-89, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Frances Haithcock, Chancellor, Division of Public Schools
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric J. Smith, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 8, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: 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 MANAGEMENT SERVICES

Division of Building Construction

RULE NOS.:	RULE TITLES:
60D-4.001	Purpose
60D-4.002	Definitions
60D-4.003	Conformance
60D-4.004	Criteria for Alternative Designs.
60D-4.005	Computer-Based Simulation Program Requirements
60D-4.006	Life-Cycle Cost Analysis Requirements
60D-4.007	Energy Performance Analysis for Leases
60D-4.008	Standards Adopted

PURPOSE AND EFFECT: Amends the current Rule to comply with Sections 255.251, 255.252, 255.253, 255.254, 255.255 and 255.256, Florida Statutes (The Florida Energy Conservation and Sustainable Buildings Act of 2008). The effect of the proposed Rule will be uniform agency procedures regarding the selection of energy-consuming equipment and architectural components for new state-financed facilities and existing state-owned facilities.

SUMMARY: The proposed amendment is a substantial revision to the existing Rule. The proposed amendment includes energy performance standards based on sustainable building ratings, requirements for the evaluation of alternative architectural and engineering designs, and procedures for conducting a life-cycle cost analysis of the required alternative designs. The proposed Rule also incorporates a new program titled the "Florida Life-Cycle Cost Analysis Program" that documents compliance with the proposed Rule when a life-cycle cost analysis is required. The Division of Real Estate Development and Management has consulted with the Florida Small Business Regulatory Advisory Council and has determined that this amendment has no negative impact on small businesses as defined by Section 288.703, F.S., nor on

small counties or small cities as defined by Section 120.52, F.S., since the added engineering design costs will be assumed by state agencies.

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

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

RULEMAKING AUTHORITY: 255.255(1), 255.256 FS.

LAW IMPLEMENTED: 255.253, 255.254, 255.255, 255.256 FS.

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

DATE AND TIME: Monday, February 1, 2010, 9:00 a.m. – 1:00 p.m.

PLACE: Division of Real Estate Development and Management, 4050 Esplanade Way, Room 101, Tallahassee, Florida 32399-0950

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Mr. Darren Fancher at darren.fancher@dms.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mr. Darren Fancher, PE, Mechanical Engineer, Division of Real Estate Development and Management, 4050 Esplanade Way, Suite 335, Tallahassee, FL 32399-0950, phone (850)414-6747 or email darren.fancher@dms.myflorida.com

THE FULL TEXT OF THE PROPOSED RULES IS:

(Substantial rewording of Rule 60D-4.001 follows. See Florida Administrative Code for present text.)

60D-4.001 Purpose.

To comply with the requirements of Sections 255.251, 255.252, 255.253, 255.254, 255.255 and 255.256, Florida Statutes (The Florida Energy Conservation and Sustainable Buildings Act of 2008), the following Rules are promulgated by the Department of Management Services and shall apply to the design and construction of state-financed facilities, to the renovation of state-owned facilities, and to leased facilities larger than 5,000 square feet. These Rules are promulgated to minimize the utilization of non-renewable energy, reduce greenhouse gasses, and improve sustainability by state agencies.

Rulemaking Specific Authority 255.255 FS. Law Implemented 255.255 FS. History–New 5-26-76, Amended

(Substantial rewording of Rule 60D-4.002 follows. See Florida Administrative Code for present text.)

60D-4.002 Definitions.

(1) “Additions” – mean any facility related project that increases a building’s footprint and the conditioned square footage of a building.

(2) “Alternative design” – refers to a potential architectural or engineering design for a new construction, addition, or renovation project, that is unique from all other building designs under consideration in at least one of the following areas:

(a) Thermal characteristics of building envelope materials.

(b) Amount of exterior glass.

(c) Thermal characteristics of exterior glass.

(d) Type of energy-consuming system.

(e) Type of energy-consuming equipment.

(f) Type of component within energy-consuming equipment.

(g) Type of control scheme for equipment or systems.

(h) Equipment energy efficiency rating.

(i) Interior lighting system power density (watts per square foot).

(3) “Annual Supplement to NIST 135” – refers to the Energy Price Indices and Discount Factors for Life-Cycle Cost Analysis-2009, Annual Supplement to NIST 135 and NBS Special publication 709, National Institute of Standards and Technology, NISTIR 85-3273. This document has been incorporated by reference in Rule 60D-4.008, F.A.C.

(4) “DOE” – refers to U.S. Department of Energy.

(5) “Energy-consuming equipment” – any mechanical or electrical equipment that consumes electricity or fuel and is used in heating, ventilation, air-conditioning, lighting, hot water heating, and power distribution systems.

(6) “Energy Star” – refers to the joint energy efficiency program between the U.S. Environmental Protection Agency and the U.S. Department of Energy.

(7) “HVAC” – refers to heating, ventilation, and air-conditioning.

(8) “kBtu” – refers to one-thousand British thermal units.

(9) “Life-cycle cost analysis” – a comparative analysis of the total life-cycle costs ranked from lowest to highest for the associated alternative designs.

(10) “NIST” – refers to the National Institute of Standards and Technology.

(11) “Renovation” – means an existing building undergoing an alteration that varies or changes HVAC systems, lighting systems, water-heating systems, insulation, or exterior building envelope conditions.

(12) “Service water heater” – refers to a water heater used for domestic or commercial purposes other than HVAC space heating or manufacturing processes.

(13) “Sustainable building rating” – refers to one of the following sustainable rating systems required in Section 255.257(4), Florida Statutes:

(a) The United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system.

(b) The Green Building Initiative’s Green Globes rating system.

(c) The Florida Green Building Coalition rating system.

Rulemaking Specific Authority 255.255 FS. Law Implemented 255.253 FS. History–New 5-26-76, Amended _____.

(Substantial rewording of Rule 60D-4.003 follows. See Florida Administrative Code for present text.)

60D-4.003 Conformance.

(1) The selection of energy-consuming equipment and architectural components for all new facilities constructed for the use of a state agency and renovations to existing state-owned facilities shall be based on the life-cycle costs of alternative designs developed in accordance with Rule 60D-4.004, F.A.C.

(2) Leases: An energy performance analysis shall be performed in accordance with Rule 60D-4.007, F.A.C., for facilities under consideration to be leased by a state agency.

Rulemaking Specific Authority 255.255, 255.256 FS. Law Implemented 255.254, 255.255 FS. History–New 5-26-76, Amended _____.

(Substantial rewording of Rule 60D-4.004 follows. See Florida Administrative Code for present text.)

60D-4.004 Criteria for Alternative Designs Analysis.

(1) New construction and additions:

(a) This Rule applies to all of the following:

1. New facilities constructed for the use of a state agency.

2. Additions to existing state-owned facilities.

3. Renovations to existing state-owned facilities shall be allowed to comply with subsection 60D-4.004(1), F.A.C., when the agency determines that the scope of the proposed renovation addresses enough energy-consuming equipment and architectural elements to comply with the whole-building energy performance requirements as described in this Rule. Otherwise, subsection 60D-4.004(2), 60D-4.004(3), or 60D-4.004(4), F.A.C., shall apply.

(b) Alternative designs:

1. At least three alternative designs shall be developed for the agency’s consideration.

2. Each alternative design shall be modeled with a computer-based simulation program to simulate total energy usage for the entire building or addition.

3. Each alternative design shall be modeled with the same computer-based simulation program.

4. The computer-based simulation program shall comply with Rule 60D-4.005, F.A.C.

5. The computer-based simulation shall include HVAC heat load calculations and equipment sizing. The HVAC heat load calculations shall include all internal building heat loads.

6. Specific energy performance requirements:

a. Maximum allowable energy consumption: The maximum allowable annual energy consumption for alternative designs shall be based on the minimum energy performance requirement of the sustainable building rating adopted by the agency in accordance with Section 255.257(4)(a), Florida Statutes.

b. For new construction and additions:

(1) The first alternative design shall demonstrate equal or less energy consumption than the maximum allowable energy consumption described in paragraph (a) of this section.

(2) The second alternative design shall demonstrate a percentage reduction in energy consumption of 10 percent, or more, when compared to the maximum allowable energy consumption as described in paragraph (a) of this section.

(3) The third alternative design shall demonstrate a percentage reduction in energy consumption of 20 percent, or more, when compared to the maximum allowable energy consumption as described in paragraph (a) of this section.

(4) Additional alternative designs, if developed, shall demonstrate equal or less energy consumption than the maximum allowable energy consumption described in paragraph (a) of this section.

c. For renovations pursuant to paragraph 60D-4.004(1)(a), (3), F.A.C.:

(1) Two alternative designs shall demonstrate equal or less energy consumption than the maximum allowable energy consumption described in paragraph (a) of this section.

(2) The third alternative design shall demonstrate a percentage reduction in energy consumption of 10 percent, or more, when compared to the maximum allowable energy consumption as described in paragraph (a) of this section.

(3) Additional alternative designs, if developed, shall demonstrate equal or less energy consumption than the maximum allowable energy consumption described in paragraph (a) of this section.

d. The percentage reduction (PR) shall be calculated as follows:

$$PR = 100 \times (\text{required consumption} - \text{proposed consumption}) / \text{required consumption}$$

(c) Selection of preferred design:

1. The selection of the preferred alternative design shall be made by the agency only after a life-cycle cost analysis is performed in compliance with Rule 60D-4.006, F.A.C.

2. For new facilities and additions, construction shall proceed only after the life-cycle cost analysis has been evaluated by the department for technical correctness and completeness, pursuant to Section 255.254(1), Florida Statutes.

(d) Preparation requirements: The preparation of alternative designs and the computer-based energy simulation described in subsection 60D-4.004(1), F.A.C., shall be performed by an architect or engineer licensed in Florida.

(2) Major equipment-related projects:

(a) This Rule applies to renovations in existing state-owned facilities whenever any one of the following items of energy-consuming equipment is installed new or replaced:

1. Chillers with a total cooling capacity of 25 tons (300,000 BTUH) or greater.

2. Boilers with a total input heating capacity of 300,000 BTUH (88 kW) or greater.

3. Unitary HVAC equipment (single and multiple units) within a single building where the total cooling or heating capacity being installed in the project is 25 tons (300,000 BTUH) or greater. Unitary HVAC equipment as defined here shall include:

a. Self-contained air-conditioners and heat pumps.

b. complete split system air-conditioners and heat pumps, which shall be defined here as the both the condenser and evaporator sections of the system.

c. Fuel-burning furnaces.

d. Electric heaters.

4. Service water heaters (single and multiple units) within a single building where the total input heating capacity being installed in the project is 300,000 BTUH (88 kW) or greater.

5. Lighting fixtures within a single building where the total lighting capacity being installed in the project is 30 kW or greater.

(b) This Rule excludes “guaranteed energy, water, and wastewater performance savings projects” as defined in Section 489.145, Florida Statutes.

(c) Exception: New and replacement energy-consuming equipment intended to serve as back-up equipment that only operates if primary equipment fails may be omitted from the computer-based simulation and life-cycle cost analysis requirements of this Rule at the agency’s discretion. Such back-up equipment shall be considered to have a negligible impact to the agency’s overall energy consumption due to infrequent operation. However, the computer-based simulation and life-cycle cost analysis requirements of this Rule shall be applicable to all other aspects of the same renovation project per paragraph 60D-4.004(2)(a), F.A.C. This exception does not apply to supplemental equipment, which shall be defined here as energy-consuming equipment that is intended to operate regularly for the purposes of meeting peak load requirements.

(d) Alternative designs:

1. At least three alternative designs shall be developed for the agency’s consideration.

2. Each alternative design shall be modeled with a computer-based simulation program to simulate the total energy usage of all energy-consuming equipment being installed new or replaced within the project.

a. Exception: For projects where lighting fixtures, service water heaters, or a combination of both are the only energy-consuming equipment being installed new or replaced, the energy usage of the alternative designs shall be considered unrelated to the effects of weather and therefore may be developed manually without a computer-based simulation at the agency’s discretion.

3. The computer-based simulation shall include HVAC heat load calculations and equipment sizing for projects that include new or replacement HVAC equipment. The HVAC heat load calculations shall include all internal building heat loads for the areas affected by the renovation.

4. The computer-based simulation program shall comply with Rule 60D-4.005, F.A.C.

5. Specific energy performance requirements:

a. Each alternative design shall meet or exceed the minimum energy performance requirements of the sustainable building rating adopted by the agency in accordance with Section 255.257(4)(a), Florida Statutes.

b. Each alternative design shall demonstrate different energy consumption.

6. Equipment type requirements:

a. HVAC equipment:

(1) Water-cooled equipment replacements: When the existing HVAC equipment being replaced utilizes cooling towers or ground water for heat rejection purposes, at least one alternative design shall incorporate water-cooled equipment, unless there exist conditions outside of the agency’s control as listed in the exceptions below.

(a) Exceptions:

1. The existing supply or return well has failed and is not repairable.

2. The permit application for groundwater consumption has been denied by the authority having jurisdiction or will not be renewed.

3. The amount of groundwater available from the well system or permitted by the authority having jurisdiction is insufficient for proper or reliable HVAC equipment operation.

4. New water-cooled or related equipment will not fit in the available space.

5. The space available to install new water-cooled or related equipment does not comply with the clearance recommendations or requirements of the equipment manufacturer.

6. Applicable codes and ordinances that prohibit the installation of such equipment.

(2) Centrifugal chiller replacements: When the HVAC equipment being replaced includes one or more centrifugal type chillers, at least one alternative design shall incorporate one or more centrifugal type chillers, unless there exist conditions outside of the agency's control as listed in the exceptions below.

(a) Exceptions:

1. A new centrifugal type chiller will not fit in the available space.

2. The space available to install a new centrifugal type chiller or related equipment does not comply with the clearance recommendations or requirements of the equipment manufacturer.

3. Applicable codes and ordinances that prohibit the installation of such equipment.

b. Lighting equipment:

(1) For office areas:

(a) T-5 fluorescent lighting shall be included in at least one alternative design when lighting fixtures are to be installed new or replaced.

(b) Task lighting shall be included in at least one alternative design when lighting fixtures are to be installed new or replaced.

(2) Lamp and ballast replacements for existing lighting fixtures shall be considered an acceptable alternative design.

c. Service water heating equipment:

(1) Water heater replacements: When the equipment being replaced utilizes natural gas, at least one alternative design shall incorporate natural gas.

(2) Low flow plumbing fixtures shall be considered an acceptable alternative design for service water heaters.

(e) Selection of preferred design: The selection of the preferred alternative design shall be made by the agency only after a life-cycle cost analysis is performed in compliance with Rule 60D-4.006, F.A.C.

(f) Preparation requirements: The preparation of alternative designs and the computer-based energy simulation described in subsection 60D-4.004(2), F.A.C., shall be performed by an architect or engineer licensed in Florida.

(3) Minor equipment-related projects:

(a) This Rule applies to renovations in existing state-owned facilities whenever any of the following items of energy-consuming equipment are installed new or replaced:

1. Chillers with a total cooling capacity of less than 25 tons (300,000 BTUH).

2. Boilers with a total input heating capacity of less than 300,000 BTUH (90 kW).

3. Unitary HVAC equipment (single and multiple units) within a single building where the total cooling or heating capacity being installed in the project is less than 25 tons (300,000 BTUH). Unitary HVAC equipment as defined here shall include:

a. Self-contained air-conditioners and heat pumps.

b. Complete split system air-conditioners and heat pumps, which shall be defined here as both the condenser and evaporator sections of the system.

c. Fuel-burning furnaces.

d. Electric heaters.

4. Service water heaters (single and multiple units) within a single building where the total input heating capacity being installed in the project is less than 300,000 BTUH (88 kW).

5. Lighting fixtures within a single building where the total lighting capacity being installed in the project is less than 30 kW.

(b) This Rule excludes "guaranteed energy, water, and wastewater performance savings projects" as defined in Section 489.145, Florida Statutes.

(c) Exception: The agency shall be permitted to strive for higher energy performance results at its discretion by requiring compliance with subsection 60D-4.004(2), F.A.C., thereby requiring a computer-based simulation and life-cycle cost analysis.

(d) Alternative designs:

1. There is no minimum number of alternative designs required.

2. Specific energy performance requirement: Each alternative design shall meet or exceed the minimum energy performance requirements of the sustainable building rating adopted by the agency in accordance with Section 255.257(4)(a), Florida Statutes.

(4) Guaranteed energy, water, and wastewater performance savings projects:

(a) Applies to all "guaranteed energy, water, and wastewater performance savings projects" as defined in Section 489.145, Florida Statutes.

(b) A baseline energy model shall be developed with a computer-based simulation program to simulate the total existing energy usage for the building(s) included in the analysis.

(c) Alternative designs shall be developed with a computer-based simulation program to simulate total energy usage for the building(s) after the implementation of the proposed energy conservation measures.

(d) The baseline energy model and the alternative designs shall be developed with the same computer-based simulation program.

(e) The computer-based simulation program shall comply with Rule 60D-4.005, F.A.C.

(f) The computer-based simulation shall include HVAC heat load calculations and equipment sizing. The HVAC heat load calculations shall include all internal building heat loads.

(g) Alternative designs:

1. The agency shall specify the number of alternative designs. One alternative design shall be considered acceptable.

2. Specific energy performance requirement: Each alternative design shall meet or exceed the minimum energy performance requirements of the sustainable building rating adopted by the agency in accordance with Section 255.257(4)(a), Florida Statutes.

(h) Selection of preferred design:

1. The selection of the preferred design or scope of work shall be made by the agency only after an investment grade energy audit as defined in Section 489.145(3)(f), Florida Statutes is reviewed by the department in accordance with Sections 489.145(4)(c) and 489.145(6), Florida Statutes.

2. Life-cycle cost analysis:

a. The investment grade energy audit required in Section 489.145(6), Florida Statutes shall include a life-cycle cost analysis for each alternative design and the baseline energy model that complies with subsection 60D-4.004(6), F.A.C.

b. The life-cycle cost analysis for the baseline energy model shall incorporate all reasonably-expected costs based on the computer-based simulation throughout the analysis period assuming no energy conservation measures are employed.

c. The results of the life-cycle cost analysis as described in Rule 60D-4.006, F.A.C., shall not replace any part of the investment grade energy audit required in Section 489.145(6), Florida Statutes or be used as the basis of guaranteed cost savings, but shall be based on the information contained within the investment grade energy audit in accordance with Rule 60D-4.006, F.A.C. The life-cycle cost analysis as described in Rule 60D-4.006, F.A.C., shall be used by the agency and the department in conjunction with the investment grade energy audit to assist in the evaluation of the project's life-cycle costs pursuant to Sections 489.145(4)(c) and 255.255(1), Florida Statutes.

(i) Preparation requirement: The preparation of alternative designs and the computer-based energy simulation described in subsection 60D-4.004(4), F.A.C., shall be performed by the "guaranteed energy, water, and wastewater performance savings contractor" as defined in Section 489.145, Florida Statutes.

Rulemaking Specific Authority 255.255 FS. Law Implemented 255.254, 255.255 FS. History–New 5-26-76, Amended _____.

(Substantial rewording of Rule 60D-4.005 follows. See Florida Administrative Code for present text.)

60D-4.005 Computer-Based Simulation Program Requirements Input Procedures.

The computer-based simulation program required in subsections 60D-4.004(1), 60D-4.004(2), 60D-4.004(4), and 60D-4.004(7), F.A.C., shall comply with all of the following:

(1) The energy baseline and all alternative designs shall be modeled with a computer-based simulation program that is capable of modeling all of the following:

(a) 8,760 hours per year.

(b) hourly variations in occupancy, lighting power, miscellaneous equipment power, thermostat setpoints, and HVAC system operation, defined separately for each day of the week and holidays.

(c) Thermal mass effects.

(d) Ten or more thermal zones.

(e) Part-load performance curves for mechanical equipment.

(f) Capacity and efficiency correction curves for mechanical heating and cooling equipment.

(2) The computer-based simulation program shall be capable of performing design load calculations to determine all of the following:

(a) HVAC equipment capacities.

(b) HVAC air flow rates.

(c) HVAC water flow rates.

(3) The computer-based simulation program shall have the ability to do one of the following:

(a) Directly determine the energy performance for the alternative designs, or

(b) Produce hourly reports of energy usage that is suitable for the performance of the alternative designs to be determined by a separate calculation program.

(4) The following computer-based simulation programs shall be considered acceptable:

(a) DOE-2;

(b) BLAST;

(c) eQuest;

(d) EnergyPlus;

(e) Carrier HAP;

(f) Trane TRACE;

(g) Other computer-based simulation programs that demonstrate compliance with this Rule shall be considered acceptable.

(5) When the sustainable building rating adopted by the agency in accordance with Section 255.257(4)(a), Florida Statutes requires a computer-based simulation, the computer-based simulation program utilized for the analysis shall be consistent with the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system, the Green Building Initiative's Green Globes rating system, or the Florida Green Building Coalition standards.

Rulemaking Specific Authority 255.255 FS. Law Implemented 255.255 FS. History–New 5-26-76, Amended _____.

(Substantial rewording of Rule 60D-4.006 follows. See Florida Administrative Code for present text.)

60D-4.006 Life-Cycle Cost Analysis Requirements Approval Procedures.

A life-cycle cost analysis shall be performed for all new facilities constructed for the use of a state agency and for renovations to existing state-owned facilities where required in Rule 60D-4.004, F.A.C. The analysis shall compare the reasonably-expected life-cycle costs of alternative designs developed in accordance with Rule 60D-4.004, F.A.C., during the design development phase of the project. Life-cycle cost analyses shall comply with all of the following requirements:

(1) Preparation requirements:

(a) The life-cycle cost analysis shall be performed by one of the following:

1. An architect licensed in Florida.
2. An engineer licensed in Florida.
3. A “guaranteed energy, water, and wastewater performance savings contractor” as defined in Section 489.145, Florida Statutes.

(b) The life-cycle cost analysis shall be performed by the same person or firm that performed the computer-based energy simulations required in Rule 60D-4.004, F.A.C.

(2) Methodology: The life-cycle cost analysis shall determine the expected total present-value cost to own, operate, maintain, and replace the energy-consuming equipment for each alternative design throughout the analysis period as described in this Rule.

(3) Analysis period:

(a) The analysis period shall be 25 years for each alternative design under consideration in a project unless directed otherwise in this section.

(b) The analysis period for “guaranteed energy, water, and wastewater performance savings projects” as defined in Section 489.145, Florida Statutes shall be equal to the expected term of the “guaranteed energy, water, and wastewater performance savings contract”.

(4) Analysis approach: For each alternative design, the total life-cycle cost shall be determined as described here:

(a) Life-cycle ownership cost:

1. All ownership costs utilized in the analysis shall include all related material, labor, and installation costs.

2. The total ownership cost utilized in the analysis shall consist of all of the following that are to be installed new or replaced in the project:

a. Building envelope components and windows:

1. New construction and additions per subsection 60D-4.004(1), F.A.C.: The incremental cost of the energy-related modifications may be utilized in the analysis, in which case the incremental cost for the least expensive alternative design shall be zero. Otherwise, the total cost for the scope of work shall be utilized.

2. Renovations: The total cost for the scope of work shall be utilized.

b. HVAC: The total cost for the scope of work shall be utilized.

c. Lighting: The total cost for the scope of work shall be utilized.

d. Service water heating: The total cost for the scope of work shall be utilized.

e. Power distribution: The total cost for the scope of work shall be utilized.

f. Other measures: Analyses for “guaranteed energy, water, and wastewater performance savings projects” as defined in Section 489.145, Florida Statutes shall include the costs for all energy conservation measures proposed in the project.

3. For projects that are not financed by the agency, the life-cycle ownership cost utilized in the analysis shall be assumed to occur in the initial year of the analysis period and require no conversion to present value dollars.

4. For “guaranteed energy, water, and wastewater performance savings projects” as defined in Section 489.145, Florida Statutes, the total ownership cost utilized in the analysis shall be determined as follows:

a. The expected construction costs, investment grade energy audit costs, measurement and verification costs, and financing costs shall be annualized.

b. The DOE real discount rate shall be used to convert all future annual ownership costs to present value dollars. The DOE real discount rate is available in the *Annual Supplement to NIST 135*, which is incorporated by reference in Rule 60D-4.008, F.A.C.

c. Grants, rebates, and capital funding used to buy down the cost of the “guaranteed energy, water, and wastewater performance savings contract” shall not be included in the life-cycle cost analysis per Section 489.145(4)(j), Florida Statutes.

d. The life-cycle ownership cost shall be calculated as the sum of all present-value annual ownership costs that are expected to occur during the analysis period.

e. Exclusion: The analysis for the baseline energy model described in paragraph 60D-4.004(4)(g), (2), F.A.C., shall not include any life-cycle ownership costs.

(b) Life-cycle operating cost:

1. The annual energy usage utilized in the analysis shall be determined by the computer-based energy simulation requirements of Rule 60D-4.004, F.A.C.

2. The actual energy prices available from the local utility provider shall be used to convert the annual energy usage to the annual operating cost for the initial year.

3. The DOE energy price escalation forecasts, not including the effects of general price inflation, shall be used to predict future annual energy costs. These forecasts are available in the *Annual Supplement to NIST 135*, which is incorporated by reference in Rule 60D-4.008, F.A.C.

4. All water costs associated with the alternative design shall be incorporated into the life-cycle operating cost.

5. The price escalation factor utilized for water costs shall be derived from historical water costs for the building(s).

6. The effects of general price inflation shall be excluded from the analysis.

7. The DOE real discount rate shall be used to convert all future annual operating costs to present value dollars. The DOE real discount rate is available in the *Annual Supplement to NIST 135*, which is incorporated by reference in Rule 60D-4.008, F.A.C.

8. The life-cycle operating cost shall be calculated as the sum of all present-value annual operating costs that are expected to occur during the analysis period.

(c) Life-cycle maintenance cost:

1. The expected annual maintenance costs utilized in the analysis shall be derived for all new energy-consuming equipment based on estimates or direct quotes from the equipment manufacturer or vendors that represent the equipment manufacturer. For existing energy-consuming equipment, the annual maintenance costs utilized in the analysis shall be based on actual maintenance costs.

2. The scope of maintenance services utilized to develop the expected annual maintenance costs for new energy-consuming equipment shall:

a. Be based on the equipment manufacturer's recommendations, and

b. Include regularly scheduled maintenance items such as planned overhauls, but not attempt to include coincidental repairs.

3. The DOE real discount rate shall be used to convert all future annual maintenance costs to present value dollars. The DOE real discount rate is available in the *Annual Supplement to NIST 135*, which is incorporated by reference in Rule 60D-4.008, F.A.C.

4. The effects of general price inflation shall be excluded from the analysis.

5. The life-cycle maintenance cost shall be calculated as the sum of all present-value annual maintenance costs that are expected to occur during the analysis period.

(d) Life-cycle replacement cost:

1. The analysis shall include the replacement cost for new energy-consuming equipment that has an expected service life that is shorter than the analysis period.

2. Expected service life:

a. The expected service life utilized in the analysis for energy-consuming equipment shall be based on the *2007 ASHRAE Handbook – HVAC Applications (Chapter 36, Table 4)*, which is incorporated by reference in Rule 60D-4.008, F.A.C., but may be modified to account for the following circumstances:

(1) The agency's experience with similar equipment

(2) Harsh environments such as coastal, marine, industrial, and urban areas that can effectively shorten equipment service life

b. For equipment not included in the *2007 ASHRAE Handbook – HVAC Applications (Chapter 36, Table 4)* per paragraph (a) of this section, the expected service shall be estimated based on one or both of the following criteria:

(1) The equipment manufacturer's recommendation

(2) The judgement of a licensed architect, engineer, or contractor

3. Replacement costs shall be derived from the initial ownership costs.

4. The DOE real discount rate shall be used to convert all future replacement costs to present value dollars. The DOE real discount rate is available in the *Annual Supplement to NIST 135*, which is incorporated by reference in Rule 60D-4.008, F.A.C.

5. The effects of general price inflation shall be excluded from the analysis.

6. The life-cycle replacement cost shall be calculated as the sum of all present-value replacement costs that are expected to occur during the analysis period.

(e) Residual value:

1. The analysis shall include residual value for energy-consuming equipment that is expected to be replaced during the analysis period and therefore has an expected service life that extends beyond the analysis period.

2. The residual value shall be derived by linearly prorating the replacement cost based on the ratio of remaining service life to total expected service life, assuming a salvage value of zero.

3. The DOE real discount rate shall be used to convert all residual values to present value dollars. The DOE real discount rate is available in the *Annual Supplement to NIST 135*, which is incorporated by reference in Rule 60D-4.008, F.A.C.

4. The effects of general price inflation shall be excluded from the analysis.

(f) Total life-cycle cost: The total life-cycle cost shall be calculated as follows:

1. The life-cycle ownership cost, plus;

2. The life-cycle operating cost, plus;

3. The life-cycle maintenance cost, plus;

4. The life-cycle replacement cost (when applicable), less;

5. The residual value (when applicable).

(g) Sensitivity analysis:

1. The agency shall perform a sensitivity analysis as described in this section to account for uncertainty in the discount rate and future energy prices in an attempt to ascertain which variable(s) are most critical to the financial performance of the project.

2. The sensitivity analysis shall be structured to determine the total life-cycle cost result as a result of incrementally modifying the discount rate and energy price projections one at a time, and then both simultaneously.

3. Limits:

a. The discount rate utilized in the sensitivity analysis shall be raised no higher than twice that of the DOE real discount rate.

b. The energy price projections utilized in the sensitivity analysis shall be raised no higher than current prices projected forward at twice the average DOE price escalation rate.

(5) Submission requirements:

(a) The life-cycle cost analysis shall be submitted to the agency during the design development phase of the project.

(b) The life-cycle cost analysis shall be submitted to the department in addition to the agency for projects that pertain to subsections 60D-4.004(1) and 60D-4.004(4), F.A.C., during the design development phase of the project, pursuant to Sections 255.254(1) and 489.145(6), Florida Statutes.

(c) Required forms:

1. A bound copy and an electronic version in Microsoft Excel[®] format of the Florida Life-Cycle Cost Analysis Program (Form #AE16) is required for all submissions.

2. A printout of the input and output sheets of the computer-based simulation program for each alternative design.

(d) The Florida Life-Cycle Cost Analysis Program (Form #AE16) is hereby incorporated by reference.

(e) The Florida Life-Cycle Cost Analysis Program (Form #AE16) is available from the Department of Management Services at:

DMS Building Construction

4050 Esplanade Way, Suite 335

Tallahassee, Florida 32399-0950

(850)488-1817

http://dms.myflorida.com/business_operations/real_estate_development_management/building_construction/forms_and_documents

(f) Delivery: The life-cycle cost analysis shall be delivered to the department at:

DMS FLCCA Review

4050 Esplanade Way, Suite 335

Tallahassee, Florida 32399-0950

(850)488-1817

Rulemaking Specific Authority 255.255, 255.256 FS. Law Implemented 255.254, 255.255 FS. History—New 5-26-76, Amended _____

(Substantial rewording of Rule 60D-4.007 follows. See Florida Administrative Code for present text.)

60D-4.007 Energy Performance Analysis for Leases Exemptions.

(1) Applies to the following facilities that are under consideration to be leased by a state agency:

(a) Buildings larger than 5,000 gross square feet.

(b) Spaces larger than 5,000 square feet of rentable area within a specified building.

(2) This Rule excludes facilities that are to be newly constructed for the use of a state agency. Such facilities shall comply with subsection 60D-4.004(1), F.A.C.

(3) Energy performance analysis:

(a) Energy Star rating:

1. An Energy Star rating shall be developed with the Energy Star Portfolio Manager or Energy Star Target Finder program along with actual utility bill data for the previous twelve months. The Energy Star Portfolio Manager and Energy Star Target Finder programs are free software tools that are available at the websites listed here. http://www.energystar.gov/index.cfm?c=evaluate_performance.bus_portfoliomanager.

a. The Energy Star Portfolio Manager software is available at:

b. The Energy Star Target Finder software is available at: http://www.energystar.gov/index.cfm?c=new_bldg_design.bus_target_finder.

2. The minimum acceptable Energy Star rating shall be 50.

3. Exceptions:

a. When actual utility bill data is not available for the previous twelve months, including proposed lease spaces that are not *separately* metered by the utility provider, a computer-based simulation that complies with subsection 60D-4.007(4), F.A.C., shall be performed that provides the expected annual energy consumption for the proposed lease. The results of the computer-based simulation shall be used to generate an Energy Star rating as described in subsection (1) of this section.

b. When the proposed lease does not meet the eligibility criteria for an Energy Star rating regarding the type or allocation of space, an energy performance index (kBtu per gross square foot per year) shall be developed manually with one of the following sources in lieu of the energy performance index (kBtu per gross square foot per year) generated by the Energy Star software described in subsection (1) of this section:

(1) Actual utility bill data for the previous twelve months.

(2) The expected annual energy consumption developed with a computer-based simulation that complies with subsection 60D-4.007(4), F.A.C.

4. Renovations: When renovations are performed or proposed to improve the energy performance of the proposed lease, a computer-based simulation that complies with

subsection 60D-4.007(4), F.A.C., shall be performed to provide the expected annual energy consumption required to develop one of the following:

a. An Energy Star rating for proposed leases that pertain to subsection (1) of this section, or

b. The energy performance index (kBtu per gross square foot per year) for proposed leases that pertain to paragraph (3)(b) of this section.

(b) Energy cost projection:

1. The total expected annual energy cost for the facility or space shall be derived from one of the following sources:

a. The average annual energy costs based on actual utility bill data for the previous three years, or

b. Current utility rates and a computer-based simulation that complies with subsection 60D-4.007(4), F.A.C., when actual utility bill data for the previous three years is not available

2. A cost utilization index (total energy cost per gross square foot per year) shall be developed with the energy cost data described in subsection (1) of this section.

3. The cost utilization index (total energy cost per gross square foot per year) shall be projected forward for each contract year of the proposed lease based on one of the following:

a. The average annual energy escalation rate derived from actual utility bill data for the previous three years, or

b. An escalation rate approved by the agency when actual utility bill data for the previous three years is not available.

4. Renovations: When renovations are performed or proposed to improve the energy performance of the proposed lease, current utility rates and the computer-based simulation required in paragraph 60D-4.007(3)(a), (4) shall be used to develop the cost utilization index (total energy cost per gross square foot per year).

(4) Computer-based simulation requirements:

(a) The computer-based simulation shall be performed by an engineer licensed in Florida.

(b) The computer-based simulation program shall comply with Rule 60D-4.005, F.A.C.

(c) The computer-based simulation shall model total energy consumption for the proposed lease.

(d) The computer-based energy simulation shall model all of the following loads that exist or shall exist as a result of renovations in the proposed lease:

1. Lighting.
2. Internal equipment loads.
3. Service water heating.
4. Space heating.
5. Space cooling.
6. Fans.
7. Pumps.

(5) Submission requirements: The following items must be included in the energy performance analysis submitted to the department:

(a) A description of the proposed lease property that includes:

1. Gross square footage (for separately –metered buildings).

2. Rentable square footage (for spaces within specified buildings).

3. Type of space.

4. Occupancy level.

5. Operating schedule.

(b) Copies of the actual utility bill statements for the previous three years (if available). Historical consumption and cost data from the utility provider will be considered acceptable.

(c) Copies of the utility bill statements for the previous one year (if available). Historical consumption and cost data from the utility provider will be considered acceptable.

(d) Energy Star software forms:

1. “Statement of Energy Performance” (when Energy Star Portfolio Manager is used).

2. “Target Energy Performance Results” (when Energy Star Target Finder is used).

(e) Energy performance index and calculations (when manual calculation is required).

(f) Cost utilization index and calculations.

(g) Input and output sheets from the computer-based simulation program (when a computer-based simulation is required).

(h) A description of all energy-related features, including:

1. Type of energy-consuming systems and equipment.

2. Size of energy-consuming systems.

(i) A detailed description of all renovations performed or proposed to improve energy performance.

(j) Delivery: The energy performance analysis shall be mailed or delivered to the department pursuant to Section 255.254(1), Florida Statutes at the address listed here.

DMS Energy Performance Analysis Review

4050 Esplanade Way, Suite 335

Tallahassee, Florida 32399-0950

(850)488-1817

Rulemaking Specific Authority 255.255, 255.256 FS. Law Implemented 255.254, 255.255 FS. History–New 5-26-76, Amended _____.

60D-4.008 Standards Adopted.

(1) “Annual Supplement to NIST 135”: Energy Price Indices and Discount Factors for Life-Cycle Cost Analysis – 2009, Annual Supplement to NIST 135 and NBS Special

publication 709, National Institute of Standards and Technology, NISTIR 85-3273 is hereby incorporated by reference.

(2) Copies of this document are available by writing to:
National Technical Information Service
5301 Shawnee Rd.
Alexandria, VA 22312
<http://www.ntis.gov/>
(800)553-6847

(3) Copies of this document are also available for free download at the following website: <http://www1.eere.energy.gov/femp/program/lifecycle.html>.

(4) "ASHRAE Handbook – HVAC Applications (2007)": 2007 ASHRAE Handbook – Heating, Ventilating, and Air-Conditioning Applications (Chapter 36, Table 4) is hereby incorporated by reference.

(5) Copies of this document are available by writing to:
American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc. (ASHRAE)
1791 Tullie Circle
Atlanta, GA 30329
<http://www.ashrae.org>
(800)527-4723

(6) Copies of this document are also available for purchase at the following website: <http://www.ashrae.org/publications/page/1279>.

Rulemaking Authority 255.255, 255.256 FS. Law Implemented 255.254, 255.255 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Dean Izzo, Director of Real Estate Development and Management, Department of Management Services

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 10, 2009

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.: 61G1-11.013
RULE TITLE: Definitions

PURPOSE AND EFFECT: The Board proposes the rule amendment to add the definitions of residential interior design, residential interior designer, residential space planning and residential space planner.

SUMMARY: The definitions of residential interior design, residential interior designer, residential space planning, and residential space planner will be added to 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: 481.2055, 481.211 FS.

LAW IMPLEMENTED: 481.203, 481.211, 481.221(4), (8), 481.229(1)(c) 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: Anthony Spivey, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-11.013 Definitions.

In these rules, where the context will permit;

(1) through (4) No change.

(5) "Residential interior design," "residential interior designer," "residential space planning," or "residential space planner" are terms that may be used to describe interior design services or interior decorator services for a residential application, as set forth in Section 481.229(6)(a), F.S., without violating Section 481.223(1)(c), F.S.

Rulemaking Specific Authority 481.2055, 481.211 FS. Law Implemented 481.203, 481.211, 481.221(4), (8), 481.223(1)(c), 481.229(1)(c), (6) FS. History–New 12-23-79, Amended 2-24-83, 10-27-83, 12-29-83, Formerly 21B-11.13, Amended 11-12-89, 2-14-91, 5-5-91, 12-26-91, Formerly 21B-11.013, Amended 11-15-93, 11-21-94, 1-10-99, 2-12-04, 4-15-07, 12-16-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Architecture and Interior Design

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 25, 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 Medicine

RULE NO.: 64B8-9.009 RULE TITLE: Standard of Care for Office Surgery

PURPOSE AND EFFECT: The proposed rule amendments are intended to clarify Level II office surgery with regard to sedation and to require automated external defibrillators (AEDs) in offices which perform Level II and Level III office surgery.

SUMMARY: The proposed rule amendment adds language to clarify sedation which characterizes Level II office surgery. In addition, the proposed rule amendments require automated external defibrillators (AEDs) in offices which perform Level II and Level III office surgery.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Board prepared two Statements of Estimated Regulatory Costs for the rule. With regard to the change in subparagraph (4)(a)1., of the rule, any physician who is administering medication that alters the level of consciousness will incur the costs of registering as a Level II office surgery facility if they have not already done so. Those facilities which are required to register to comply with the rule will incur costs of \$150 for registration and \$1500 for a Department inspection if the facility is not accredited by one of the nationally recognized accrediting agencies. With regard to the requirement for AEDs for Level II and Level III office surgery facilities, the Board estimates that the cost will range between \$1500 and \$2000 for an AED system. There are currently 341 registered offices and those offices which do not currently have an AED will be required to purchase one.

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: 458.309(1), 458.331(1)(v) FS.

LAW IMPLEMENTED: 458.331(1)(g), (t), (v), (w), 458.351 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.009 Standard of Care for Office Surgery.

NOTHING IN THIS RULE RELIEVES THE SURGEON OF THE RESPONSIBILITY FOR MAKING THE MEDICAL DETERMINATION THAT THE OFFICE IS AN

APPROPRIATE FORUM FOR THE PARTICULAR PROCEDURE(S) TO BE PERFORMED ON THE PARTICULAR PATIENT.

- (1) through (3) No change.
- (4) Level II Office Surgery.
- (a) Scope.

1. Level II Office Surgery is that in which peri-operative medication and sedation are used by any means altering the level of consciousness intravenously, intramuscularly, or rectally, thus making intra and post-operative monitoring necessary. Such procedures shall include, but not be limited to: hemorrhoidectomy, hernia repair, reduction of simple fractures, large joint dislocations, breast biopsies, colonoscopy, and liposuction involving the removal of up to 4000cc supernatant fat.

- 2. No change.
- (b) Standards for Level II Office Surgery.

- 1. through 2. No change.
- 3. Equipment and Supplies Required.
- a. through g. No change.

h. Defibrillator or an Automated External Defibrillator unit (AED).

- h. through k. renumbered i. through l. No change.
- (5) No change.

(6) Level III Office Surgery.

(a) No change.

(b) Standards for Level III Office Surgery. In addition to the standards for Level II Office Surgery, the surgeon must comply with the following:

- 1. through 2. No change.
- 3. Equipment and Supplies Required.
- a. through c. No change.

d. Defibrillator or an Automated External Defibrillator unit (AED).

d. through e. renumbered e. through f. No change.

4. No change.

Rulemaking Specific Authority 458.309(1), 458.331(1)(v) FS. Law Implemented 458.331(1)(g), (t), (v), (w), 458.351 FS. History—New 2-1-94, Amended 5-17-94, Formerly 61F6-27.009, Amended 9-8-94, 11-15-94, Formerly 59R-9.009, Amended 2-17-00, 12-7-00, 2-27-01, 8-1-01, 8-12-01, 3-25-02, 3-22-05, 4-19-05, 10-23-05, 10-10-06, 4-18-07, 9-3-07,_____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 2, 2009

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-13.005
 RULE TITLE: Continuing Education for Biennial Renewal

PURPOSE AND EFFECT: The proposed rule amendment is intended to set forth the five most misdiagnosed conditions for the purpose of continuing medical education (CME).

SUMMARY: The proposed rule amendment sets forth the five most misdiagnosed conditions for the purpose of the required medical errors course for licensure renewal.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendment 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: 456.013(6), (7), 456.031(4), 458.309, 458.319 FS.

LAW IMPLEMENTED: 456.013(6), (7), 456.031(1)(a), (3), 456.033, 458.319(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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-13.005 Continuing Education for Biennial Renewal.

(1) Every physician licensed pursuant to Chapter 458, F.S., shall be required to complete 40 hours of continuing medical education courses approved by the Board in the 24 months preceding each biennial renewal period as established by the Department.

(a) through (b) No change.

(c) Completion of two hours of continuing medical education relating to prevention of medical errors which includes a study of root cause analysis, error reduction and prevention, and patient safety, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. One hour of a two hour course which is provided by a facility licensed pursuant to Chapter 395, F.S., for its employees may be used to partially meet this requirement. The course must include information relating to the five most mis-diagnosed conditions during the previous biennium, as determined by the Board. While wrong site/wrong procedure surgery continues to

be the most common basis for quality of care violations, the following areas have been determined as the five most mis-diagnosed conditions: cancer; cardiac; acute abdomen; timely diagnosis of surgical complications; and failing to identify pregnancy or stage of pregnancy before beginning treatment or surgery stroke and related cranial conditions.

(2) through (10) No change.

Rulemaking Authority 456.013(6), (7), 456.031(4), 458.309, 458.319 FS. Law Implemented 456.013(6), (7), 456.031(1)(a), (3), 456.033, 458.319(4) FS. History—New 9-7-86, Amended 11-17-87, 11-15-88, 1-31-90, 9-15-92, Formerly 21M-28.002, Amended 12-5-93, Formerly 61F6-28.002, Amended 3-1-95, 1-3-96, 1-26-97, Formerly 59R-13.005, Amended 5-18-99, 2-7-01, 6-4-02, 10-8-03, 5-4-04, 5-20-04, 4-5-05, 4-25-06, 12-26-06, 1-16-08, 5-6-08, 11-25-08, 7-6-09,_____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 23, 2009

DEPARTMENT OF FINANCIAL SERVICES

Division of Accounting and Auditing

RULE NOS.:	RULE TITLES:
69I-3.001	Consolidated Equipment Financing Program
69I-3.003	Procedure for Negotiation and Execution of Master Equipment Financing Agreements
69I-3.004	Deferred Payment Commodity Contracting

PURPOSE AND EFFECT: To implement Department responsibilities under Section 287.063 and 287.064, F.S. To amend Rule 69I-3.001, F.A.C., to implement Department responsibilities under Section 287.064, F.S. In 2008, Section 25, Chapter 2008-227, Laws of Florida, amending Section 287.064, F.S., modified approval criteria and allowed a master financing program for contracts approved by the Department under Section 489.145, F.S., for guaranteed energy, water, and wastewater performance savings contracting. Chapter 2008-227, Laws of Florida, also amended Section 287.063, F.S., adding requirements to the criteria stated in Section 287.063, F.S., for allowing an agency to seek financing without using the Consolidated Equipment Finance Program (CEFP). A new rule is being promulgated to reflect these statutory changes, and to separate the rules related to Section 287.063, F.S., exceptions to the CEFP from Rule 69I-3.001, F.A.C., which addresses rules for the CEFP. Finally, Rule 69I-3.003, F.A.C., is being repealed. Since Rule 69I-3.001, F.A.C., is being modified to address the CEFP, and update the definitions and procurement process associated with that program, there is

no longer a need for this rule. Rule 19A-5.0035, F.A.C., which establishes the procedure for negotiation and award of the Master Equipment Financing Agreement for this program and Rule 69I-3.001, F.A.C., establishes how it is administered by the Department, will replace this rule.

SUMMARY: Establish criteria for approving purchases made under deferred payment contracts which require the payment of interest, related to requesting equipment leases, under Sections 287.063 and 287.064, F.S.

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: 17.29, 287.063(2)(b), 287.064(8) FS.

LAW IMPLEMENTED: 287.063, 287.064 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 20, 2010, 2:00 p.m. ET

PLACE: Room 430, Fletcher Building, 101 E. Gaines St., 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 5 days before the workshop/meeting by contacting: Mike Rutherford (850)413-5594 or Mike.Rutherford@MyFloridaCFO.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mike Rutherford (850)413-5594 or Mike.Rutherford@MyFloridaCFO.com

THE FULL TEXT OF THE PROPOSED RULES IS:

69I-3.001 Consolidated Equipment Financing Program.

(1) For the purposes of this rule chapter, the following definitions shall be used:

(a) "Additional Services" means administrative and any other services associated with managing the Consolidated Equipment Financing Program.

(b) "Agency" means any agency as defined by Section 287.012, F.S., any department created by Chapter 20, F.S., the Executive Office of the Governor, the Florida Fish and Wildlife Conservation Commission, the Parole and Probation Commission, the State Board of Administration, the Agency

for Health Care Administration, the Department of Military Affairs, the Legislative Branch or the Judicial Branch of State Government.

(c) "Chief Financial Officer" means the head of the Department of Financial Services, whose deferred payment commodity contracting duties are carried out by and through its Division of Accounting and Auditing of the Department of Financial Services. However, the Chief Financial Officer's duty to execute the master equipment financing agreements is not delegated to the division.

(d) "Educational Institution" means state universities and state community colleges who also participate in the Consolidated Equipment Financing Program as authorized by Section 287.064 (1), F.S.

(e)(d) "Interagency Agreement" means an equipment financing agreement between a financial institution the Chief Financial Officer, and the Agency or Educational Institution, based on the executed Master Equipment Financing Agreement an agency. The respective Agency or Educational Institution is responsible for all payments under its completed and approved Interagency Agreement. Equipment purchased by the Interagency Agreement shall be directly billed by the financial institution, to the respective Agency or Educational Institution.

(f)(e) "Master Equipment Financing Agreement" means a master equipment financing agreement to be executed pursuant to Section 287.064, F.S., for the purpose of implementing a consolidated financing program for the acquisition of equipment by deferred payment ~~deferred payment~~ purchases, as defined by Section 287.064(1), F.S., made by or on behalf of the State of Florida or its agencies or by or on behalf of Educational Institutions state community colleges. The term "Master Equipment Financing Agreement" includes all agreements and contracts necessary or convenient for the establishment of a Master Equipment Financing Agreement. "Rent" means ~~the period payment amount total due on an Interagency Agreement within a Master Equipment Financing Agreement.~~

(g) "Master Equipment Financing Agreement for Conservation Measures" means a master equipment financing agreement to be executed pursuant to Section 287.064 (10), F.S., for the purpose of implementing a consolidated financing program for the financing of the cost of energy, water, or wastewater efficiency and conservation measures ("Conservation Measures") as defined in Section 489.145, F.S. "Program" means ~~the Consolidated Equipment Financing Program, which shall consist of the program of financing the deferred payment purchases of equipment on behalf of the State or the state agencies pursuant to 287.064, F.S.~~

(h) “Program” means the Consolidated Equipment Financing Program, which shall consist of the program of financing the deferred payment purchases of equipment on behalf of the State, Educational Institutions or the state agencies pursuant to Section 287.064, F.S.

(i) “Rent” means the amount of payment for a period as defined in an Interagency Agreement within a Master Equipment Financing Agreement.

~~(2)(a)~~ An Agency or Educational Institution that agency which desires to make deferred payment purchases shall make a written request to participate in the Program. An Agency shall make ~~or~~ a written request for exemption from the Program.

~~(a)~~ An Agency or Educational Institution that agency which desires to finance or refinance existing deferred payment purchases through the Program shall may make a written request to participate in the Program. An Agency or Educational Institution agency requesting permission to participate in the Program must submit to the Chief Financial Officer for preaudit review and approval the following:

1. A completed and executed Form DFS-A1-410 (for purchases under the Consolidated Equipment Financing Program) Application to Finance Equipment per Section 287.064, F.S., revised effective () Checklist for Requesting Department of Financial Services Chief Financial Officer’s Approval to Installment Purchase Equipment through the Consolidated Equipment Financing Program, revised 05/99. The Form form is hereby incorporated by reference, can be viewed at <http://www.myfloridacfo.com/aadir/>, and is available from the Division of Accounting and Auditing, Bureau of Accounting, 200 East Gaines Street, Tallahassee, Florida 32399-0354.

2. A statement documenting indicating whether the equipment is new or used and, if the equipment is used, whether the equipment is currently financed under an installment purchase contract approved by the Chief Financial Officer and, if so, state the date of approval by the Chief Financial Officer and the Chief Financial Officer approval number assigned.

3. A statement documenting indicating the proposed original term and renewal terms under the Interagency Agreement and the anticipated remaining useful economic life of the equipment.

4. A statement certifying that the deferred payment commodity contract does not exceed the useful life of the equipment unless the contract provides for the replacement or the extension of the useful life of the equipment during the term of the loan.

5. If the equipment purchase financing term is beyond 5 years, the Agency must seek an exemption from the Program pursuant to Section 287.064(2), F.S. and seek an exemption according to Rule 69I-3.004, F.A.C.

6. Documentation to substantiate that the annualized amounts of any deferred payment commodity contract are supported from available recurring agency has reasonably determined that it will have sufficient funds available to make the payments under the Interagency Agreement as they become due. Available recurring funds must be appropriated to the Agency in an appropriation category as defined in Section 287.064(11) F.S., determined by the Chief Financial Officer as appropriate, or designated by the Legislature for payment of the obligation incurred under Section 287.064 or 489.145, F.S. as applicable. In accordance with Section 216.023(4)(a)9., F.S., supporting information for any proposed consolidated financing of deferred payment commodity contracts must also include a narrative describing and justifying the need, baseline for current costs, estimated cost savings, projected equipment purchases, estimated contract costs, and return on investment calculation.

7.5- Documentation to substantiate that the Agency or Educational Institution agency has complied with all applicable requirements to lawfully procure the equipment.

8.6- Documentation ~~If the equipment purchase price is less than \$30,000, documentation~~ to substantiate that the purchase by deferred payment is economically beneficial to the State or that failure to make the purchase will adversely affect the Agency’s or Educational Institution’s agency’s performance of its duties.

(b) An Agency or Educational Institution agency financing the acquisition of equipment shall provide the information required in paragraph (a) at least twenty-one days prior to the anticipated date of awarding the contract for such equipment.

(c) Any contract for equipment, the payment of which is anticipated to be made by deferred payment and the payment of interest, shall specify that the award of such contract is contingent upon approval pursuant to Section 287.063, F.S., unless specifically exempted pursuant to Rule 69I-3.004, F.A.C., and Section 287.064, F.S.

(3) The Chief Financial Officer may exempt any equipment from financing under the Program when alternative financing would be cost effective or otherwise beneficial to the State. The factors to be examined by the Chief Financial Officer to determine whether the equipment may be deemed exempt from the Program, are stated in Rule 69I-3.004, F.A.C. shall include the following:

- (a) The nature of the equipment;
- (b) The useful life of the equipment;
- (c) The length of the proposed original term and renewal terms of the Interagency Agreement;
- (d) Availability of funds under the Program;
- (e) Impact on the federal tax exemption of the interest portion of the consolidated rent payments under the Program; and
- (f) The alternative financing costs.

(4) Agencies or Educational Institutions may use a Master Equipment Financing Agreement for Conservation Measures, pursuant to Section 287.064(10)(a), F.S., to finance the cost of energy, water, or wastewater efficiency and conservation measures in accordance with Section 489.145, F.S., excluding the costs of training, operation, and maintenance, for a term of repayment that may exceed 5 years but may not exceed 20 years. The term for repayment may not extend beyond the weighted average useful life of the Conservation Measures financed. The contract shall provide for the replacement or the extension of the useful life of the equipment during the term of repayment. An Agency or Educational Institution that desires to make deferred payment purchases of Conservation Measures shall make a written request to use a Master Equipment Financing Agreement for Conservation Measures. An Agency or Educational Institution requesting permission to use a Master Equipment Financing Agreement for Conservation Measures must submit to the Chief Financial Officer for preaudit review and approval based on the following:

(a) A completed Form DFS-A1-413 (for purchases under the Consolidated Equipment Financing Program for Conservation Measures) Application to Finance Conservation Measures, effective () . Form DFS-A1-413 is hereby incorporated by reference and is available from the Division of Accounting and Auditing, Bureau of Accounting, 200 East Gaines Street, Tallahassee, Florida 32399-0354.

(b) Items 2-4 and 6-8 in paragraph (2)(a) above.

(5)(4) If equipment is eligible for financing under more than one master equipment financing agreement, the Chief Financial Officer shall determine which Master Equipment Financing Agreement shall be utilized. The factors to be examined to determine whether the equipment is eligible for financing under more than one master equipment financing agreement shall include the following:

- (a) The type or category of the equipment;
- (b) The useful life of the equipment;
- (c) The length of the proposed original term and renewal terms of the Interagency Agreement; and
- (d) Availability of funds under the Master Equipment Financing Agreement.

(6)(5) The Chief Financial Officer may, when stipulated in the Master Equipment Financing Agreement, automatically debit or otherwise collect from each ~~Agency~~ agency the rent payments on Interagency Agreements. The payments or any fractional part thereof under an Interagency Agreement may be prorated by the Chief Financial Officer and, whether or not prorated, shall be payable on the commencement date of the Interagency Agreement and thereafter the rent payment may, when stipulated in the Master Equipment Financing Agreement, be automatically debited or otherwise collected pursuant to the Interagency Agreement.

~~(6)(a) All funds debited or otherwise collected from each agency may be deposited in the Consolidated Payment Trust Fund pursuant to Section 287.064(6), F.S.~~

~~(b) The trust fund shall consist of separate accounts for each master equipment financing agreement and, so long as any financial obligations exist with respect to a master equipment financing agreement, shall be used solely to meet such financial obligations and the cost of related additional services.~~

~~(c) Any income from the investment of funds may be used to fund administrative costs associated with the Program.~~

~~(7) The Chief Financial Officer shall calculate and determine compliance with any interest rate limitations applicable to the Interagency Agreement or any Master Equipment Financing Agreement. For the purpose of determining compliance with interest rate limitations on any Interagency Agreement, interest rates shall not include administrative costs, surcharges and insurance expense related to the Program.~~

~~(8) For the purpose of determining the useful life of equipment, the factors to be considered by the Chief Financial Officer shall include the following:~~

- ~~(a) The type or category of equipment;~~
- ~~(b) Whether the equipment is new or used;~~
- ~~(c) The condition of the equipment;~~
- ~~(d) The period of intended use; and~~
- ~~(e) Purpose of the equipment.~~

(9) The procedure for the negotiation and execution of Master Equipment Financing Agreements is as follows:

(a) Upon the receipt of a written request by the Chief Financial Officer, the Division of Bond Finance of the State Board of Administration shall negotiate Master Equipment Financing Agreements. The procurement and negotiation of Master Equipment Financing Agreements shall be according to Rule 19A-5.0035, F.A.C.

(b) Upon the Chief Financial Officer's acceptance of the terms and conditions of a Master Equipment Financing Agreement negotiated by the Division of Bond Finance, the Chief Financial Officer shall execute the Master Equipment Financing Agreement.

Rulemaking Specific Authority 17.29, 287.064(8) FS. Law Implemented 287.063, 287.064 FS. History--New 9-10-86, Amended 12-20-94, 5-12-97, 1-27-98, 9-13-99, Formerly 3A-3.001, Amended _____.

69I-3.003 Procedure for Negotiation and Execution of Master Equipment Financing Agreements.

Rulemaking Specific Authority 17.29, 287.063(2)(b), 287.064(8) FS. Law Implemented 287.063, 287.064 FS. History--New 3-20-90, Amended 12-20-94, 5-29-95, Formerly 3A-3.003, Repealed _____.

69I-3.004 Deferred Payment Commodity Contracting.

(1) For the purposes of this rule, the following definitions shall be used:

(a) "Agency" means any agency as defined by Section 287.012, F.S., any department created by Chapter 20, F.S., the Executive Office of the Governor, the Florida Fish and Wildlife Conservation Commission, the Parole Commission, the State Board of Administration, the Agency for Health Care Administration, the Department of Military Affairs, or the Judicial Branch of State Government.

(b) "Chief Financial Officer" means the head of the Department of Financial Services, whose deferred payment commodity contracting duties are carried out by and through its Division of Accounting and Auditing. However, the Chief Financial Officer's duty to execute the master equipment financing agreements is not delegated to the Division.

(c) "Financing Agreement" means the proposed financing agreement associated with deferred payment purchases for which exemption from using the Consolidated Equipment Financing Program is sought.

(d) "Program" means the Consolidated Equipment Financing Program, which shall consist of the program of financing the deferred payment purchases of equipment on behalf of the State or the state agencies pursuant to Section 287.064, F.S.

(2) An Agency that desires to make deferred payment purchases not using the Consolidated Equipment Financing Program shall make a written request for exemption from the Program and seek approval to obtain financing pursuant to Section 287.063, F.S.

(a) An Agency requesting exemption from the Program must submit to the Chief Financial Officer for preaudit review and approval the following:

1. A draft of the Financing Agreement for which an exemption from the program is sought.

2. A statement documenting whether the equipment is new or used and, if the equipment is used, whether the equipment is currently financed under an installment purchase contract approved by the Chief Financial Officer, including the date of approval by the Chief Financial Officer and the assigned Chief Financial Officer approval number.

3. A statement documenting the proposed original term and renewal terms under the proposed Financing Agreement and the anticipated remaining useful economic life of the equipment.

4. A statement documenting that the payment term in the proposed Financing Agreement does not exceed the useful life of the equipment or that the contract provides for the replacement or the extension of the useful life of the equipment during the term of the loan.

5. Documentation, including the amortization table for the proposed Financing Agreement, to substantiate that the interest rate of the Financing Agreement is lower than the interest rate offered by the Program and does not exceed the statutory ceiling contained in Section 287.063(1)(b), F.S.

6. If the equipment purchase price is beyond 5 years, documentation as authorized by Section 287.063(2)(b), F.S., to substantiate that the failure to make such deferred payment purchase would adversely affect the Agency in performance of its duties.

7. Documentation to substantiate that the annualized amounts of any Financing Agreement are supported from available recurring funds available to make the payments under the proposed Financing Agreement as they become due, appropriated to the Agency in an appropriation category as defined in Sections 287.063(5) and 287.064(11), F.S., or documentation that the Legislature has designated for payment of the obligation incurred under Section 287.063, F.S.

8. Documentation to substantiate that the Agency has complied with all applicable requirements to lawfully procure the equipment.

9. Unless waived by a formal Comptroller/Chief Financial Officer Memorandum, documentation to substantiate that the purchase by deferred payment is economically beneficial to the State or that failure to make the purchase will adversely affect the Agency's performance of its duties.

10. Documentation to substantiate type or category of equipment, condition of the equipment, the period of intended use and purpose of the equipment.

(b) An Agency financing the acquisition of equipment shall provide the information required in paragraph (a) at least twenty-one days prior to the anticipated date of awarding the contract for such equipment.

(c) An Agency shall provide documentation to substantiate that the contract for equipment, the payment of which is anticipated to be made by deferred payment and the payment of interest, specifies that the award of such contract is contingent upon approval pursuant to Section 287.063, F.S.

(3) The Chief Financial Officer may exempt any equipment from financing under the Program when alternative financing would be cost effective or otherwise beneficial to the State. The factors to be examined by the Chief Financial Officer to determine whether the equipment may be deemed exempt from the Program shall include the following:

(a) The nature of the equipment in accordance with Section 287.063(1)(a), F.S.:

(b) The useful life of the equipment in accordance with Section 287.063(2)(b), (3), F.S., which shall include a determination of the following:

1. The type or category of equipment;
2. Whether the equipment is new or used;
3. The condition of the equipment;
4. The period of intended use; and

5. Purpose of the equipment:

(c) The length of the proposed original term and renewal terms of the proposed Financing Agreement in accordance with Section 287.063(2)(b), (3), F.S.:

(d) Availability of funds under the Program in accordance with Section 287.063(5), F.S.:

(e) Impact on the federal tax exemption of the interest portion of the consolidated rent payments under the proposed alternative financing in accordance with 26 CFR 1.103-1; and

(f) The alternative financing costs.

(4) The Chief Financial Officer shall calculate and determine compliance with any interest rate limitations applicable to the Financing Agreement that is determined to be exempt from the Program. For the purpose of determining compliance with interest rate limitations on any proposed Financing Agreement, interest rates shall not include administrative costs, surcharges and insurance expense related to the financing, which is determined to be exempt from the Program in accordance with Sections 287.063(1)(a) and 287.063(2)(a), F.S.

Rulemaking Authority 17.29, 287.063(2)(b) FS. Law Implemented 287.063, 287.064 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mike Rutherford (850)413-5594 or Mike.Rutherford@MyFloridaCFO.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 10, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 23, 2009

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.043
RULE TITLE: Electronic File Reporting Relating to Absentee Ballot Requests Information, Voting Activity, and Election Results

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.

1) The language in paragraph (b) entitled “File Transmission” under subsection (3), as relates to absentee ballot request information files is reworded as follows:

(b) File Transmission. The Supervisor shall transmit to the Division the electronic file compiled under paragraph (a) no later than noon Eastern Standard Time of the day after the day being reported. The file shall be sent daily beginning 45 days before the election or the first day absentee ballots are mailed in that county for the upcoming election, which is earlier. The last file shall be sent 10 days after the election. The daily file shall be sent even if there is no new information to report. The file shall be in the format specified in paragraph (c).

2) The language in subparagraph 3. of paragraph (c) entitled “File specifications” under section (3), as relates to absentee ballot request information files is reworded as follows:

For each registered voter’s record, the address included shall be the address to which the voter has requested that the ballot be sent. However, addresses must be redacted in the file for those registered voters who requested address protection pursuant to Section 119.07(4)(d), F.S.

3) Table 6, entitled “Voting History Header Record Layout,” that is located in paragraph (c) of subsection (7) of the proposed rule as relates to reporting of voting history, is replaced with the following table that contains corrected file specifications:

Table 6 Voting History Header Record Layout						
Field Position	Field	Type	Length	Required	Format	Comment
1	OperatorID	varchar2		N		May be blank
2	CountyID	varchar2	3	Y		Source of FTP File. Valid County ID, or FVRS or HSMV
3	TargetedCountyID	varchar2	3	Y		Intended Recipient. Valid County ID, or FVRS or HSMV

4	File Creation_TimeStamp	datetime		Y	MM/DD/YYYY HH24:MM:SS	Originating System TimeStamp
5	Source_Address	varchar2		Y		
6	FVRS County Interface Version	varchar2		Y		For supporting roll out of new system versions
7	County_Message_Identifier	varchar2	10	Y		10 character field that may be used by the county system to identify a specific FTP File.
8	Test_File	varchar2	1	Y		Y Indicates that the FTP file is a test file and should not update primary database.

4) Table 7, entitled “Voting History Footer Record Layout,” as located in paragraph (c) of subsection (7) of the proposed rule as relates to voting history, is to be replaced with the following table that reflect corrected file specifications:

Field Position	Field	Type	Length	Required	Format	Comment
1	TrailerId	varchar2	5		“TRALR”	Fixed string
2	Number of Response Rows	integer	8		Non zero integer	Number excludes header and trailer
3	MessageDigest	varchar2			128 or 160 bits	Length to be determined
4	End of Message Marker	varchar2	7		\\ETX\\	

5) Table 8, entitled “Voter’s Voting History Record” as located in paragraph (c) of subsection (7) of the proposed rule as relates to voting history, is revised to reflect codes “F” and “Z” to track and distinguish between provisional ballots counted as voted at an early voting site and those counted as voted at the polls, respectively.

(a) In order to receive the stipend, the unselected short listed design-build firms must enter into a contract with the Department immediately after short listing. The contract is required to document the terms and conditions for the stipend. The Department shall issue the stipend contract on the Department’s Design/Build Stipend Agreement, Form No. 700-011-14, Rev. 11/09, incorporated herein by reference.

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-91.007
 RULE TITLE: Selection and Award Process
 NOTICE OF CHANGE

(b) Stipend compensation will be based upon estimated proposal development costs and the degree of engineering design during the procurement process in accordance with the following guidelines:

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. 33, August 21, 2009 issue of the Florida Administrative Weekly.

(9) When included in the contract solicitation, the Department shall pay a lump sum stipend to shortlisted firms who are not selected, but have submitted responsive design-build proposals. The Department reserves the right to use any of the concepts, ideas, technologies, techniques, methods, processes, and information that are contained within the proposals without any further compensation.

Contract Value	Complex Urban & Rehabilitation Projects	New Construction Projects	Compensation Range
<\$5M	0.0050 x Estimate	0.0040 x Estimate	\$15K – \$25K
\$5M – \$20M	0.0030 x Estimate	0.0025 x Estimate	\$15K – \$60K
\$20M – \$50M	0.0020 x Estimate	0.0018 x Estimate	\$36K – \$100K
\$50M – \$100M	0.0015 x Estimate	0.0012 x Estimate	\$60K – \$150K
>\$100M	0.0012 x Estimate	0.0010 x Estimate	\$100K +

The actual stipend compensation will vary based on the nature of the work, complexity of the project, technical expertise required, and the value of the work product to the Department. The amount and conditions of the stipend compensation will be included in the Department’s solicitation.

(c) A stipend is not intended to compensate the design-build firms for the total cost of preparing the proposal.

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.”

BOARD OF TRUSTEES OF INTERNAL IMPROVEMENT TRUST FUND

RULE NOS.:	RULE TITLES:
18-24.001	General and Definitions
18-24.002	Public Purposes and Categories of Projects Qualifying for Funding
18-24.0021	Florida Forever Criteria
18-24.0022	Florida Forever Goals and Numeric Performance Measures
18-24.003	Application Procedures and Requirements
18-24.004	Initial Review of Project Proposals
18-24.005	Full Review of Project Proposals
18-24.006	Council Evaluation and Grouping
18-24.007	Board of Trustees Consideration
18-24.008	Capital Improvement and Restoration Proposals

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.

18-24.001 General and Definitions.

(1) This chapter is promulgated to set forth the procedures, standards, and criteria for the evaluation and selection of lands proposed for acquisition, restoration, and other capital improvements with funds from the Florida Forever Trust Fund pursuant to paragraph 259.105(3)(b), F.S. Florida Statutes and to set forth the performance measures for all programs funded pursuant to subsection 259.105(3), F.S.

(2) For the purposes of this chapter, the following terms are defined as follows:

(a) “Acquisition project” means a parcel or parcels of land proposed for acquisition in accordance with paragraph 259.105(3)(b), F.S., and this rule.

(b) No change.

(c) “Capital improvement project” means a proposed or approved activity which may be either a “restoration project” as defined in paragraph 18-24.001(2)(l)(~~+~~), F.A.C., or “other capital improvement project”, as defined in paragraph 18-24.001(2)(q)(~~+~~), F.A.C.

(d) “Component of the Everglades restoration efforts” as used in paragraph 259.105(9)(i), F.S. Florida Statutes, means a project which assists in achieving the restoration or acquisition objectives outlined in Sections 373.4592, 373.470, 373.1501 and 373.4595, F.S. Florida Statutes, except as restricted by the terms of Chapter 259, F.S.

(e) “Council” means the Acquisition and Restoration Council, pursuant to Section 259.035, F.S.

(f) No change.

(g) “Ecosystem management team” as used in paragraph 259.105(9)(h) F.S., means a team of citizens and agency representatives, formed and administered by the Department of Environmental Protection under its watershed or ecosystem management initiative.

(h) “Florida Forever Conservation Needs Assessment” refers to an analysis of the geographic distribution of Florida’s natural resources as required by the Florida Forever Act and developed in December 2000 and continually updated for the Department of Environmental Protection by the Florida Natural Areas Inventory in collaboration with the Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission, the Department of Agriculture and Consumer Services, the University of Florida, the water management districts, the Department of State’s Division of Historical Resources, and other agencies and organizations with scientific or technical information on the natural, historical or recreational resources of Florida, incorporated herein by reference.

~~(i)(~~h~~)~~ “Florida Forever criteria” means the criteria outlined in subsections 259.105(9), F.S., and further defined in Rule 18-24.0021, F.A.C as amended herein pursuant to section 259.035(4)(~~b~~).

~~(j)~~ “Florida Forever goals and measures” means the goals and measures outlined in subsection 259.105(4), F.S., and further defined in Rule 18-24.0022, F.A.C as amended herein pursuant to section 259.035(4)(~~b~~).

(k) No change.

(l) “Fund” means the Florida Forever Trust Fund that is created by Section 259.1051, F.S.

(m) “Funding sources that are identified and assured through at least the first two years of the project” as used in paragraph 259.105(9)(e), F.S., means a funding source for a project for which a participating agency, entity, partner, or any combination thereof, has pledged in writing to pursue, through an identified funding source or sources, the resources required to manage or maintain the project for at least two years

following the execution of a lease or management agreement, or for at least two years following receipt of specific authority from the Board to proceed with an approved project.

(n) "Less-than-fee acquisition", as used in Chapter 259, F.S., and in this chapter, means acquisition of an interest in property that is not a full fee simple interest, such as a conservation easement.

(o) "Natural areas" as used in subparagraphs 259.105(2)(a)2. and 3., F.S., means areas of land or water that either retain or have re-established the characteristics of natural communities.

(p) "Ongoing governmental effort" as used in paragraph 259.105(9)(b), F.S., means an ongoing initiative of a federal, state, regional or local government that contributes to the accomplishment of the Florida Forever goals and measures.

(q) "Other capital improvement project" means a proposed or approved capital improvement activity relating to the development of necessary infrastructure such as the "construction, improvement, enlargement or extension of facilities, signs, firelanes, access roads, and trails; or any other activities that serve to ... provide public access, recreational opportunities, or necessary services," as enumerated in subsection 259.03(3), F.S., but excluding restoration projects as defined in paragraph 18-24.001(2)(t)(~~+~~), F.A.C.

(r) "Project Evaluation Report" means a report prepared in accordance with Rule 18-24.005, F.A.C., for use by the Council in determining the merits and characteristics of a proposal for funding through the Florida Forever program.

(s) No change.

(t) "Restoration project" means a proposed or approved capital improvement project such as ecosystem restoration, hydrological restoration, or invasive plant removal that do not qualify as an "other capital improvement project" as defined in paragraph 18-24.001 (2)(q)(~~p~~), F.A.C.

(u) "Significant archaeological or historical value" as used in paragraph 259.105(9)(d), F.S., means a resource deemed of such significance by the Department of State, Division of Historical Resources.

(v) No change.

18-24.002 Public Purposes and Categories of Projects Qualifying for Funding.

(1) Projects proposed to be funded pursuant to paragraph 259.105(3)(b), F.S., must meet at least one of the criteria outlined under subsection 259.105(9), F.S., and further described in Rule 18-24.0021, F.A.C., and shall meet at least two of the Florida Forever measures outlined in subsection 259.105(4), F.S., and further described in Rule 18-24.0022, F.A.C.

(2) To qualify for funding under paragraph 259.105(3)(b), F.S., a project also must be selected pursuant to the provisions of this rule, except as follows:

(a) An inholding or an addition to a project acquired by the Fund under paragraph 259.105(3)(b), F.S., if the estimated value of the inholding or addition does not exceed \$500,000, and the managing agency demonstrates in writing to the Division of State Lands that such inholding or addition is in furtherance of the public purpose established for the original acquisition project, or of the current public purpose, if changed;

(b) No change.

(c) Lands which qualify for emergency acquisition by the Board, under the Emergency Archaeological Property Acquisition Act of 1988, Section 253.027, F.S. Florida Statutes;

(d) Lands which qualify for emergency acquisition by the Board pursuant to paragraph 259.041(15)(c), F.S., when a significant portion of the lands contain natural communities or plant or animal species which are listed by the Florida Natural Areas Inventory as critically imperiled, imperiled, or rare, or as excellent quality occurrences of natural communities;

(e) through (f) No change.

18-24.0021 Florida Forever Criteria.

For acquisition projects, the council shall give weight during project selection and ranking to the following Florida Forever criteria:

(1) The project meets multiple Florida Forever goals described in Rule 18-24.0022, F.A.C.

(2) through (12) No change.

18-24.0022 Florida Forever Goals and Numeric Performance Measures.

(1) The Florida Forever goals and measures described in this rule apply to all programs that receive Florida Forever Trust Funds pursuant to Section 259.105(3), F.S. Some goals and measures are specific to acquiring land, while others are primarily measures for capital improvement expenditures. Some measures are not directly related to Florida Forever program activities per se, but are general ecosystem function measures that may have an indirect connection or a post-acquisition land management or land use component. Some measures are specific to one or more of the programs funded under Florida Forever pursuant to Section 259.105(3), F.S., while the majority of the goals and measures overlaps with several programs.

(2) The council shall employ the following Florida Forever goals and measures when evaluating, selecting and ranking acquisition projects. Numeric values for these measures shall be supplied to the Council pursuant to paragraph 18-24.006(3)(c), F.A.C.:

(a) through (b) No change.

(c) Protect, restore, and maintain the quality and natural functions of land, water, and wetland systems of the state, as measured by:

1. No change.

2. The number of acres proposed to be acquired for restoration, enhancement, and management as identified in plans prepared pursuant to Section 373.199, F.S., the management prospectus for an acquisition project prepared pursuant to Section 259.032(9)(d), F.S., or the Florida Ecological Restoration Inventory, which is maintained by the Department of Environmental Protection's Division of Water Resource Management and available at www.dep.state.fl.us/water/wetlands/feri or by writing: Florida Wetland Restoration Information Center, 2600 Blair Stone Road, M.S. 3500, Tallahassee, Florida 32399; or by calling (850)245-8336.

3. through 7. No change.

(d) Ensure that sufficient quantities of water are available to meet the current and future needs of natural systems and the citizens of the state, as measured by:

1. The number of acres proposed to be acquired which provide retention and storage of surface water in naturally occurring storage areas, such as lakes and wetlands, consistent with the maintenance of water resources or water supplies and consistent with district water supply plans, as identified by the water management districts in plans prepared pursuant to Section 373.199, F.S.

2. The number of acres proposed to be acquired for a water resource development project, as identified in plans prepared pursuant to Section 373.199, F.S.

3. No change.

(e) through (g) No change.

(h) Increase the amount of open space available in urban areas, as measured by:

1. No change.

2. The number of linear feet proposed to be acquired to protect working waterfronts, as defined in Section 380.503(18)(a) and (b), F.S.

(3) For capital improvement project proposals the following goals and measures are applicable:

(a) Protect, restore, and maintain the quality and natural functions of land, water and wetland systems of the state, as measured by:

1. No change.

2. The proposed percentage completion of targeted capital improvements in surface water improvement and management plans created pursuant to Section 373.453(2), F.S., regional or master stormwater management system plans, or other adopted restoration plans if such project were funded.

3. No change.

(b) through (c) No change.

(4) The following list includes Florida Forever performance measures that may not directly relate to land acquisition, selection, or capital improvement expenditures, but are general ecosystem function measures that may have an

indirect connection or measures that have a post-acquisition, land management or land use component that was not captured in subsections (2) and (3) above:

(a) Protect, restore, and maintain the quality and natural functions of land, water, and wetland systems of the state, as measured by:

1. No change.

2. The percentage of water segments that fully meet, partially meet, or do not meet their designated uses as reported pursuant to Section 259.105(4)(c)2., F.S., ~~in the Department of Environmental Protection's State Water Quality Assessment 305(b) Report.~~

3. The percentage completion of targeted capital improvements in surface water improvement and management plans created under Section 373.453(2), F.S., regional or master stormwater management system plans, or other adopted restoration plans.

4. through 6. No change.

(b) through (f) No change.

(5) No change.

(6) Statewide, uniform data sets shall be developed for each geographic-based numeric performance measure that is a component of the Florida Forever Conservation Needs Assessment. Each geographic-based data set shall attempt to identify and establish priorities for each performance measure. ~~The Council may conduct one or more public workshops to receive scientific and technical advice on establishing targets for each of the geographic-based performance measures listed in subsection (2) as components of the Florida Forever Conservation Needs Assessment.~~

18-24.003 Application Procedures and Requirements.

(1) through (2) No change.

(3) All acquisition project applications shall include the following:

(a) through (d) No change.

(e) A written statement from the applicant asserting that each owner has been contacted in compliance with subparagraph 259.105(7)(b)2., F.S.

(f) Eighteen copies of a written description of the lands being proposed for acquisition, including all of the following:

1. through 5. No change.

6.a through c. No change.

d. For criterion subsections 18-24.0021(10), F.A.C., the applicant shall provide a ~~notarized affidavit~~ written statement, signed by the landowner, indicating the landowner's willingness to sell their property at 80 percent or less of the state's appraised value.

e. No change.

(g) No change.

(4) No change.

18-24.004 Initial Review of Project Proposals.

(1) through (2) No change.

(3) An acquisition proposal that was not selected for the full review list shall be reconsidered by the Council during a subsequent review cycle if all of the following conditions are met:

(a) A written request for resubmission and a complete application is received in accordance with Rule 18-24.003, F.A.C.;

(b) and (c) No change.

18-24.005 Full Review of Project Proposals.

(1) No change.

(2) For all acquisition project applications voted by the Council to receive full review, a Project Evaluation Report shall be prepared by staff and presented to the Council. The Project Evaluation Report shall:

(a) through (b) No change.

(c) Provide the Council with each reporting element required by subsection 259.105(15), F.S. Florida Statutes.

(d) No change.

(e) Include a confirmation of the project boundary as contained in the application and recommend boundary adjustments needed for resource protection, acquisition planning, and management, within the constraints of subparagraph 259.105(7)(b)2., F.S. This shall include a recommendation for which portions of the project required to be purchased, if any, might be declared surplus to the purposes of the project.

(f) Include a recommended manager for the project and a brief rationale for the recommendation, a management policy statement, and a management prospectus prepared pursuant to Section 259.032, F.S. Florida Statutes.

(3) through (5) No change.

18-24.006 Council Evaluation and Ranking.

(1) Following full review, the Council shall develop a list of projects for consideration by the Board in accordance with the provisions of paragraph 259.105(3)(b), ~~Florida Statutes F.S.~~, and subsections 259.105(4), (8), (9), (10), (13), (14), (15), and (16), ~~Florida Statutes F.S.~~

(2) Following the full review of projects pursuant to Rule 18-24.005, F.A.C., the Council shall select projects for inclusion on the list. An affirmative vote of at least five council members shall be required to place a project on the list to be presented to the Board. The Council may provide recommendations to the Division of State Lands on which category or categories to place each land acquisition project, or portions thereof.

(3) The Division of State Lands shall categorize the list pursuant to Section 259.105(17), F.S., in preparation for work plan development. The Council shall evaluate the entire list of

approved projects and rank them individually in numerical priority order within each category for consideration by the Board as follows:

(a) When assigning priority rankings to projects the Council shall give increased priority to those projects that meet the provisions of the Florida Forever criteria described in paragraphs 259.105(9)(j) and (l), F.S., as further described in subsections (10) and (12) of Rule 18-24.0021, F.A.C. and in subsection 259.105(10), F.S., as described in paragraph ~~(3)~~(b) of this rule.

(b) No change.

(c) Priority rankings for each project shall be determined by the Council based on the results of the full review detailed in Rule 18-24.005, F.A.C., a comparative analysis of each project's ability to meet the Florida Forever goals and measures and the Florida Forever criteria as identified in Rules 18-24.0021 and 18-24.0022, F.A.C., and additional information as identified in paragraphs (a), (b), and (d). As an initial information source for conducting this comparative analysis, the Department of Environmental Protection shall provide the council a comparative analysis and evaluation of each Florida Forever Project, which shall include rankings for each geographic-based resource type outlined in the subsection 18-24.0022(2), F.A.C., as well as rankings based on an efficient resource analysis using a computer modeling approach to conservation reserve design that involves iterative site selection, which describes those projects offering the greatest return in resource protection given the estimated acreage likely to be acquired by the Florida Forever Program. ~~The Council may conduct a public workshop to receive scientific and technical advice on establishing targets for each of the geographic based resources being measured and evaluated pursuant to subsection 18-24.0022(6), F.A.C.~~ The Department also shall provide the council with a matrix of the criteria met by each project including the criteria described in paragraph (b), as well as information on the current status of negotiations to acquire property on the Division of State Lands work plan as described in subsection (6). The Council shall ~~may~~ also consider any other contributing technical analysis of Florida Forever projects submitted by Council members, other organizations or persons in conducting its review of projects for priority ranking.

(d) No change.

(4) No change.

(5) All acquisition projects approved by the Board shall be eligible for funding, with available resources targeted initially toward projects in High ~~Resource~~ Priority Group of the work plan developed pursuant to subsection (6). However, the Board may approve the purchase of any project from any group in furtherance of the intent expressed in paragraph 259.105(2)(e), F.S.

(6) The Division of State Lands shall prepare a categorized acquisition work plan pursuant to s. 259.105(17), F.S. The work plan shall be submitted to the Council at a public meeting. After receiving public testimony during at least one public meeting or hearing, the Council shall consider ~~may require~~ the Division's ~~to amend~~ the work plan and, when but, once satisfied, shall adopt the work plan by a majority vote of its members. A copy of the work plan shall be provided to the Board no later than October 1 of each year. The Division of State Lands will use the Council's priority list to develop its work plan. Projects in each of the work plan categories shall be placed in priority groups as follows:

(a) No change.

(b) Medium Priority Group: Those acquisition projects proposed for approval that are considered by the Council to be important, but not of the highest priority. The acreage of projects designated for the Medium Priority Group shall be limited to the middle ranked 33% or less of the acreage of projects within each category on the list, as determined by the Council.

(c) Low Priority Group: Those acquisition projects proposed for approval that are considered by the Council to be important, but not as important as those included in the high and medium resource priority groups. The Low Priority Group shall include at least the lowest ranked 33% of the acreage of projects within each category on the list, as determined by the Council.

18-24.007 Board of Trustees Consideration.

(1) The Board shall receive at a regularly scheduled public meeting, at least semiannually, the report of the Council pursuant to subsection 259.105(15), ~~Florida Statutes F.S.~~, and act on the recommendations contained in that report pursuant to subsection 259.105(14), ~~Florida Statutes F.S.~~

(2) The Council's report will include a list of owners who have requested by certified mail that their property be removed from the list, and maps of the locations of such property, and the Council's recommendations for whether or not the Board should add such property back on the list. The Board may add those properties back into projects pursuant to the provision of subparagraph 259.105(7)(b)2., ~~Florida Statutes F.S.~~

(3) No change.

18-24.008 Capital Improvement and Restoration Proposals.

(1) In order for a capital improvement project, whether restoration or other, to be eligible for access to the Fund, pursuant to paragraph 259.105(3)(b), ~~Florida Statutes F.S.~~, the project must be presented for the consideration of the Council in an application from the managing entity, for work on lands ~~acquired from the Fund pursuant to Chapter 259, F.S.~~

(2) All capital improvement projects, whether restoration or other, which are presented in an application to the Council for funding consideration, must be contemplated in a

prospectus or a land management plan submitted and approved pursuant to Sections 253.034 and 259.032, ~~Florida Statutes F.S.~~

(3) through (6) No change.

STATE BOARD OF ADMINISTRATION

RULE NO.: 19-11.009
 RULE TITLE: Reemployment with an FRS-covered Employer after Retirement

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 42, October 23, 2009 issue of the Florida Administrative Weekly has been withdrawn.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-2.322
 RULE TITLE: 20 Year Permit 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. 34, August 28, 2009 issue of the Florida Administrative Weekly.

Notice is hereby given that the following changes have been made to proposed Rule 40D-2.322, F.A.C., which is related to other proposed amendments to Rules 40D-1.607, 40D-2.091, 40D-2.301, and 40D-2.321, in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 34, August 28, 2009 issue of the Florida Administrative Weekly.

Additional laws implemented are added to Rule 40D-2.322 and subsection 40D-2.322(3), F.A.C., is substantially reworded so that it will read as follows:

40D-2.322 20 Year Permit Requirements.

(1) through (2) No change.

(3) For 20 year General and Individual Public Supply Permits, at years 10 and 15 of the permit the permittee shall submit an analysis and summary of the long-term trends over the reporting period and through the term of the permit that addresses population growth based on the District's BEBR medium based GIS model or equivalent methodology, non-population based factors such as large industrial or other uses, other water demand, and per capita use. If the reporting period demands are less than 90% of the projected demands as reflected in the permit for that period or for the remainder of the term of the permit, the permittee shall demonstrate a legal, technical or other type of hardship as to why the permitted demand should not be reduced to an allocation based on actual demands experienced through the reporting period and demands projected through the remaining term of the permit. Within 90 days of a District notification to the permittee that

the demonstration was not made, the permittee shall submit a request to modify the permit allocation consistent with actual and projected demands.

(4) through (5) No change.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103, 373.171, 373.219, 373.223, 373.227, 373.236, 373.250 FS. History—New _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:
59A-7.020 Definitions

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. 45, November 13, 2009 issue of the Florida Administrative Weekly.

59A-7.021 Laboratory Licensure – Qualifications, Licensure, Operation and Application.

(1) The application for licensure shall include the following information applicable to the laboratory operation:

(a) The application for an initial licensure, including changes of ownership and additions of specialty and subspecialty shall contain:

1. through 10. No change.

11. Information ~~Such other information~~ requested on AHCA Form 3170-2004B, Initial Clinical Laboratory Licensure Application, September, 2009, or AHCA Form 3170-2004C, Change of Licensed Owner Application, September 2009, or ACHA Form 3170-2004D, Addition of Specialty, Subspecialty or change in Specialty, September 2009, and AHCA Form 3110-1024, Health Care Licensing Application Addendum, October 2009, ~~necessary in carrying out the purpose of this part as stated in Section 483.021, F.S., and Sections 408.805, 408.806, 408.807, 408.810, and 408.813, F.S. as applicable to the laboratory operation.~~ AHCA Forms 3170-2004B, 3170-2004C and 3170-2004D, shall be obtained from the agency, are and is incorporated by reference herein and are available at: [http://ahca.myflorida.com/MCHQ/Health Facility Regulation/Laboratory Licensure/application s.shtml](http://ahca.myflorida.com/MCHQ/Health_Facility_Regulation/Laboratory_Licensure/application_s.shtml).

(b) The application for renewal licensure shall contain:

1. through 6. No change.

7. Information ~~Such other information~~ requested on AHCA Form 3170-2004, Clinical Laboratory License Renewal Application, REV September 2009, and ~~or~~ AHCA Form 3110-1024, Health Care Licensing Application Addendum, October 2009, ~~necessary in carrying out the purpose of this part as stated in Section 483.021, F.S., and Sections 408.805, 408.806, 408.807, 408.810, and 408.813, F.S., as applicable to the laboratory operation.~~ AHCA Form 3170-2004, Clinical Laboratory License Renewal Application, REV September,

2009, and AHCA Form 3110-1024, Health Care Licensing Application Addendum, October 2009 shall be obtained from the agency and are is incorporated by reference herein and are available at: [http://ahca.myflorida.com/MCHQ/Health Facility Regulation/Laboratory Licensure/applications.shtml](http://ahca.myflorida.com/MCHQ/Health_Facility_Regulation/Laboratory_Licensure/applications.shtml).

(c) In addition to information required under paragraphs 59A-7.021(1)(a) and (b), F.A.C., accredited laboratories surveyed by an approved accreditation program in lieu of the agency, as specified in Rule 59A-7.033, F.A.C., and Chapter 408, Part II, F.S., must also submit:

1. through 2. No change.

(2) through (9) No change.

(10) Laboratories are prohibited from performing testing for which they are not authorized as indicated on the clinical laboratory license. The performance of unauthorized testing shall result in administrative action as authorized under Section 483.221, and Sections 408.812, 408.813, 408.814, 408.815, 408.816, 408.817 and 408.831, F.S.

(11) No change.

Rulemaking Authority 483.051, 408.819 FS. Law Implemented 483.051, ~~483.091~~, 483.101(+), 483.111, 483.172, ~~483.181~~, 483.221, 483.23, ~~408.303~~, 408.804, 408.805, 408.806, 408.807, ~~408.808~~, ~~408.809~~, ~~408.810~~, ~~408.812~~, ~~408.813~~, ~~408.814~~, ~~408.815~~, ~~408.816~~, ~~408.817~~, ~~408.831~~ FS. History—New 11-20-94, Amended 7-4-95, 12-27-95, 3-25-03, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

RULE NO.: RULE TITLE:
61B-19.0015 Filing Education and Training Programs

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 previously filed rule number 61B-19.002 is being changed to 61B-19.0015.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Regulatory Council of Community Association Managers

RULE NO.: RULE TITLE:
61E14-3.002 Special Assessment

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 40, October 9, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: 61G6-5.002 RULE TITLE: Application for Certification by Examination; Reexamination

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 45, November 7, 2008 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: 61G6-5.003 RULE TITLE: Application for Examination for Certification

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 45, November 7, 2008 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: 61G6-5.009 RULE TITLE: Endorsement

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 45, November 7, 2008 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NO.: 61G17-5.0043 RULE TITLE: Obligations of Continuing Education Providers

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 35, September 4, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NO.: 61G17-9.005 RULE TITLE: Mediation

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 35, September 4, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: 64B1-4.001 RULE TITLE: Acupuncture Program 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. 11, March 20, 2009 issue of the Florida Administrative Weekly.

The change is in response to concerns stated in a letter from the Joint Administrative Procedure Committee dated August 6, 2008, and comments from the public at the rule hearing on December 3, 2009.

The rule shall read as:

64B1-4.001 Acupuncture Program Requirements.

In order to be certified to take the licensure examination or to be eligible for licensure by endorsement, the applicant must establish that he/she has met the following minimal requirements.

- (1) No change.
- (2) Applicants who apply for licensure on or after August 1, 2001 must have completed a core curriculum comparable to that of the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM) master's level program in oriental medicine with a minimum of 2700 hours of supervised instruction;

~~(a) 15 hours of supervised instruction in universal precautions; and~~

~~(b) 20 hours of supervised instruction in Florida Statutes and Rules, including Chapters 456 and 457, F.S., and this rule chapter.~~

~~(3) Applicants who apply for licensure on or after October 1, 2003 must have graduated from an ACAOM candidate or accredited 4 year master's level program or foreign equivalent in oriental medicine with a minimum of 2700 hours of supervised instruction;~~

(3)(a) All applicants must successfully complete 15 hours of supervised instruction in universal precautions; and

(b) 20 hours of supervised instruction in Florida Statutes and Rules, including Chapters 456 and 457, F.S., and this rule chapter. For purposes of the Florida Statutes and Rules and HIV/AIDS requirements imposed by this chapter for initial licensure, the term "supervised instruction" shall mean instruction in a Board approved continuing education program or in a program offered at an ACAOM accredited oriental medicine school.

(4) No change.

Rulemaking Specific Authority ~~457.102~~, 457.104, 457.105 FS. Law Implemented ~~456.033, 457.102~~, 457.105 FS. History—New 8-30-84, Formerly 21AA-4.01, Amended 7-20-88, 4-30-89, 9-19-89, 3-18-92, Formerly 21AA-4.001, 61F1-4.001, Amended 3-24-96, Formerly 59M-4.001, Amended 12-31-97, 11-1-99, 6-21-00, 4-3-01, 5-24-04, 10-11-04, 10-24-04, 5-30-07, _____.

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: 64B1-6.005
 RULE TITLE: Standards for Approval of Continuing Education Credit

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. 21, May 29, 2009 issue of the Florida Administrative Weekly.

The change is in response to concerns stated in a letter from the Joint Administrative Procedure Committee dated June 16, 2009, and comments from the public at the rule hearing on December 3, 2009.

The rule shall read as:

64B1-6.005 Standards for Approval of Continuing Education Credit.

(1) through (4) No change.

(5) To receive credit for programs on HIV/AIDS at the licensee's first renewal, the program must be, at a minimum, three (3) two (2) hours in length and must address the areas mandated in Section 456.033, F.S. The Board accepts HIV/AIDS programs presented or conducted by the Department of Health and programs approved by other professional regulatory boards for the health professions.

(6) Continuing education programs ~~related to laboratory test or imaging findings~~ shall be designed to provide course content on the clinical relevance of ~~laboratory and diagnostic tests and procedures as well as~~ biomedical sciences physical examination findings and to advance, extend or enhance the licensee's skills and knowledge in biomedical sciences ~~related to the safe and beneficial use of laboratory test and imaging findings~~.

Rulemaking Specific Authority 456.013(9), 456.033, 457.104, 457.107(3) FS. Law Implemented 456.013(9), 456.033, 457.107(3) FS. History—New 2-24-88, Amended 8-6-89, Formerly 21AA-6.005, 61F1-6.005, Amended 3-18-97, Formerly 59M-6.005, Amended 6-1-99, 1-7-03, _____.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: 69A-60.0081
 RULE TITLE: Notice Required for Buildings with Light-frame Truss-type Construction

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. 41, October 16, 2009 issue of the Florida Administrative Weekly.

RULE 69A-60.008 HAS BEEN RENUMBERED AS 69A-60.0081 SINCE RULE NUMBER 69A-60.008 HAD PREVIOUSLY BEEN USED AND REPEALED.

**Section IV
 Emergency Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

**Section V
 Petitions and Dispositions Regarding Rule Variance or Waiver**

DEPARTMENT OF STATE

NOTICE IS HEREBY GIVEN THAT on December 9, 2009, the Department of State has issued an order.

Subparagraph 1T-1.001(15)(b)9., F.A.C. requires that an organization approved for a state matching share for the Cultural Endowment Program and placed on the priority list, waiting for legislative funding, must be removed from the priority list if the organization chooses to expend its own matching share. Notice of the petition was published in the August 28, 2009 issue of the Florida Administrative Weekly. No public comments were received. On December 9, 2009, the Department of State entered an order denying the rule variance because the rule was violated prior to the filing of the organization's petition for variance.

A copy of the Order may be obtained by contacting: Charlotte Wheeler, Agency Clerk, Office of the General Counsel, Department of State, 500 South Bronough Street, Tallahassee, FL 32399-0250, (850)245-6536.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

ADMINISTRATION COMMISSION

NOTICE IS HEREBY GIVEN THAT on December 10, 2009, the Administration Commission has issued an order.

On November 2, 2009, the Administration Commission received a "Petition for Variance from or Waiver of 20 Percent ROGO Allocation Reduction in Rule 28-20.110, F.A.C." filed by the Monroe County Board of County Commissioners. The petition was noticed in the November 20, 2009, edition of the Florida Administrative Weekly to allow interested parties an opportunity to comment. The comment period concluded on December 4, 2009, without any comments being provided to the Commission.

On December 8, 2009, the Administration Commission met to consider the petition. Upon consideration, the Commission granted the petition and determined that no twenty percent reduction in new residential building permit allocations shall be imposed notwithstanding the fact that Monroe County did not achieve substantial progress in completing the Year 10 Work Program tasks provided in Rule 28-20.110, F.A.C. The Commission's Final Order in this matter shall remain in effect until September 30, 2010.

A copy of the Order may be obtained by contacting: Barbara Leighty, Clerk, Administration Commission, Office of the Governor, Room 1801, The Capitol, Tallahassee, Florida 32399-0001, (850)487-1884.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT on December 10, 2009, the South Florida Water Management ("District") Governing Board has issued an order.

SFWMD Order No. 2009-303-DAO-ROW was issued to Canal Investments, Inc. (Application No. 09-0213-1). The petition for waiver was received by the SFWMD on March 13, 2009. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 35, No. 13, on April 3, 2009. No public comment was received. This Order provides a waiver of the District's criteria to allow for the proposed installation of a cross-fence with vehicular access gate at the east property lie extended and to allow an asphalt parking area accommodating six parking spaces with bollards, buried electrical service with lighting and a portion of an exfiltration trench within the C-4 Canal right of way, Section 5, Township 54 South, Range 40 East, Miami-Dade County, to remain. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6), paragraph 40E-6.221(2)(a)

and (j), Florida Administrative Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District, incorporated by reference in subsection 40E-6.091(1), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank and within the District's designated equipment staging areas at all bridges and pile-supported utility crossings, as well as the placement of retention/detention facilities and use of motor vehicles (parking) within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the District's current ability to perform necessary construction, alteration, operation, and routine maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Petitioner from suffering a substantial hardship and violate principles of fairness.

A copy of the Order may be obtained by contacting: Juli Russell, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6268 or by email: jurussel@sfwmd.gov.

NOTICE IS HEREBY GIVEN THAT on December 1, 2009, the South Florida Water Management District ("District"), received a petition for waiver from Miami-Dade County Public Works Department, Application No. 09-1201-1, for utilization of Works or Lands of the District known as the C-1W Canal. Miami-Dade County is requesting authorization to construct approximately 1000 feet of guardrail, 6 feet inside the northerly right of way of the C-1W canal adjacent to SW 212nd Street between S. W. 119nd Avenue to S. W. 117th Court. Location, C-1W Canal, Section 12, Township 56S, Range 39E, Miami-Dade County. The petition seeks relief from subsections 40E.6011(4) and (6), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground structures within 40 feet of the top of the canal bank within Works and Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juli Russell at (561)682-6820 or e-mail: jurussel@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn.: Juli Russell, Office of Counsel.

NOTICE IS HEREBY GIVEN THAT on December 4, 2009, the South Florida Water Management District ("District"), received a petition for waiver from Palm Beach County Environmental Resources Management for a Modification to Permit No. 13007 (Application No. 09-1204-1M), for

utilization of Works or Lands of the District known as the C-18W Canal for existing gate structures associated with a previously permitted bridge within the C-18W rights of way located approximately 3.99 miles downstream of the Beeline Highway (SR 710) Section 30, Township 41 South, Range 42 East, Palm Beach County. The petition seeks relief from subsections 40E-6.011(4) and (6), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground structures within 40 feet of the top of canal bank within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juli Russell at (561)682-6268 or e-mail: jurussel@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attention: Juli Russell, Office of Counsel.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on December 9, 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 Daniel C. Breiding of Sarasota Sands of Sarasota to not comply with Rules 3.11.3, 3.11.1 and 2.7.4, ASME A17.3, 1996 edition until February 22, 2010 (VW 2009-529).

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 9, 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 Department cannot grant variances from Florida Statutes, as submitted by Judy K. Schweikert of Pierce 100, Inc. and, as specified in Section 120.542, Florida Statutes, titled Petition for Variances and Waivers (VW 2009-530).

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 9, 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 and no means of meeting the intent of the code have been put forth, as submitted by Chester J.

Oszkandy of 600 Cleveland St. and, as specified in Section 120.542, Florida Statute, titled Petition for Variances and Waivers (VW 2009-542).

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 9, 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 as they failed to provide how the intent of the code will be met, as submitted by Gene Craig of La Playa East Condo Assoc., Inc. and, as specified in Section 120.542, Florida Statutes, titled Petition for Variances and Waivers (VW 2009-559).

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 9, 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, the specific rules from which the variance would be requested were not given and no means of meeting the intent of the code have been put forth, as submitted by Eddie Armesto of Centrellx Elevator Service Corp. and, as specified in section 120.542, Florida Statute, titled Petition for Variances and Waivers (VW 2009-581).

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 9, 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 Mathew Saponara of Florida Department of Transportation, D2 of Jacksonville to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until June 1, 2010 (VW 2009-588).

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 9, 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 Mathew Saponara of Jacksonville Urban Office, FDOT, D2 of Jacksonville to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until June 1, 2010 (VW2009-589).

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 9, 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 Stephen K. Boone, Esq. of Colonial House of Venice to not comply with Rules 3.11.1(a)(2) and 2.7.4, ASME A17.3, 1996 edition until November 30, 2012 (VW2009-719).

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 9, 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 Lee Rigby of Yachtsman of Clearwater to not comply with Rules 3.11.1(a)(2) and 2.7.4, ASME A17.3, 1996 edition and Rule 8.6.1.6.3(a), ASME A17.1, 2004 edition until December 31, 2010 (VW 2009-726).

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 9, 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 Barbara J. Petroski of Lucerne Plaza of Orlando to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until December 31, 2011 (VW2009-732).

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 9, 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 Jeffrey Will of Casa De Marco of Marco Island to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until September 1, 2012 (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 December 9, 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 Lee Rigby

of Treasure Coast Medical Center of Port St. Lucie to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until November 1, 2012 (VW2009-749).

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 December 9, 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 Aral Abuhan of Key Plaza Apartments of St. Petersburg to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until November 1, 2012 (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 December 9, 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 Lee Rigby of FAMU Coleman Library of Tallahassee to not comply with Rules 3.11.3 and 3.3.2, ASME A17.3, 1996 edition until November 15, 2012 (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 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, Section 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, Fairway Gardens, Naples, FL, and location of the Serial Number 31068, 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 2009-769).

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, 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, Flamingo Bay Condominium, Tierra Verde, FL, and location of the Serial

Number 34251, 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 2009-770).

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, Section 3.11.3, 3.10.4(u) 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, Florentine Gardens, Marco Island, FL, and location of the Serial Number 30030 and 30031, 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 2009-771).

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 received a petition for an emergency temporary variance from an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Clarion Hotel, Ft. Myers, FL, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Tarun Patel, Manager (VW 2009-772).

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 24, 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 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, Bellamar House Condo, Greenacres, FL, and location of the Serial Number 25115, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Jacqueline Wuestman, CAM (VW 2009-773).

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 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, Village of Winterset, Winter Park, FL, and location of the Serial Number 9114 and 9115, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from James E. Elder, President (VW 2009-774).

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 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, Days Inn Tropical Sea's Hotel, Daytona Beach Shores, FL, and location of the Serial Number 37010, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from John Townsell, Vice President (VW 2009-775).

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 received a petition for an emergency temporary variance from an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Captain's Quarters Condominium, Marathon, FL, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Ken Huff, President (VW 2009-776).

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 received a petition for an 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, Collwood Condominium, Madeira Beach, FL, and location of the Serial Number 30749, 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 2009-777).

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 received a petition for an emergency permanent variance from A17.1, Section 5.7.12.2, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Scholtz Power Plant, Sneads, FL, and location of the Serial Number 2262, 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 2009-778).

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 received a petition for an 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, Yomtob Office Holdings LLC, Delray Beach, FL, and location of the Serial Number 33165 and 33166, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Paul Komie, Agent (VW 2009-779).

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 2, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for an temporary variance from an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, DMS, Division of Real

Estate Development and Management, Tampa, FL, and location of the Serial Number 26808, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Richard Arcuri, Project Manager (VW 2009-780).

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 4, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for an temporary variance from A17.3, Section 3.11.1 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, Calhoon Property Management of Largo, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Jane Calhoon (VW 2009-781).

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 9, 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 Jeff A. Wilson of River Plaza of Jupiter to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until January 1, 2013 (VW 2009-605).

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 2, 2009, the The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The Department received a Petition on November 24, 2009 for an Emergency Variance for paragraph 61C-1.002(5)(a), (2), Florida Administrative Codes, from Florida Fast Food Network in Winter Park. 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.

The variance request was published in Vol. 35/49-12/11/09 contingent upon the Petitioner maintaining the casters in good repair. No additional equipment is to be installed. The unit must report to its commissary each day of operation for support services. The operation of this unit is restricted to the Coastland Center Mall, 1800 Tamiami Trail, Naples.

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 December 2, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The Department received a Petition on November 13, 2009, for a Routine Variance for subsections 61C-4.010(6) and 61C-4.010(7), Florida Administrative Code, from Personal Touch Catering located in Winter Park, FL. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers. They are requesting to utilize bathrooms located within an adjacent business for customers only.

The variance request was published in Vol. 35, No. 48, 12/4/09, and approval is contingent upon the Petitioner ensuring the bathrooms located within Canal Management are maintained in a clean and sanitary manner and are provided with hot and cold running water under pressure, soap, approved hand drying devices, and available during all hours of operation. The petitioner shall also ensure directional signage is installed within or outside the establishment clearly stating the location of the bathrooms. If the ownership of Canal Management changes, an updated signed agreement for use of the bathroom facilities is required immediately.

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.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

NOTICE IS HEREBY GIVEN THAT on November 20, 2009, the Department of Environmental Protection's Northwest District has issued an order.

On September 16, 2009, the petitioner Patrick C. Flynn, Regional Director, Sandy Creek Utilities Services, Inc., for the Sandy Creek Ranch Wastewater Treatment Plant filed a petition for a variance under Section 120.542, F.S., from the minimum wastewater treatment plant staffing required by subsection 62-610.462(3), F.A.C. The petition was assigned OGC No. 09-3595 and PA File No. FLA010019-008-DWF/VO. Notice of receipt of this petition was published in the Florida Administrative Weekly on October 9, 2009. While subsection 62-610.462(3), F.A.C., requires the minimum

staffing of 6 hours per day, 7 days a week by a Class C operator; the petitioner requested that the facility be staffed 3 hours per day, 5 days per week and one visit on each weekend by a Class C operator. On November 20, 2009, the Department granted the variance with conditions as requested based on the petitioner's demonstration that the rule would present a substantial hardship or violate the principles of fairness and that the purpose of the underlying statute would otherwise be met.

A copy of the Order may be obtained by contacting: Allan Karrer, Department of Environmental Protection, Domestic Wastewater Section, Northwest District, 160 Governmental Center, Pensacola, Florida 32502, allan.karrer@dep.state.fl.us, (850)595-8380.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on November 9, 2009, the Board of Massage Therapy has issued an order.

The Petition for Waiver or Variance was filed on August 28, 2009, by Danell Dewar. The Notice of Petition for Waiver or Variance was published in Vol. 35, No. 35, of the September 4, 2009, Florida Administrative Weekly. The Petitioner sought a waiver from paragraph 64B7-28.009(3)(a), F.A.C., entitled "Continuing Education." Specifically, the Petitioner requested that the Board issue a Final Order granting a waiver from the requirement that she complete 12 hours of live hand-on continuing education courses. The Board of Massage Therapy considered the Petition at its meeting held on October 2, 2009, via teleconference, and issued an order, filed on November 9, 2009, temporarily granting the Petition for a Variance or Waiver of paragraph 64B7-28.009(3)(a), F.A.C. The board will allow the Petitioner to complete the 12 hours of live instruction through online courses. She must complete said online courses within 30 days of the date the Order was filed. This variance only applied to the 2007-2009 biennium.

A copy of the Order may be obtained by contacting: Kaye Howerton, Executive Director, 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399-3256.

NOTICE IS HEREBY GIVEN THAT on December 11, 2009, the Board of Medicine, received a petition for waiver or variance filed by Houshang Farahvar, M.D., from subsection 64B8-4.009(5), F.A.C., with regard to the requirement for submission of documentation of medical education directly from Petitioner's medical school. Comments on this petition should be filed with: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Larry McPherson, Jr., Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

NOTICE IS HEREBY GIVEN THAT on December 14, 2009, Board of Medicine, received a petition for waiver or variance filed on behalf of Samantha Lindsay, M.D., from Rule 64B8-4.018, F.A.C., with regard to the requirement that each applicant for a Florida medical license who is an international medical graduate successfully complete core clerkships in medicine, surgery, obstetrics-gynecology and pediatrics at a hospital affiliated with a medical school accredited by the Liaison Committee on Medical Education or at a hospital which had a residency program accredited by the Accreditation Council for Graduate Medical Education. Comments on this petition should be filed with: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Larry McPherson, Jr., Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

NOTICE IS HEREBY GIVEN THAT on November 10, 2009, the Board of Pharmacy, received a petition for Vivekanand Y. Aher. The petitioner does not provide a reference to any specific rule number in the petition.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254. Comments on this petition should be filed with the Board of Pharmacy/MQA within 14 days of publication of this notice.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN THAT on December 1, 2009, Department of Financial Services, Division of Agent and Agency Services, received a petition for permanent variance, filed by American Equity Investment Life Insurance Company. The petition seeks a permanent variance from the requirement in Form DFS-H1-1908, Annuity Suitability Questionnaire, incorporated in Rule 69B-162.011, F.A.C., that specific disclosures be made to senior annuity buyers who refuse to provide requested information. The petition is based on the condition that the company will not sell annuities to seniors who refuse to provide requested information.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Barry Lanier, Chief of Investigations, Bureau of Investigation, Division of Agent and Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0319, (850)413-3136.

NOTICE IS HEREBY GIVEN THAT on December 9, 2009, the Department of Financial Services, Division of Agent and Agency Services, received a petition for waiver filed by Liberty Life Insurance Company. The petition seeks a 30-day waiver from Rule 69B-162.011, F.A.C., in order to have more time to revise its systems before being required to use the forms adopted in Rule 69B-162.011, F.A.C. That rule requires specific forms be used when annuities are sold to seniors.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Barry Lanier, Chief of Investigations, Bureau of Investigation, Division of Agent and Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0319, (850)413-3136.

NOTICE IS HEREBY GIVEN THAT on November 30, 2009, the Department of Financial Services, Division of Agent and Agency Services, received a petition for waiver filed by Sun Life Assurance Company of Canada (U.S.). The petition seeks a 30-day waiver from Rule 69B-162.011, F.A.C., in order to have more time to revise its systems before being required to use the forms adopted in Rule 69B-162.011, F.A.C. That rule requires specific forms be used when annuities are sold to seniors.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Barry Lanier, Chief of Investigations, Bureau of Investigation, Division of Agent and Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0319, (850)413-3136.

Section VI Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Division of Bond Finance
- Financial Services Commission:
- Office of Insurance Regulation
- Office of Financial Regulation
- Agency for Enterprise Information Technology
- Department of Veterans' Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement

Department of Revenue
Administration Commission
Florida Land and Water Adjudicatory Commission
Board of Trustees of the Internal Improvement Trust Fund
Department of Environmental Protection

DATE AND TIME: January 12, 2010, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular scheduled meeting of the Governor and Cabinet to act on all executive branch matters provided by law and to act on any agendas submitted for their consideration. The Governor and Cabinet will proceed through each agenda, item by item.

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; reports on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968.

The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to; matters relating to rulemaking for all activities of the Office of Insurance Regulation concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and matters related to rulemaking for all activities of the Office of Financial Regulation relating to the regulation of banks, credit unions, other financial institutions, finance companies, retail installment sales providers, title loan lenders, collection agencies, mortgage brokers, mortgage lenders, certified capital companies, money services businesses, and the securities industry.

The Agency for Enterprise Information Technology will take action on matters duly presented on its agenda which may include, but not be limited to, the presentation and approval of the Agency's Annual Operational Work Plan as well as matters relating to rulemaking for all activities of the Agency.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S. The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, administrative procedure matters, and consideration of other matters within its authority.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to various statutes including Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters for which it is responsible pursuant to law (including duties pursuant to Title 18 of the Florida Statutes and Title 18 of the Florida Administrative Code) and that are duly presented on its agenda, which may include such matters as aquacultural issues as presented by the Division of Aquaculture in the Department of Agriculture and Consumer Services; mineral leases or sales; state or sovereign land leases, sales, exchanges, dedications, and easements; conservation and preservation lands and other land purchases; land planning matters and other matters within its authority.

The Department of Environmental Protection will present for consideration those matters required by law to be reviewed by the Governor and Cabinet, sitting as the Siting Board, which may include, but are not limited to siting of power plants and electric and natural gas transmission lines.

A copy of any of the above agendas submitted to the Governor and Cabinet for this meeting may be obtained by viewing the website of the Governor and Cabinet at <http://www.myflorida.com/myflorida/cabinet/> or by contacting each individual agency.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to provide at least 48 hours' notification before the meeting by contacting the Governor's Cabinet Affairs Office, (850)488-5152.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, FL

DEPARTMENT OF STATE

The **Division of Historical Resources**, Bureau of Historic Preservation, Great Floridians Ad Hoc Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, January 8, 2010, 10:30 a.m.

PLACE: R. A. Gray Building, 500 South Bronough Street, Secretary of State's Conference Room, Tallahassee, Florida 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: To make recommendations for designation by the Secretary of State for 2010 Great Floridians.

A copy of the agenda may be obtained by contacting: Susanne Hunt, Bureau of Historic Preservation at (850)245-6333 or shunt@dos.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Susanne Hunt at (850)245-6333 or shunt@dos.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Susanne Hunt at (850)245-6333 or shunt@dos.state.fl.us.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Subcommittee on Managed Marshes** announces a public meeting to which all persons are invited.

DATE AND TIMES: January 14, 2010, 9:30 a.m., Quarterly Business Meeting; 1:00 p.m., Field Trip

PLACE: Quarterly Business Meeting, Anastasia Mosquito Control District Office, 500 Old Beach Road, St. Augustine, FL 32080, (904)471-3107; Field Trip, Guana Tolomato Matanzas National Estuarine Research Reserve, 505 Guana River Road, Ponte Verde Beach, FL 32082, (904)823-4500

GENERAL SUBJECT MATTER TO BE CONSIDERED: The business of the subcommittee.

For more information, you may contact: Mr. Doug Carlson, Chair at (772)562-2393, doug.carlson@irmosquito2.org.

The **Florida Department of Agriculture and Consumer Services, Division of Forestry** (DOF) and the Carl Duval Moore State Forest (CDMSF) Management Plan Advisory Group (MPAG) announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 21, 2010, 6:00 p.m.

PLACE: East Palatka Ag Center/Extension Office, 111 Yelvington Road, East Palatka, FL 32131

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Meeting. To allow the CDMSF MPAG to prepare for a public hearing the evening of January 21, 2010 and provide recommendations to the DOF to help in preparation of a management plan for the CDMSF.

DATE AND TIME: Thursday, January 21, 2010, 6:30 p.m.

PLACE: East Palatka Ag Center/Extension Office, 111 Yelvington Road, East Palatka, FL 32131

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing. To solicit comments on management of the CDMSF. Comments may be presented orally or in writing at the hearing. Written comments may also be submitted to: DOF's Carl Duval Moore State Forest C/O Etoniah Creek State Forest Office, 390 Holloway Road, Florahome, FL 32140, Attention: Scott Crosby and should be mailed so as to arrive at the office by the date of the public hearing.

DATE AND TIME: Friday, January 22, 2010, 9:30 a.m.

PLACE: East Palatka Ag Center/Extension Office, 111 Yelvington Road, East Palatka, FL 32131

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Meeting. To allow the CDMSF MPAG to review comments from the public hearing of January 21, 2010 and provide recommendations to the DOF to help in preparation of a management plan for the CDMSF.

A copy of the agenda may be obtained by contacting: Carl Duval Moore State Forest; C/O Etoniah State Forest, 390 Holloway Road, Florahome, FL 32140 or by contacting: Scott Crosby at (386)329-2552.

Pursuant to the provisions of 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: DOF's Carl Duval Moore State Forest office at the above listed address. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Forestry Arson Alert Association** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, January 22, 2010, 12:00 Noon

PLACE: Ocean Walk Convention and Event Center, Fire Rescure East Conference, Daytona Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: 1) Arson Rewards; 2) Budget; 3) Prevention Items; 4) Elections; 5) New Business.

A copy of the agenda may be obtained by contacting: Jim Karels, 3125 Conner Blvd., Tallahassee, Florida 32399-1650, (850)488-6111.

DEPARTMENT OF EDUCATION

The **Florida Rehabilitation Council Committee's** announces a telephone conference call to which all persons are invited.

Planning

DATE AND TIME: December 18, 2009, 9:00 a.m. – 11:00 a.m.

Executive

DATE AND TIME: December 22, 2009, 9:00 a.m. – 11:00 a.m.

Coordination

DATE AND TIME: January 7, 2010, 9:30 a.m. – 11:30 a.m.

Evaluation

DATE AND TIME: January 7, 2010, 2:00 p.m. – 4:00 p.m.

PLACE: DVR Headquarters

GENERAL SUBJECT MATTER TO BE CONSIDERED: Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission, or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes).

A copy of the agenda may be obtained by contacting: Yolanda Triplett at (850)245-3320.

The **Florida Rehabilitation Council** announces a public meeting to which all persons are invited.

DATES AND TIME: FRC Legislative Training, February 11-12, 2010; FRC Quarterly Meeting, February 22-24, 2010, 9:00 a.m.

PLACE: TBA

GENERAL SUBJECT MATTER TO BE CONSIDERED: Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission, or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

A copy of the agenda may be obtained by contacting: Yolanda Triplett at (850)245-3320.

The **Office of Independent Education and Parental Choice** announces a workshop to which all persons are invited.

DATE AND TIME: January 8, 2010, TBA

PLACE: Nova Southeastern University, 4850 Millenia Blvd., Room 335, Orlando, FL 32839

GENERAL SUBJECT MATTER TO BE CONSIDERED: To convene a workgroup of charter school stakeholders to develop recommendations for a model charter school contract.

A copy of the agenda may be obtained by contacting: Florida Department of Education, Attn.: Jacqueline Hitchcock, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399-0400, (850)245-0502.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 day before the workshop/meeting by contacting: Florida Department of Education, Attn.: Jacqueline Hitchcock, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399-0400, (850)245-0502. If you are 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 Department of Education, Attn.: Jacqueline Hitchcock, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399-0400, (850)245-0502.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Building Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: January 12, 2010, 9:00 a.m. – Until Completion

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Room 152, Tallahassee, Florida 32399, (850)644-6320

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Flood Resistant Standards Workgroup for developing recommendations to the Commission regarding integration of Flood Resistant provisions into the 2010 Florida Building Code, statutory criteria necessary for the administration of the provisions and recommendations regarding a local model companion ordinance.

A copy of the agenda may be obtained by contacting: Mr. Jeff Blair at (850)644-6320, or the following web sites: <http://consensus.fsu.edu/FBC/Flood-Resistant-Standards.html>

http://www.dca.state.fl.us/fbc/workgroups/1_workgroups.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 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399, (850)487-1824 or Fax: (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The Subcommittee on Training of the **State Emergency Response Commission (SERC) for Hazardous Materials** announces a public meeting to which all persons are invited.

DATE AND TIME: January 7, 2010, 9:30 p.m.

PLACE: Hultin Singer Island, Caribbean Ballroom, 3700 North Ocean Drive, Singer Island, FL 33404

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the activities and goals of the SERC Subcommittee on Training and other hazardous materials training issues.

A copy of the agenda may be obtained by contacting: Division of Emergency Management at (850)413-9970.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 hours before the workshop/meeting by contacting: Division of Emergency Management, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100,

(850)413-9970. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Local Emergency Planning Committee, Chairpersons and Staff Contacts for the **State Emergency Response Commission (SERC) for Hazardous Materials** announces a public meeting to which all persons are invited.

DATE AND TIME: January 7, 2010, 1:30 p.m.

PLACE: Hilton Singer Island, Caribbean Ballroom, 3700 North Ocean Drive, Singer Island, FL 33404

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the activities and goals of the Local Emergency Planning Committee in implementing the Emergency Planning and Community Right-To-Know Act, also known as Title III of the Superfund Amendments and Reauthorization Act of 1986.

A copy of the agenda may be obtained by contacting: Division of Emergency Management at (850)413-9970.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Division of Emergency Management, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9970. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **State Emergency Response Commission (SERC) for Hazardous Materials** announces a public meeting to which all persons are invited.

DATE AND TIME: January 8, 2010, 10:00 a.m.

PLACE: Hilton Singer Island, Caribbean Ballroom, 3700 North Ocean Drive, Singer Island, FL 33404

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the requirements of the Emergency Planning and Community Right-To-Know Act, also known as Title III of the Superfund Amendments and Reauthorization Act of 1986.

A copy of the agenda may be obtained by contacting: Division of Emergency Management at (850)413-9970.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Division of Emergency Management, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100,

(850)413-9970. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF TRANSPORTATION

The **Department of Transportation** announces a public meeting to which all persons are invited.

DATES AND TIMES: December 29, 2009, 2:00 p.m.; January 28, 2010, 3:30 p.m.; February 26, 2010, 9:00 a.m.; March 30, 2010, 2:00 p.m.; April 29, 2010, 2:00 p.m.; May 27, 2010, 2:00 p.m.; June 1, 2010, 2:00 p.m. (Changes to meeting Date and Time will be posted at: www.dot.state.fl.us/contractsadministrationdistrict1)

PLACE: Florida Department of Transportation, 801 North Broadway Avenue, Bartow, Florida 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are the Technical Review Committee Meetings for review of technical issues relating to projects where bids were received by the District One Contracts Office.

A copy of the agenda may be obtained by contacting: Cheryl.sanchious@dot.state.fl.us or writing: Cheryl L. Sanchious, District Contracts Administrator, Attn.: MS #1-18, 801 North Broadway Avenue, Bartow, Florida 33830.

Pursuant to the provisions of 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: Cheryl.sanchious@dot.state.fl.us or writing: Cheryl L. Sanchious, District Contracts Administrator, Attn.: MS #1-18, 801 North Broadway Avenue, Bartow, Florida 33830, (863)519-2598. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Transportation** announces a public meeting to which all persons are invited.

DATES AND TIMES: January 5, 2010, 10:00 a.m.; February 2, 2010, 10:00 a.m.; March 2, 2010, 1:00 p.m.; April 6, 2010, 10:00 a.m.; May 4, 2010, 10:00 a.m.; June 1, 2010, 1:00 p.m.; July 6, 2010, 10:00 a.m. (Changes to meeting Date and Time will be posted at: www.dot.state.fl.us/contractsadministrationdistrict1)

PLACE: Florida Department of Transportation, 801 North Broadway Avenue, Bartow, Florida 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are the Awards Committee Meetings to determine the Departments intent to award or reject projects where bids were received by the District One Contracts Office.

A copy of the agenda may be obtained by contacting: Cheryl.sanchious@dot.state.fl.us or by writing: Cheryl L. Sanchious, District Contracts Administrator, Attn.: MS #1-18, 801 North Broadway Avenue, Bartow, Florida 33830.

Pursuant to the provisions of 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: Cheryl.sanchious@dot.state.fl.us or by writing: Cheryl L. Sanchious, District Contracts Administrator, Attn.: MS #1-18, 801 North Broadway Avenue, Bartow, Florida 33830, (863)519-2598. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Transportation** announces a public meeting to which all persons are invited.

DATES AND TIME: January 8, 2010; February 5, 2010; March 5, 2010; April 2, 2010; May 7, 2010; June 4, 2010, 10:30 a.m. (Changes to meeting Date and Time will be posted at: <http://www.dot.state.fl.us/contractsadministrationdistrict4/>)

PLACE: 3400 West Commercial Blvd. Fort Lauderdale, Florida 33309

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are the Technical Review Committee Meetings for review of technical issues relating to projects where bids were received by the District Four Contracts Office.

A copy of the agenda may be obtained by contacting: Lizz.holmes@dot.state.fl.us or Lizz Holmes, District Contracts Administrator, 3400 West Commercial Blvd., Fort Lauderdale, Florida 33309.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Lizz.holmes@dot.state.fl.us or Lizz Holmes, District Contracts Administrator, 3400 West Commercial Blvd., Fort Lauderdale, Florida 33309, (954)777-4650. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Florida Transportation Commission** announces a public meeting to which all persons are invited.

DATES AND TIMES: January 14, 2010, 12:00 Noon – conclusion of business; January 15, 2010, 8:00 a.m. – conclusion of business

PLACE: Hyatt Regency Orlando International Airport, 9300 Airport Boulevard, Orlando, Florida 32837

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Transportation Commission meeting.

A copy of the agenda may be obtained by contacting: Lisa O. Stone at (850)414-4316.

Pursuant to the provisions of 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: Lisa O. Stone at (850)414-4316. If you are 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 Transportation Commission, 605 Suwannee Street, MS #9, Room 176, Tallahassee, Florida 32399, (850)414-4105.

The **Department of Transportation** announces a public meeting to which all persons are invited.

DATES AND TIME: January 14, 2010; February 11, 2010; March 11, 2010; April 8, 2010; May 13, 2010; June 10, 2010, 10:30 a.m. (Changes to meeting Date and Time will be posted at: <http://www.dot.state.fl.us/contractsadministrationdistrict4/>)

PLACE: 3400 West Commercial Blvd., Fort Lauderdale, Florida 33309

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are the Awards Committee Meetings to determine the Departments intent to award or reject projects where bids were received by the District Four Contracts Office.

A copy of the agenda may be obtained by contacting: Lizz.holmes@dot.state.fl.us or Lizz Holmes, District Contracts Administrator, 3400 West Commercial Blvd., Fort Lauderdale, Florida 33309.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Lizz.holmes@dot.state.fl.us or Lizz Holmes, District Contracts Administrator, 3400 West Commercial Blvd., Fort Lauderdale, Florida 33309, (954)777-4650. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Transportation** announces a public meeting to which all persons are invited.

DATES AND TIME: January 14, 2010; February 11, 2010; March 11, 2010; April 15, 2010; May 13, 2010; June 10, 2010, 3:00 p.m. (Changes to meeting Date and Time will be posted at: <http://www.dot.state.fl.us/contractsadministrationdistrict5/>)

PLACE: Florida Department of Transportation, Secretary's Conference Room, 719 South Woodland Boulevard, Deland, Florida 32720

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are the Awards Review Committee Meetings to determine the Department's intent to award or reject projects where bids were received by the District Five Contracts Office. A copy of the agenda may be obtained by contacting: vickie.wyche@dot.state.fl.us or Vickie H. Wyche, District Contracts Administrator, 719 South Woodland Boulevard, Deland, Florida 32720.

Pursuant to the provisions of 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: vickie.wyche@dot.state.fl.us or Vickie H. Wyche, District Contracts Administrator, 719 South Woodland Boulevard, Deland, Florida 32720, (386)943-5525. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Transportation** announces a public meeting to which all persons are invited.

DATES AND TIME: January 20, 2010; February 17, 2010; March 17, 2010; April 21, 2010; May 19, 2010; June 16, 2010, 10:00 a.m. (Changes to meeting Date and Time will be posted at: www.dot.state.fl.us/contractsadministrationdistrict7/)

PLACE: Florida Department of Transportation, District 7 District Contracts, 11201 North McKinley Drive, Tampa, FL 33612

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are the Technical Review Committee Meetings for review of technical issues relating to projects where bids were received by the District Seven (7) Contracts Office.

A copy of the agenda may be obtained by contacting: john.ellis@dot.state.fl.us or John D. Ellis, District Contracts Administrator, 11201 North McKinley Drive, Tampa, FL 33612.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: john.ellis@dot.state.fl.us or John D. Ellis, District Contracts Administrator, 11201 North McKinley Drive, Tampa FL 33612, (813)975-6467. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Transportation** announces a public meeting to which all persons are invited.

DATES AND TIME: January 20, 2010, February 17, 2010; March 24, 2010; April 21, 2010, May 19, 2010; June 30, 2010; July 21, 2010, 2:00 p.m. (Changes to meeting Date and Time will be posted at: www.dot.state.fl.us/contractsadministrationdistrict2/)

PLACE: Florida Department of Transportation, 1109 S. Marion Avenue, Lake City, Florida 32025-5874

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are the Technical Review Committee Meetings for review of technical issues relating to projects where bids were received by the District Two Contracts Office.

A copy of the agenda may be obtained by contacting: Jane.jones@dot.state.fl.us or by writing: Jane E. Jones-Redd, District Contracts Administrator, 1109 S. Marion Avenue, Lake City, Florida 32025-5874.

Pursuant to the provisions of 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: Jane.jones@dot.state.fl.us or by writing: Jane E. Jones-Redd, District Contracts Administrator, 1109 S. Marion Avenue, Lake City, Florida 32025-5874, (386)758-3798. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Transportation** announces a public meeting to which all persons are invited.

DATES AND TIME: January 21, 2010; February 22, 2010; March 22, 2010; April 26, 2010; May 24, 2010; June 21, 2010, 11:00 a.m. (Changes to meeting Date and Time will be posted at: <http://www.dot.state.fl.us/contractsadministrationturnpike/>)

PLACE: Florida Turnpike Enterprise Headquarters Office, Milepost 263, Building 5315 Turkey Lake Service Plaza, Ocoee, Florida 34761

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are the Awards Review Committee Meetings to determine the Department's intent to award or reject projects where bids were received by the Turnpike Contracts Office.

A copy of the agenda may be obtained by contacting: richardjr.nethercote@dot.state.fl.us or Richard Nethercote, Jr., District Contracts Administrator, Florida Turnpike Enterprise Headquarters Office, Milepost 263, Building 5315, Turkey Lake Service Plaza, Ocoee, Florida 34761.

Pursuant to the provisions of 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: richardjr.nethercote@dot.state.fl.us or Richard Nethercote, Jr., District Contracts Administrator, Florida Turnpike Enterprise Headquarters Office, Milepost 263, Building 5315, Turkey Lake Service Plaza, Ocoee, Florida 34761, (407)264-3885. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Transportation** announces a public meeting to which all persons are invited.

DATES AND TIME: January 28, 2010; February 25, 2010; April 1, 2010; April 29, 2010; May 27, 2010; July 8, 2010; July 29, 2010, 8:30 a.m. (Changes to meeting Date and Time will be posted at: www.dot.state.fl.us/contractsadministrationdistrict2/)

PLACE: Florida Department of Transportation, 1109 S. Marion Avenue, Lake City, Florida 32025-5874

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are the Awards Committee Meetings to determine the Departments intent to award or reject projects where bids were received by the District Two Contracts Office.

A copy of the agenda may be obtained by contacting: Jane.jones@dot.state.fl.us or by writing: Jane E. Jones-Redd, District Contracts Administrator, 1109 S. Marion Avenue, Lake City, Florida 32025-5874.

Pursuant to the provisions of 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: Jane.jones@dot.state.fl.us or by writing: Jane E. Jones-Redd, District Contracts Administrator, 1109 S. Marion Avenue, Lake City, Florida 32025-5874, (386)758-3798. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Transportation** announces a public meeting to which all persons are invited.

DATES AND TIME: January 28, 2010; February 25, 2010; March 25, 2010; April 22, 2010; May 27, 2010; June 24, 2010, 1:30 p.m. CST. (Changes to meeting Date and Time will be posted at: <http://www.dot.state.fl.us/contractsadministrationdistrict3/>)

PLACE: Administration Building, 1074 Hwy. 90, Chipley, Florida 32428, Call (850)415-9366 for room location

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are the Technical Review Committee Meetings for review of technical issues relating to projects where bids were received by the District Three Contracts Office.

A copy of the agenda may be obtained by contacting: richard.norris@dot.state.fl.us or by writing: Richard Norris, District Contracts Administrator, District Contracts, FDOT District Three, 1074 Hwy. 90, Chipley, Florida 32428.

Pursuant to the provisions of 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: richard.norris@dot.state.fl.us or writing: Richard Norris, District Contracts Administrator, District Contracts, FDOT District Three, 1074 Hwy. 90, Chipley, Florida 32428. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Transportation** announces a public meeting to which all persons are invited.

DATES AND TIME: January 29, 2010; February 26, 2010; March 26, 2010; April 30, 2010; May 28, 2010; June 25, 2010, 8:00 a.m. (Changes to meeting Date and Time will be posted at: www.dot.state.fl.us/contractsadministrationdistrict7)

PLACE: Florida Department of Transportation, District 7, District Contracts, 11201 North McKinley Drive, Tampa, Florida 33612

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are the Awards Committee Meetings to determine the Departments intent to award or reject projects where bids were received by the District Seven Contracts Office.

A copy of the agenda may be obtained by contacting: john.ellis@dot.state.fl.us or John D. Ellis, District Contracts Administrator, 11201 North McKinley Drive, Tampa, FL 33612.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: john.ellis@dot.state.fl.us or John D. Ellis, District Contracts Administrator, 11201 North McKinley Drive, Tampa, FL 33612, (813)975-6467. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Transportation** announces a public meeting to which all persons are invited.

DATES AND TIME: February 1, 2010; March 1, 2010; March 29, 2010; April 26, 2010; May 31, 2010; June 28, 2010, 2:00 p.m. (CST) (Changes to meeting Date and Time will be posted at: <http://www.dot.state.fl.us/contractsadministrationdistrict3/>)

PLACE: Administration Building, 1074 Hwy. 90, Chipley, Florida 32428, Call (850)415-9366 for room location

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are the Awards Committee Meetings to determine the Departments intent to award or reject projects where bids were received by the District Three Contracts Office.

A copy of the agenda may be obtained by contacting: richard.norris@dot.state.fl.us or by writing: Richard Norris, District Contracts Administrator, District Contracts, FDOT District Three, 1074 Hwy. 90, Chipley, Florida 32428.

Pursuant to the provisions of 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: richard.norris@dot.state.fl.us or by writing: Richard Norris, District Contracts Administrator, District Contracts, FDOT District Three, 1074 Hwy. 90, Chipley, Florida 32428. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Transportation** announces a public meeting to which all persons are invited.

DATES AND TIME: February 4, 2010; March 4, 2010; April 1, 2010; May 6, 2010; June 3, 2010; July 1, 2010, 2:30 p.m. (Changes to meeting Date and Time will be posted at: <http://www.dot.state.fl.us/contractsadministrationdistrict6/>)

PLACE: Florida Department of Transportation, Adam Leigh Cann Building, 1000 N. W. 111th Avenue, Miami, FL 33172

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are the Technical Review Committee Meetings for review of technical issues relating to projects where bids were received by the District 6, Contracts Office.

A copy of the agenda may be obtained by contacting: kenneth.robertson@dot.state.fl.us or by writing: Kenneth Robertson, District Contracts Administrator, Florida Department of Transportation, 1000 N. W. 111th Avenue, Miami, FL 33172.

Pursuant to the provisions of 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: kenneth.robertson@dot.state.fl.us or by writing: Kenneth Robertson, District Contracts Administrator, Florida Department of Transportation, 1000 N. W. 111th Avenue, Miami, FL 33172, (305)470-5404. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Transportation** announces a public meeting to which all persons are invited.

DATES AND TIME: February 8, 2010; March 8, 2010; April 5, 2010; May 10, 2010; June 7, 2010; July 12, 2010, 9:00 a.m. (Changes to meeting Date and Time will be posted at: <http://www.dot.state.fl.us/contractsadministrationdistrict6/>)

PLACE: Florida Department of Transportation, Adam Leigh Cann Building, 1000 N. W. 111th Avenue, Miami, FL 33172

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are the Awards Committee Meetings to determine the Department's intent to award or reject projects where bids were received by the District 6 Contracts Office.

A copy of the agenda may be obtained by contacting: kenneth.robertson@dot.state.fl.us or by writing: Kenneth Robertson, District Contracts Administrator, Florida Department of Transportation, 1000 N. W. 111th Avenue, Miami, FL 33172.

Pursuant to the provisions of 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: kenneth.robertson@dot.state.fl.us or by writing: Kenneth Robertson, District Contracts Administrator, Florida Department of Transportation, 1000 N. W. 111th Avenue,

Miami, FL 33172, (305)470-5404. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Transportation** announces a public meeting to which all persons are invited.

DATES AND TIME: February 9, 2010; March 9, 2010; April 13, 2010; May 11, 2010; June 8, 2010; July 6, 2010, 2:00 p.m. (Changes to meeting Date and Time will be posted at: www.dot.state.fl.us/cc-admin/meetingnotice.shtm)

PLACE: Department of Transportation, 605 Suwannee St., Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are the Technical Review Committee Meetings for review of technical issues relating to projects where bids were received by the Central Office Contracts Office.

A copy of the agenda may be obtained by contacting: contracts.admin@dot.state.fl.us or by writing: Juanita Moore, Contracts Manager, 605 Suwannee St., MS #55, Tallahassee, FL 32399-0450.

Pursuant to the provisions of 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: contracts.admin@dot.state.fl.us or by writing: Juanita Moore, Contracts Manager, 605 Suwannee St., MS #55, Tallahassee, FL 32399-0450, (850)414-4000. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Transportation** announces a public meeting to which all persons are invited.

DATES AND TIME: February 10, 2010; March 10, 2010; April 14, 2010; May 12, 2010; June 9, 2010; July 7, 2010, 1:00 p.m. (Changes to meeting Date and Time will be posted at: www.dot.state.fl.us/cc-admin/meetingnotice.shtm.)

PLACE: Department of Transportation, 605 Suwannee St., Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are the Awards Committee Meetings to determine the Departments intent to award or reject projects where bids were received by the Central Office Contracts Office.

A copy of the agenda may be obtained by contacting: contracts.admin@dot.state.fl.us or by writing: Juanita Moore, Contracts Manager, 605 Suwannee St., MS #55, Tallahassee, FL 32399-0450.

Pursuant to the provisions of 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: contracts.admin@dot.state.fl.us or by writing: Juanita Moore, Contracts Manager, 605 Suwannee St., MS

#55, Tallahassee, FL 32399-0450, (850)414-4000. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

The **Florida Hurricane Catastrophe Fund Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: January 12, 2010, 1:00 p.m. – 5:00 p.m. (ET)

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Boulevard, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review suggestions provided by the public at the rule workshop held on January 11, 2010. The rules addressed at the workshop are as follows: Rules 19-8.010, 19-8.012, 19-8.013, 19-8.028, 19-8.029 and 19-8.030, F.A.C. The Advisory Council will consider public comments made at the workshop and will determine which rules will be filed for Notice of Proposed Rulemaking. In addition, the Advisory Council will engage in other general business of the Council.

A copy of the agenda may be obtained by contacting: Donna Sirmons, Florida Hurricane Catastrophe Fund, P. O. Drawer 13300, Tallahassee, FL 32317, or donna.sirmons@sbafla.com, (850)413-1349.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Donna Sirmons 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).

The **State Board of Administration** announces a public meeting to which all persons are invited.

DATES AND TIMES: January 21, 2010, 2:00 p.m.; January 28-29, 2010, 8:00 a.m. – 5:00 p.m.

PLACE: The Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED:

January 21, 2010 General Business of the Audit Committee.

January 28-29, 2010 Selection of a firm, review of deliverables, as well as address other general business of the Audit Committee.

A copy of the agenda may be obtained by contacting: Loveleen Verma, State Board of Administration of Florida, 1801 Hermitage Blvd., Suite 100, Tallahassee, FL 32308.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: James Linn at (850)413-1166. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

PUBLIC SERVICE COMMISSION

NOTICE OF REVISION – The Florida **Public Service Commission** announces “REVISED” Internal Affairs Meeting which all interested persons are invited.

DATE AND TIME: moved from January 5, 2010, to January 6, 2010, 9:30 a.m.

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact the Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

*In the event of a change or cancellation, notice will be published at the earliest practicable time on the Commission's website at <http://www.psc.state.fl.us/agendas/internalaffairs/>.

The Florida **Public Service Commission** announces a Special Commission Conference in the following docket to which all interested persons are invited.

DOCKET NO. 090079-EI

DATE AND TIME: January 11, 2010, 9:30 a.m.

PLACE: Betty Easley Conference Center, Joseph P. Cresse Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida
GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider and make a decision regarding the petition for increase in rates by Progress Energy Florida, Inc.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350 and 367, F.S.

A copy of the Agenda may be obtained by any person who requests a copy and pays the reasonable cost of the copy (\$1.00, see Copying Charges for Commission Records), by contacting: Office of Commission Clerk at (850)413-6770 or writing: Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. The agenda and recommendation are also accessible on the PSC Website, at <http://www.floridapsc.com>, at no charge.

Persons deciding to appeal any decisions made by the Commission with respect to any matter considered at this conference will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact the Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

The Florida **Public Service Commission** announces a hearing in the following docket to which all persons are invited.

Docket NO.: 090258-TP – Complaint by dPi Teleconnect, L.L.C. against BellSouth Telecommunications, Inc. d/b/a AT&T Florida for dispute arising under interconnection agreement.

PREHEARING CONFERENCE

DATE AND TIME: Tuesday, January 12, 2010, 1:30 p.m.

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Prehearing: The purpose of this prehearing conference is to consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

HEARING

DATE AND TIME: Tuesday, January 19, 2010, 9:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Hearing: The purpose of the meeting is to permit parties to present testimony and exhibits relative to the proceeding, and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on Tuesday, January 12, 2010.

Emergency Cancellation of Customer Meeting: If settlement of the case or a named storm or other disaster requires cancellation of the proceedings, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodation at this meeting because of a physical impairment is asked to advise the agency at least 48 hours before the meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 or at (850)413-6770. If you are hearing or speech impaired, please contact the Agency using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

The Florida **Public Service Commission** announces a Special Commission Conference in the following docket to which all interested persons are invited.

DOCKET NOS.: 080677-EI and 090130-EI

DATE AND TIME: January 13, 2010, 9:30 a.m.

PLACE: Betty Easley Conference Center, Joseph P. Cresse Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider and make a decision regarding the petition for increase in rates by Florida Power & Light Company in Docket No.: 080677-EI and the 2009 depreciation and dismantlement study by Florida Power & Light Company in Docket No.: 090130-EI.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350 and 367, F.S.

A copy of the Agenda may be obtained by any person who requests a copy and pays the reasonable cost of the copy (\$1.00, see Copying Charges for Commission Records), by contacting: Office of Commission Clerk at (850)413-6770 or writing: Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. The agenda and recommendation are also accessible on the PSC Website, at <http://www.floridapsc.com>, at no charge.

Persons deciding to appeal any decisions made by the Commission with respect to any matter considered at this conference will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact the Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Governor's Office of Policy and Budget** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 20, 2010, 1:00 p.m. – 4:00 p.m.

PLACE: Valencia Community College's Criminal Justice Institute, 8600 Valencia College Lane, Orlando, FL 32825. To access the general session of the meeting via conference call: Conference Call: 1(888)808-6959, Conference Code: 7517473#

GENERAL SUBJECT MATTER TO BE CONSIDERED: 2010 Sunshine Census Statewide Complete Count Committee, Full Committee Meeting.

General session:

- Update from the Governor's Office
- Update from the U.S. Census Bureau

Subcommittee break-out session:

- Discuss plans of outreach for upcoming months

A copy of the agenda may be obtained by contacting: Ayla Anderson, Governor's Office of Policy and Budget at (850)487-1880.

Pursuant to the provisions of 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: Ayla Anderson, Governor's Office of Policy and Budget at (850)487-1880. If you are 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: Ayla Anderson, Governor's Office of Policy and Budget at (850)487-1880.

The **Governor's Office of Tourism, Trade, and Economic Development** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, January 22, 2010, 9:00 a.m. – 12:00 p.m.

PLACE: The Capitol, Senate Office Building, Room 401, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Council on Military Base and Mission Support will meet to discuss Florida's military presence and related economic development issues.

A copy of the agenda may be obtained by contacting: Joe Marino, Defense Coordinator, Office of Tourism, Trade, and Economic Development at (850)414-1731 or Joe.marino@myflorida.com.

REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: January 13, 2010, 12:00 Noon

PLACE: North Central Florida Regional Planning Council Office, 2009 N. W. 67 Place, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Nominating Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of 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 business days before the workshop/meeting by contacting: (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Southwest Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 7, 2010, 10:00 a.m.

PLACE: Southwest Florida Regional Planning Council, 2nd Floor, Meeting Room, 1926 Victoria Avenue, Fort Myers, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The SWFRPC's Lower West Coast Implementation Committee to discuss water quality issues affecting Southwest Florida.

A copy of the agenda may be obtained by contacting: Mr. David Crawford at (239)338-2550, ext. 226 or dcrawford@swfrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by

contacting: Ms. Deborah Kooi at (239)338-2550, ext. 210 or dkooi@swfrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Mr. James Beever at (239)338-2550, ext. 224 or jbeever@swfrpc.org.

METROPOLITAN PLANNING ORGANIZATIONS

The **Metropolitan Planning Organizations**, Charlotte County Transportation Disadvantaged Local Coordinating Board (LCB) announces a hearing to which all persons are invited.

DATE AND TIME: January 21, 2010, 10:00 a.m.

PLACE: Charlotte County Transit Division, Conference Room, 25490 Airport Road, Punta Gorda, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting and Public Hearing highlights includes: Brief Overview of the LCB Process (Annual Training Requirement); Quarterly Report and Select CTC Evaluation Subcommittee Appointment.

A copy of the agenda may be obtained by contacting: Charlotte County-Punta Gorda MPO at (941)883-3535 or visit our website: www.ccmppo.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 hours before the workshop/meeting by contacting: Florida Department of Transportation District One Title VI Coordinator Gina Gilbreath at (863)519-2345 or by writing her: Post Office Box 1249, Bartow, FL 33831. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Ms. Wendy Scott, Charlotte County-Punta Gorda MPO at (941)883-3535.

WATER MANAGEMENT DISTRICTS

The **R. O. Ranch, Inc.**, a Florida non-profit corporation announces a public meeting to which all persons are invited.

DATE AND TIME: January 7, 2010, 7:00 p.m.

PLACE: Ranch Manager's residence, Cooks Hammock, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Board of Directors meeting to discuss the development of equestrian facilities on Suwannee River Water Management District properties.

A copy of the agenda may be obtained by contacting: Mrs. Pennie Flickinger, Administrative Assistant at (386)362-1001 or pff@srwmd.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Mrs. Pennie Flickinger, Administrative Assistant at (386)362-1001 or pff@srwmd.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Mr. Brian Kauffman, Facilities Director at (386)362-1001 or bck@srwmd.org.

The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, January 5, 2010, 9:00 a.m.

PLACE: Tampa Service Office, 7601 US Highway 301 North, Tampa, Florida 33637-6749

GENERAL SUBJECT MATTER TO BE CONSIDERED: Permit #/Project Name

20001759.010 Diner Citrus and Cattle Co

20005750.007 City of Davenport

20006275.008 North and South Groves

43009069.008 Kathleen Road Improvements from Galloway

43011339.006 FDOT-SR-600-Gandy Blvd. from Pelican Sound to Gandy

43015985.001 Paul Schulz Homestead Pasture Conversion

43020293.005 Sun Toyota and Gulf Trace Blvd. Realignment

43034972.000 Anderson Columbia Rock Yard

43034997.000 Bartow Northern Connector Phase I

43035256.000 Lakeside at Clearwater

A copy of the agenda may be obtained by contacting: Patty McLeod, PMO, 2379 Broad Street, Brooksville, FL 34609-6899, (352)796-7211, ext. 4346 or 1(800)423-1476 (FL only), ext. 4346.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 hours before the workshop/meeting by contacting: District's Human Resources Director, 2379 Broad Street, Brooksville, Florida 34609-6899, (352)796-7211, ext.

4702 or 1(800)423-1476 (FL Only) 1(800)231-6103 or email: ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Water Resources Advisory Commission (WRAC)** announces a public meeting to which all persons are invited.

DATE AND TIME: January 6, 2010, 9:00 a.m. – 4:00 p.m.

PLACE: SFWMD, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Public Meeting of the Water Resources Advisory Commission (WRAC) regarding water resources protection, water supply and flood protection issues. The public is advised that it is possible that one or more members of the Governing Board of the South Florida Water Management District may attend and participate in this meeting.

A copy of the agenda may be obtained by contacting: Rick Smith at (561)682-6517 or at our website: <http://my.swfwmd.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 **South Florida Water Management District** announces an attorney client session.

DATE AND TIME: January 13, 2010, 9:00 a.m. – completed

PLACE: Village Chambers, Village of Key Biscayne, 88 West McIntyre Street, Key Biscayne, FL 33149

DATE AND TIME: January 14, 2010, 9:00 a.m. – completed

PLACE: Village Chambers, Village of Key Biscayne, 88 West McIntyre Street, Key Biscayne, FL 33149

GENERAL SUBJECT MATTER TO BE CONSIDERED: Attorney client session pursuant to Section 286.011(8), Florida Statutes (2009) to discuss strategy related to litigation expenditures and/or settlement negotiations in *Miccosukee Tribe of Indians of Florida, et al. v. South Florida Water Management District, Supreme Court of Florida, Case No. SC09-1817*, and *New Hope Sugar Company, et al. v. South Florida Water Management District, Supreme Court of Florida, Case No. SC09-1818*. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, J. Collins, M. Collins, C. Dauray, S. Estenoz, R. Montgomery, K. Powers, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, F. Bartolone, R. Hanna, C. Lamia, K. Artin, F. Springer, K. Burns, J. Nutt.

Pursuant to Florida Law, the entire attorney client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained by contacting: District Clerk's Office at (561)682-2087 or www.sfwmd.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District Clerk's Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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For more information, you may contact: the District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces an attorney client session.

DATE AND TIME: January 13, 2010, 9:00 a.m. – completed
PLACE: Village Chambers, Village of Key Biscayne, 88 West McIntyre Street, Key Biscayne, FL 33149

DATE AND TIME: January 14, 2010, 9:00 a.m. – completed
PLACE: Village Chambers, Village of Key Biscayne, 88 West McIntyre Street, Key Biscayne, FL 33149

GENERAL SUBJECT MATTER TO BE CONSIDERED: Attorney client session pursuant to Section 286.011(8), Florida Statutes (2009) to discuss strategy related to litigation expenditures and/or settlement negotiations in *New Hope Sugar Co., et al. v. South Florida Water Management District, Florida Third District Court of Appeal, Case No.: 3D09-2357* and *South Florida Water Management District v. Miccosukee Tribe of Indians of Florida, et al., Supreme Court of Florida, Case No.: SC09-1893*. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, J. Collins, M. Collins, C. Dauray, S. Estenoz, R. Montgomery, K. Powers, P. Rooney; Executive Director C. Wehle; District

attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, F. Bartolone, R. Hanna, C. Lamia, K. Artin, F. Springer, K. Burns, J. Nutt.

Pursuant to Florida Law, the entire attorney client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

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The **South Florida Water Management District** announces an attorney client session.

DATE AND TIME: January 13, 2010, 9:00 a.m. – completed
PLACE: Village Chambers, Village of Key Biscayne, 88 West McIntyre Street, Key Biscayne, FL 33149

DATE AND TIME: January 14, 2010, 9:00 a.m. – completed
PLACE: Village Chambers, Village of Key Biscayne, 88 West McIntyre Street, Key Biscayne, FL 33149

GENERAL SUBJECT MATTER TO BE CONSIDERED: Attorney client session pursuant to Section 286.011(8), Florida Statutes (2009) to discuss strategy related to litigation expenditures and/or settlement negotiations in *Cutler Properties, LC v. South Florida Water Management District, Eleventh Judicial Circuit, Miami-Dade County, Florida, Case No.: 08-46701 CA 5*. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, J. Collins, M. Collins, C. Dauray, S. Estenoz, R. Montgomery, K. Powers, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, M. Compagno, J. Nutt, B. Lewis, S. Martin.

Pursuant to Florida Law, the entire attorney client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

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For more information, you may contact: District Clerk's Office at (561)682-2087.

The South Florida Water Management District announces an attorney client session.

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 PLACE: Village Chambers, Village of Key Biscayne, 88 West McIntyre Street, Key Biscayne, FL 33149

DATE AND TIME: January 14, 2010, 9:00 a.m. – completed
 PLACE: Village Chambers, Village of Key Biscayne, 88 West McIntyre Street, Key Biscayne, FL 33149

GENERAL SUBJECT MATTER TO BE CONSIDERED: Attorney client session pursuant to Section 286.011(8), Florida Statutes (2009) to discuss strategy related to litigation expenditures and/or settlement negotiations in *United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No.: 88-1886-CIV-Moreno*. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, J. Collins, M. Collins, C. Dauray, S. Estenoz, R. Montgomery, K. Powers, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, K. Burns, J. Nutt.

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For more information, you may contact: the District Clerk's Office at (561)682-2087.

The South Florida Water Management District announces an attorney client session.

DATE AND TIME: January 13, 2010, 9:00 a.m. – completed
 PLACE: Village Chambers, Village of Key Biscayne, 88 West McIntyre Street, Key Biscayne, FL 33149

DATE AND TIME: January 14, 2010, 9:00 a.m. – completed
 PLACE: Village Chambers, Village of Key Biscayne, 88 West McIntyre Street, Key Biscayne, FL 33149

GENERAL SUBJECT MATTER TO BE CONSIDERED: Attorney client session pursuant to Section 286.011(8) Florida Statutes (2009) to discuss strategy related to litigation expenditures and/or settlement negotiations in *Black & Veatch Corp. v. South Florida Water Management District, Fifteenth Judicial Circuit, Palm Beach County, Case No.: 2009-CA-31734 AH*. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, J. Collins, M. Collins, C. Dauray, S. Estenoz, R. Montgomery, K. Powers, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, F. Mendez, E. Artau, J. Nutt, B. Kirwin, P. Mullane.

Pursuant to Florida Law, the entire attorney client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

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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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For more information, you may contact: District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces an attorney client session.

DATE AND TIME: January 13, 2010, 9:00 a.m. – completed

PLACE: Village Chambers, Village of Key Biscayne, 88 West McIntyre Street, Key Biscayne, FL 33149

DATE AND TIME: January 14, 2010, 9:00 a.m. – completed

PLACE: Village Chambers, Village of Key Biscayne, 88 West McIntyre Street, Key Biscayne, FL 33149

GENERAL SUBJECT MATTER TO BE CONSIDERED: Attorney client session pursuant to Section 286.011(8), Florida Statutes (2009) to discuss strategy related to litigation expenditures and/or settlement negotiations in *Friends of the Everglades, Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, et al.*, United States Court of Appeals, Eleventh Circuit, Case No.: 07-13829-HH; *Miccosukee Tribe of Indians of Florida v. South Florida Water Management District, et al.*, United States District Court, Southern District of Florida, Case No.: 98-6056-CIV-Lenard/Klein; and *Friends of the Everglades v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No.: 98-6057-CIV-Lenard/Klein*. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, J. Collins, M. Collins, C. Dauray, S. Estenoz, R. Montgomery, K. Powers, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, J. Nutt.

Pursuant to Florida Law, the entire attorney client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained by contacting: District Clerk's Office at (561)682-2087 or www.sfwmd.gov.

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hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 20, 2010, 1:30 p.m.

PLACE: South Florida Water Management District, Building B-1, Bill Storch Conference Room, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Meeting to Discuss Regulatory Matters.

All or part of these meetings will be video-conferenced in order to permit maximum participation from the South Florida Water Management District Service Centers located at:

Lower West Coast Service Center
2301 McGregor Blvd.
Fort Myers, FL 33901
Martin/St. Lucie Service Center
780 S. E. Indian Street
Stuart, FL 34997
Orlando Service Center
1707 Orlando Central Parkway, Suite 200
Orlando, FL 32809

The meeting will also be webcast.

A copy of the agenda may be obtained by contacting: (7) days prior to the meeting date, You may obtain a copy of the agenda by going to our website at: www.sfwmd.gov

•clicking the "SFWMD Permits" link in the right-hand column
•then the "News & Meetings" link on the left-hand column.

For additional information, you may also call our information line at (561)682-6207 or Florida toll-free 1(800)432-2045, ext. 6207.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District Clerk's Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: South Miami-Dade County Canal Agricultural Drawdown Study, Friday January 22, 2010, 10:00 a.m. – 4:00 p.m.

PLACE: John D. Campbell Agricultural Center, Auditorium, 18710 S.W. 288th St., Homestead, FL 33030

GENERAL SUBJECT MATTER TO BE CONSIDERED: South Miami-Dade County Canal Agricultural Drawdown Study.

A copy of the agenda may be obtained by contacting: Maura Merkmal at (561)686-8800, ext. 3719 or email: mmerkmal@sfwmd.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District Clerk's Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Maura Merkmal at (561)686-8800, ext. 3719 or email: mmerkmal@sfwmd.gov.

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Special meeting of the Everglades Technical Oversight Committee (TOC), January 26, 2010, 10:00 a.m.

PLACE: South Florida Water Management District Headquarters, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Special meeting of the Everglades Technical Oversight Committee (TOC).

A copy of the agenda may be obtained by contacting: (1) District Website (http://www.sfwmd.gov/org/ema/toc/draft_agenda.html) or (2) by writing: South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District Clerk's Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Dr. Garth Redfield, Environmental Resource Assessment Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 4610, West Palm Beach, FL 33406, (561)682-6611.

DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs, Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATES AND TIME: January 5, 2010, February 2, 2010, March 2, 2010, April 6, 2010; 9:30 a.m. – 10:45 a.m. (EST)

PLACE: Temple Shalom, 23190 Utica Avenue, Port Charlotte, FL 33949

GENERAL SUBJECT MATTER TO BE CONSIDERED: Southwest District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Ann Proie, Department of Elder Affairs, 2295 Victoria Ave, Room 152, Ft. Myers, FL 33901, (239)338-2563 or by email: prioed@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: Ann Proie, Department of Elder Affairs, 2295 Victoria Ave, Room 152, Ft. Myers, FL 33901, (239)338-2563 or by email: prioed@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: Ann Proie, Department of Elder Affairs, 2295 Victoria Ave, Room 152, Ft. Myers, FL 33901, (239)338-2563 or by email: prioed@elderaffairs.org.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: January 28, 2010, 10:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The State Electronic Prescribing Advisory Panel will meet to review the current status of electronic prescribing and advise the Agency regarding strategies to promote the use of electronic prescribing.

A copy of the agenda may be obtained by contacting: Carolyn H. Turner, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will be posted at: <http://www.fhin.net/eprescribe/ePrescribeWG/meetings.shtml> seven (7) days prior to the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Carolyn H. Turner at (850)922-5861. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Dana Watson at (850)921-2032.

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: January 6, 2010, 10:30 a.m. – 12:00 Noon

PLACE: West Regional Service Center, 1400 W. Commercial Blvd., Room 195, Fort Lauderdale, FL 33308

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to review and make comments on the proposed New Eligible and Pending Assignment letter.

Register On-line: <http://ahcaxnet.fdhc.state.fl.us/medres/> through January 5, 2010.

A copy of the agenda may be obtained by contacting: Aldria White, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #22, Tallahassee, FL 32308, (850)488-5420.

Pursuant to the provisions of 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: Aldria White, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #22, Tallahassee, FL 32308, (850)488-5420. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Aldria White, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #22, Tallahassee, FL 32308, (850)488-5420.

The **Agency for Health Care Administration**, on behalf of the Low Income Pool (LIP) announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, January 8, 2010, 10:00 a.m. – 4:00 p.m.

PLACE: Winnie Palmer Hospital for Women and Babies, Meeting Room: Winnie Palmer 1 & Winnie Palmer 2, 83 West Miller Street, Orlando, Florida 32806. Conference Call: 1(877)215-2988, Pass Code: 46441057#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of the LIP program including funding methodology, policies and procedures in accordance with the approved Medicaid Reform Section 1115 Demonstration.

A copy of the agenda may be obtained by contacting: Contact Edwin Stephens at (850)413-8067, stephene@ahca.myflorida.com, with any questions or to obtain an agenda when it is set.

For more information, you may contact: Edwin Stephens at (850)413-8067, stephene@ahca.myflorida.com.

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: January 13, 2010, 10:30 a.m. – 12:00 p.m.

PLACE: 901 N. Davis Street, Bldg. A, Conference Room 109, Jacksonville, FL 32209

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to review and make comments on the proposed New Eligible and Pending Assignment letter.

Register On-line: <http://ahcaxnet.fdhc.state.fl.us/medres/> through January 12, 2010.

A copy of the agenda may be obtained by contacting: Aldria White, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #22, Tallahassee, FL 32308, (850)488-5420.

Pursuant to the provisions of 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: Aldria White, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #22, Tallahassee, FL 32308, (850)488-5420. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Aldria White, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #22, Tallahassee, FL 32308, (850)488-5420.

The **Agency for Health Care Administration**, on behalf of the Low Income Pool (LIP) Council announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, January 22, 2010, 10:00 a.m. – 4:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, FL 32308. Conference Call: 1(877)215-2988, Pass Code: 46451129#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of the LIP program including funding methodology, policies and procedures in accordance with the approved Medicaid Reform Section 1115 Demonstration.

Contact: Edwin Stephens at (850)413-8067, stephene@ahca.myflorida.com.

DEPARTMENT OF MANAGEMENT SERVICES

The **Department of Management Services** announces a hearing to which all persons are invited.

DATE AND TIME: February 12, 2010, 9:00 a.m. – 12:00 Noon

PLACE: Department of Management Services, 4050 Esplanade Way, Room 101, Tallahassee, Florida 32399-0950

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive comments from the public on further revisions to the draft rule, which was noticed in the October 2nd issue of the Florida Administrative Weekly. The proposed Chapter 60L-39, F.A.C., updates the requirements and procedures for participation in and administration of the Florida State Employees' Charitable Campaign.

A copy of the agenda may be obtained by contacting: Mr. Matthew Gregory after January 31, 2010. Mr. Gregory may also be contacted for a copy of the revised draft rule after this date.

Pursuant to the provisions of 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: Mr. Matthew Gregory at (850)921-4618 or Matthew.Gregory@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).

DEPARTMENT BUSINESS AND PROFESSIONAL REGULATION

The **Pilotage Rate Review Board** announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 11, 2010, 10:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 4878197#

GENERAL SUBJECT MATTER TO BE CONSIDERED: To continue the rate review hearing from December 11, 2009, on the Application for a Change in Rates of Pilotage filed by the Fort Pierce Pilots Association.

A copy of the agenda may be obtained by contacting: the Board office, 1940 N. Monroe Street, Tallahassee, FL 32399-0773.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: the 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 **Construction Industry Licensing Board** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, January 12, 2010, 10:00 a.m. or soon thereafter

PLACE: Conference Call: 1(888)808-6959, Conference Code: 4879516#

GENERAL SUBJECT MATTER TO BE CONSIDERED: CE/Exams/Public Awareness committee meeting.

A copy of the agenda may be obtained by contacting: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL, 32399-1039, (850)487-1395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)487-1395. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)487-1395.

The **Construction Industry Licensing Board** announces a public meeting to which all persons are invited.

DATES AND TIMES: Wednesday, January 13, 2010, 12:00 Noon; Thursday, January 14, 2010, 8:00 a.m.; Friday, January 15, 2010, 8:00 a.m., or soon thereafter

PLACE: Doubletree Hotel Cocoa Beach Oceanfront, 2080 North Atlantic Avenue, Cocoa Beach, FL 32931

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business, disciplinary and committee meetings of the board.

A copy of the agenda may be obtained by contacting: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)487-1395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by

contacting: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)487-1395. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)487-1395.

The **Florida Mobile Relocation Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 13, 2010, 2:00 p.m.

PLACE: Teleconference

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Florida Mobile Home Relocation Corporation. Review of mobile home owner applications for compensation for relocation and/or abandonment due to change in land use, and such other business as may come before the board. A schedule for the next meeting will be determined.

A copy of the agenda may be obtained by contacting: Janet Garrett at 1(888)862-7010.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Janet Garrett at 1(888)862-7010. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Janet Garrett, Executive Director, FMHRC, P. O. Box 3047 Tallahassee, FL 32315, 1(888)862-7010.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

The **Department of Environmental Protection**, Bureau of Assessment and Restoration Support announces a workshop to which all persons are invited.

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

PLACE: Tampa Bay Regional Planning Council, 4000 Gateway Centre Boulevard, Suite 100, Pinellas Park, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This public workshop will address proposed revisions to the existing surface water classification system in Rules 62-302.400 and 62-302.530, Florida Administrative Code. No surface waters are proposed for reclassification. Two public workshops were previously held on August 18, 2009 and November 18, 2009.

A copy of the agenda may be obtained by contacting: Eric Shaw, Department of Environmental Protection, Bureau of Assessment and Restoration Support, MS #6511, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, (850)245-8429 or e-mail: eric.shaw@dep.state.fl.us. Further information also may be obtained from the Department's web site: <http://www.dep.state.fl.us/secretary/designateduse.htm>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Eric Shaw at (850)245-8429. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, January 11, 2010, 10:00 a.m. – 12:00 Noon

PLACE: Conference Call: 1(888)808-6959, Conference Code: 4513843#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Oceans and Coastal Council will meet to further its duties under the Oceans and Coastal Resources Act.

A copy of the agenda may be obtained by contacting: Becky Prado by e-mail: rebecca.prado@dep.state.fl.us, by phone (850)245-2094 or by mail: 3900 Commonwealth Blvd., MS #235, 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 5 days before the workshop/meeting by contacting: Becky Prado at rebecca.prado@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection**, Bureau of Assessment and Restoration Support announces a workshop to which all persons are invited.

DATE AND TIME: Thursday, January 14, 2010, 7:00 p.m.

PLACE: Taylor County Commission Chambers, Taylor County Administrative Complex, 201 East Green Street, Perry, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This public workshop will address proposed site specific alternative criteria (SSAC) for dissolved oxygen, iron, and transparency in the lower Fenholloway River and nearby coastal waters in Taylor County. The petitions for dissolved oxygen and iron are for Type I SSACs, which require approval by Secretarial Order; while the petition for transparency is for a Type II SSAC, which requires rule adoption and approval by the Environmental Regulation Commission. If approved, the site specific alternative criteria will replace the statewide default criteria for these three water quality parameters. The site specific alternative criteria must be fully protective of the Class III designated use of the waters addressed in the petitions. A public workshop was previously held on November 10, 2009 in Perry.

A copy of the agenda may be obtained by contacting: Eric Shaw, Department of Environmental Protection, Bureau of Assessment and Restoration Support, MS #6511, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, (850)245-8429 or e-mail: eric.shaw@dep.state.fl.us. Further information, including copies of the petitions, may be obtained from the Department's web site: <http://www.dep.state.fl.us/water/wqssp/surface.htm>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Eric Shaw at (850)245-8429. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection**, Clean Boating Partnership announces a workshop to which all persons are invited.

DATE AND TIME: Wednesday, January 20, 2010, 9:30 a.m. – 12:00 Noon

PLACE: Hawthorne Suites Orlando Airport, 7450 Augusta National Drive, Orlando, FL 32822

GENERAL SUBJECT MATTER TO BE CONSIDERED: Clean Marina/Clean Vessel Act Program workshop for new and existing marine and freshwater marinas, boatyards, and retailers. Participants can learn how to apply for grant funding to install a pumpout at their facility and how to qualify for designation as a clean facility.

A copy of the agenda may be obtained by contacting: Brenda Leonard, 3900 Commonwealth Blvd., MS #30, Tallahassee, FL 32312, (850)245-2847, Brenda.Leonard@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Brenda Leonard, 3900 Commonwealth Blvd., MS

#30, Tallahassee, FL 32312, (850)245-2847, Brenda.Leonard@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Brenda Leonard, 3900 Commonwealth Blvd., MS #30, Tallahassee, FL 32312, (850)245-2847, Brenda.Leonard@dep.state.fl.us.

The **Department of Environmental Protection**, Clean Boating Partnership announces a public meeting to which all persons are invited.

DATES AND TIMES: Wednesday, January 20, 2010, 1:30 p.m. – 5:30 p.m.; Thursday, January 21, 2010, 8:00 a.m. – 12:00 Noon

PLACE: Hawthorne Suites Orlando Airport, 7450 Augusta National Drive, Orlando, FL 32822

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is to review discussion items and recommendations concerning the Department of Environmental Protection's Clean Marina Program and Clean Vessel Act Program.

A copy of the agenda may be obtained by contacting: Brenda Leonard, 3900 Commonwealth Blvd., MS #30, Tallahassee, FL 32399, (850)245-2847, Brenda.Leonard@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Brenda Leonard, 3900 Commonwealth Blvd., MS #30, Tallahassee, FL 32399, (850)245-2847, Brenda.Leonard@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Brenda Leonard, 3900 Commonwealth Blvd., MS #30, Tallahassee, FL 32399, (850)245-2847, Brenda.Leonard@dep.state.fl.us.

The **Department of Environmental and Protection** announces a hearing to which all persons are invited.

DATE AND TIME: If requested within 14 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) Friday, January 8, 2010, 1:00 p.m.

PLACE: Bureau Training Room, 5050 West Tennessee Street, Building B, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To amend Chapter 62B-34, F.A.C., that provides a streamlined permitting process in additional coastal counties for activities seaward of the Coastal Construction Control Line that do not cause measureable interference with the beach and dune system or with marine turtles and their nesting habitats, in accordance with current statutes.

A copy of the agenda may be obtained by contacting: Stephanie Gudeman, Department of Environmental Protection, Bureau of Beaches and Coastal Systems, Mail Station #300, 3900 Commonwealth Boulevard, Tallahassee, FL 32399-3000, (850)488-7708 or email: Stephanie.Gudeman@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Stephanie Gudeman, at the contact information listed above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Stephanie Gudeman, at the contact information listed above.

The **Department of Environmental Protection**, Florida Coastal Management Program announces a public meeting to which all persons are invited.

DATE AND TIME: January 14, 2010, 9:00 a.m. – 1:00 p.m.

PLACE: Conference Room A, Douglas Bldg., 3900 Commonwealth Blvd., Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Coastal Management Program Grant Review Committee will meet to evaluate state agency and water management district applications for funds to be granted to the state under section 306 of the Coastal Zone Management Act for Fiscal Year 2010-2011.

A copy of the agenda may be obtained by contacting: Susan Goggin, FCMP, Department of Environmental Protection, MS #47, Tallahassee, FL 32399, (850)245-2161 or send email: Susan.Goggin@dep.state.fl.us.

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

DEPARTMENT OF HEALTH

The Florida **Department of Health, Division of Medical Quality Assurance** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, February 23, 2010, 9:00 a.m. – 12:00 Noon

PLACE: Capital Center Office Complex (Southwood), 4052 Bald Cypress Way, Room 301, Tallahassee FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose is to discuss and share best practices and initiatives with other state agencies.

A copy of the agenda may be obtained by contacting: Eunice Filar, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C-00, Tallahassee, FL 32399-3253.

Pursuant to the provisions of 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: Medical Quality Assurance at (850)245-4224. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Board of Dentistry** announces a public meeting to which all persons are invited.

DATE AND TIME: February 12, 2010, 9:00 a.m.

PLACE: Department of Health, Building 4042, Room 301, 4052 Bald Cypress Way, Tallahassee, FL 32399-3258, (850)245-4474

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review reconsideration cases.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact: Sue Foster at (850)245-4474.

The Probable Cause Panel of the Florida **Board of Massage Therapy** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, January 11, 2010, approximately 2:45 p.m.

PLACE: Conference Call: (888)808-6959, Conference Code: 2454590#

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review those cases on which a determination of existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: Kaye Howerton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, (850)245-4161. You can be charged seventeen cents per page for the number of copies desired.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Paula Mask at (850)245-4161. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Medicine**, PCP South Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, January 15, 2010, 2:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 2454131#

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a public meeting to reconsider disciplinary cases with prior findings of probable cause.

A copy of the agenda may be obtained by contacting: Karen Miller at (850)245-4640, ext. 8180 or email: Karen_Miller2@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 10 days before the workshop/meeting by contacting: Karen Miller at (850)245-4640, ext. 8180 or email: Karen_Miller2@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Medicine**, PCP North Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, January 22, 2010, 2:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 2454131#

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a public meeting to reconsider disciplinary cases with prior findings of probable cause.

A copy of the agenda may be obtained by contacting: Susan Chase at (850)245-4640, ext. 8145 or email: susan_chase@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 10 days before the workshop/meeting by contacting: Susan Chase at (850)245-4640, ext. 8145 or email: susan_chase@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Medicine**, PCP South Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, February 19, 2010, 2:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 2454131#

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a public meeting to reconsider disciplinary cases with prior findings of probable cause.

A copy of the agenda may be obtained by contacting: Karen Miller at (850)245-4640, ext. 8180 or email: Karen_Miller2@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 10 days before the workshop/meeting by contacting: Karen Miller at (850)245-4640, ext. 8180 or email: Karen_Miller2@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Medicine**, PCP North Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, February 26, 2010, 2:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 2454131#

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a public meeting to reconsider disciplinary cases with prior findings of probable cause.

A copy of the agenda may be obtained by contacting: Susan Chase at (850)245-4640, ext. 8145 or email: susan_chase@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 10 days before the workshop/meeting by contacting: Susan Chase at (850)245-4640, ext. 8145 or email: susan_chase@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The Florida **Board of Nursing**, North Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 12, 2010, 5:30 p.m. – 7:30 p.m.

PLACE: Department of Health, Tallahassee. Conference Call: 1(888)808-6959, Code: 2454640#

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda may be obtained by contacting: Rick García, 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: the Board office. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Rick García, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

The Florida **Board of Nursing**, South Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 21, 2010, 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 García, 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: the Board. If you are 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 and Council on Certified Nursing Assistants** announces a workshop to which all persons are invited.

DATE AND TIME: Tuesday, February 2, 2010, 9:00 a.m. – 4:00 p.m.

PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, FL 32399-0950

GENERAL SUBJECT MATTER TO BE CONSIDERED: New Board/Council Member Orientation.

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

For more information, you may contact: Rick García, Executive Director, Florida Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3252.

The Florida **Board of Nursing and Council on Certified Nursing Assistants** announces a public meeting to which all persons are invited.

DATES AND TIME: Wednesday, Friday, February 3, 4, 5, 2010

PLACE: University Club Center, Florida State University, Building B, 4th Floor, Tallahassee, FL 32306

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Wednesday, 8:30 a.m. Council on Certified Nursing Assistants (CNA)

Wednesday Practice Committee Meeting immediately following CNA Council Meeting adjournment.

Wednesday Advanced Practice Committee Meeting immediately following Practice Committee Meeting adjournment.

Wednesday Legislative Committee Meeting immediately following Advanced Practice Committee Meeting adjournment.

Wednesday Special Education Committee Meeting immediately following Legislative Committee Meeting adjournment.

Thursday, 8:30 a.m. Credentials Committee

Thursday, 8:30 a.m. Education Committee

Thursday, 1:00 p.m. Full Board meeting

Friday, 8:30 a.m. Full Board meeting

A copy of the agenda may be obtained by contacting: Rick García, Florida Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3252.

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Rick García, Florida Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3252.

The **Department of Health** announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 3, 2010, 9:00 a.m. – 11:00 a.m.

PLACE: Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This meeting will be for evaluating Lifeguarding and Swimming Instructor Training programs proposed to be considered as equivalent with paragraph 64E-9.008(1)(a), Florida Administrative Code. The advisory group will provide an assessment of the programs to the department. The general subject matter to be considered is Miracle Swimming Institute's Swimming Instructional Program for Adults Who Are Afraid in Water and for the Swim Instructor Training Program.

A copy of the agenda may be obtained by contacting: Robert Pryor, Environmental Engineering, Department of Health, Bureau of Water Programs, 4052 Bald Cypress Way, Bin #C22, Tallahassee, FL 32399-7017, (850)245-4444, ext. 2369.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting. If you

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Robert Pryor at (850)245-4444, ext. 2369 or Pat Duncan at (850)245-4444, ext. 2366 to obtain the conference call number.

The Florida **Department of Health**, Drugs Devices and Cosmetics Program announces a hearing to which all persons are invited.

DATE AND TIME: January 7, 2010, 10:00 a.m. (EST)

PLACE: Conference Call: 1(888)808-6959, Conference Code: 9766152#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rule Hearing requested on Proposed Amended Rule 64F-12.012 F.A.C., Records of Drugs, Cosmetics and Devices. This hearing is intended to be the final rule hearing on the amendment of Rule 64F-12.012 F.A.C.

The agenda and meeting materials will be placed on the Drugs, Devices, and Cosmetics website: www.doh.state.fl.us/mqa/DDC seven days in advance of the scheduled teleconference. If you need any other information, please call: (850)245-4292.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Families**, Office on Homelessness announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 27, 2010, 9:00 a.m. – 3:00 p.m.

PLACE: Orlando City Hall, 400 South Orange Avenue, Overlook Room, 9th Floor, Orlando, FL 32802. The meeting can also be accessed by Conference Call: 1(888)808-6959, Code: 9229760#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council will receive reports and recommendations from its committees for proposals to be included in its 2010 Report.

A copy of the agenda may be obtained by contacting: Office on Homelessness by calling (850)922-4691.

Pursuant to the provisions of 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 on Homelessness at (850)922-4691. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Office on Homelessness at (850)922-4691.

The **Agency for Persons with Disabilities** announces a workshop to which all persons are invited.

DATES AND TIMES: January 7, 2010, 1:00 p.m. – 5:00 p.m.; January 8, 2010, 8:30 a.m. – 3:00 p.m.

PLACE: Agency for Persons with Disabilities, 4030 Esplanade Way, Conference Room 301, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of stakeholders to discuss the agency's plan for individual budgets.

A copy of the agenda may be obtained by contacting: <http://apd.myflorida.com/ibudget/meetingsandschedules.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).

The **Agency for Persons with Disabilities** announces a workshop to which all persons are invited.

DATE AND TIME: January 8, 2010, 1:00 p.m. – 3:00 p.m.

PLACE: Department of State, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32301, (850)245-6600

GENERAL SUBJECT MATTER TO BE CONSIDERED: A public hearing on proposed Rules 69G-4.0021, 65G-4.0022, 65G-4.0023, 65G-4.0024 and 65G-4.0025, F.A.C., 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. The Notice of Proposed Rule was published in the F.A.W. on December 11, 2009.

A copy of the agenda may be obtained by contacting: Celeste Sanders, Agency for Persons with Disabilities, 4030 Esplanade Way, Tallahassee, Florida 32399, (850)922-0371.

For more information, you may contact: Celeste Sanders, Agency for Persons with Disabilities, 4030 Esplanade Way, Tallahassee, Florida 32399, (850)922-0371.

FISH AND WILDLIFE CONSERVATION COMMISSION

The **Fish and Wildlife Conservation Commission** announces a workshop to which all persons are invited.

DATE AND TIME: January 26, 2010, 4:00 p.m.

PLACE: Bryant Building, Room 272, 620 S. Meridian Street, Tallahassee, FL. Participants can also join the workshop by dialing: 1(888)808-6959, enter Conference Code: 1038827# and follow prompts to access the conference call

GENERAL SUBJECT MATTER TO BE CONSIDERED: This rule development workshop is being held in response to a written request. The workshop will involve the development of rule text for Chapter 68D-21, F.A.C., pertaining to approval of municipal and county ordinances establishing boating restricted areas. The Notices of Proposed Rule Development was published in the Florida Administrative Weekly on November 25, 2009.

A copy of the agenda may be obtained by contacting: Captain Richard Moore, Florida Fish and Wildlife Conservation Commission, Boating and Waterways Section, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-5600, Richard.Moore@myfwc.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). If you are 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: Captain Alan Richard, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764, Alan.Richard@myfwc.com.

The **Fish and Wildlife Conservation Commission** announces a workshop to which all persons are invited.

DATE AND TIME: January 26, 2010, 4:00 p.m.

PLACE: Bryant Building, Room 272, 620 S. Meridian Street, Tallahassee, FL. Participants can also join the workshop by dialing: 1(888)808-6959, enter Conference Code: 1038827# and follow prompts to access the conference call

GENERAL SUBJECT MATTER TO BE CONSIDERED: This rule development workshop is being held in response to a written request. The workshop will involve the development of amendments to Chapter 68D-23, F.A.C., pertaining to permitting of waterway markers. The Notice of Proposed Rule Developments was published in the Florida Administrative Weekly on November 13, 2009.

A copy of the agenda may be obtained by contacting: Captain Richard Moore, Florida Fish and Wildlife Conservation Commission, Boating and Waterways Section, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-5600, Richard.Moore@myfwc.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the

Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). If you are 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: Captain Alan Richard, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764, Alan.Richard@myfwc.com.

MID-FLORIDA AREA AGENCY ON AGING

The **Mid-Florida Area Agency on Aging** D/B/A Elder Options announces a hearing to which all persons are invited.

DATE AND TIME: January 4, 2010, 10:00 a.m.

PLACE: Elder Options, Board Room, 5700 S. W. 34th Street, Suite 222 (Florida Farm Bureau Building), Gainesville, Florida 32608

GENERAL SUBJECT MATTER TO BE CONSIDERED: To inform participants of the Older Americans Act Title III-D services Elder Options is proposing to provide directly and give participants the opportunity to make public comments.

A copy of the agenda may be obtained by contacting: Lashaun James at (352)378-6649.

Pursuant to the provisions of 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: Lashaun James at (352)378-6649. If you are 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: Lashaun James at (352)378-6649.

SOUTHWOOD SHARED RESOURCE CENTER

The **Southwood Shared Resource Center** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, January 4, 2010, 3:00 p.m.

PLACE: Room 114, Executive Conference Room, Caldwell Building, 107 E Madison Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting of the SSRC Operations and Finance Committee.

A copy of the agenda may be obtained by contacting: Rick Mitchell at (850)488-9895, rick.mitchell@ssrc.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Rick Mitchell at (850)488-9895, rick.mitchell@

ssrc.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Rick Mitchell at (850)488-9895, rick.mitchell@ssrc.myflorida.com.

The **Southwood Shared Resource Center** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 6, 2010, 10:00 a.m.

PLACE: Room 348, Burns Building, 605 Suwannee Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: State Date Center Meeting. Executive Directors and Board Chairs of the three state primary data centers (PDCs) will meet to discuss relevant issues.

A copy of the agenda may be obtained by contacting: Rick Mitchell at (850)488-9895, rick.mitchell@ssrc.myflordia.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Rick Mitchell at (850)488-9895, rick.mitchell@ssrc.myflordia.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Rick Mitchell at (850)488-9895, rick.mitchell@ssrc.myflordia.com.

The **Southwood Shared Resource Center** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, January 8, 2010, 9:00 a.m.

PLACE: DOT Burns Building, Room 129, 605 Suwannee Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting of the SSRC Technology Committee

A copy of the agenda may be obtained by contacting: Rick Mitchell at (850)488-9895, rick.mitchell@ssrc.myflordia.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Rick Mitchell at (850)488-9895, rick.mitchell@ssrc.myflordia.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Rick Mitchell at (850)488-9895, rick.mitchell@ssrc.myflordia.com.

ENTERPRISE FLORIDA, INC.

The **Enterprise Florida Finance** and Compensation Committee announces a public meeting to which all persons are invited.

DATE AND TIME: January 5, 2010, 1:00 p.m. – 1:30 p.m.
 PLACE: Enterprise Florida, Inc., 800 N. Magnolia Avenue, Suite 800, Orlando, FL 32803

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going and developing issues and other matters.

A copy of the agenda may be obtained by contacting: Ellen Stalnaker at (407)956-5615.

Pursuant to the provisions of 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: Ellen Stalnaker at (407)956-5615. If you are 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: Ellen Stalnaker at (407)956-5615.

SOIL AND WATER CONSERVATION DISTRICTS

The **Highlands Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATES AND TIME: Highlands Soil and Water Conservation District holds their monthly meetings on the first Tuesday of each month. The dates of meetings for 2010 are: January 5, 2010; February 2, 2010; March 2, 2010; April 6, 2010, 2: 00 p.m.; May 4, 2010; June 1, 2010; July 6, 2010; August 3, 2010; September 7, 2010; October 5, 2010; November 2, 2010; December 7, 2010, 3:00 p.m., unless stated otherwise

PLACE: The December, January, February and March meetings will be held: General Services Meeting Room, 4320 George Blvd., Sebring FL 33875; all other meetings: Bert J. Harris, Jr. Agricultural Center, Conference Room 3, 4509 George Blvd., Sebring, FL 33875

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Jackie Bailey at (863)402-6545 or jbailey@hcbcc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: John Minor, Human Resources Director at (863)402-6500. If you are 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: Jackie Bailey at (863)402-6545 or jbailey@hcbcc.org.

The **Broward Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: January 6, 2010, 5:00 p.m.

PLACE: Suite 6181-P, 6191 Orange Drive, Davie, FL 33314
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the business of the District Board.

A copy of the agenda may be obtained by contacting: (954)584-1306 or Mail@Browardswcd.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: (954)584-1306 or Mail@Browardswcd.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

GOVERNOR'S COMMISSION ON DISABILITIES

The **Governor's Commission on Disabilities**, Transportation and Independent Living Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday January 13, 2010, 10:00 a.m. – 12:00 Noon

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

The **Governor's Commission on Disabilities**, Legal and Civil Rights Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday January 13, 2010, 2:00 p.m. – 4:00 p.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 CLERKS OF COURT OPERATIONS CORPORATION

The **Florida Clerks of Court Operations Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 13, 2010, 1:00 p.m.

PLACE: Airport Crowne Plaza, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Budgets and related issues.

A copy of the agenda may be obtained by contacting: www.flccoc.org.

POLK COMMUNITY COLLEGE

The **Polk State College**, Kenneth C Thompson Institute of Public Safety announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 14, 2010, 2:00 p.m.

PLACE: Polk State College (PSC), Kenneth C Thompson Institute of Public Safety (KCTIPS), Room WCJ146, 999 Avenue H, N. E., Winter Haven, FL 33881

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Approve minutes from July 16, 2009 meeting
2. Old Business
3. New Business
 - a. Region VIII Course Offerings
 - b. Region VIII Budget (2010-2011)
4. Training Issues
5. Other Issues

6. Adjournment

A copy of the agenda may be obtained by contacting: Captain Craig C Smith, Director, PSC, KCTIPS, 999 Avenue H, N. E., Station #9, Winter Haven, FL 33881.

TRANSPORTATION AND EXPRESSWAY AUTHORITY MEMBERSHIP

The **Transportation and Expressway Authority Membership of Florida (TEAMFL)** and Florida Transportation Commission announces a public meeting to which all persons are invited.

DATES AND TIMES: Thursday, January 14, 2010, 3:00 p.m. – 5:00 p.m., Focus Sessions: Toll Operations, Engineering, Finance, Public Involvement; Friday, January 15, 2010, 9:00 a.m. – 12:00 Noon, Annual Joint Meeting with Florida Transportation Commission

PLACE: Hyatt Regency Orlando International Airport, 9300 Airport Boulevard, Orlando, FL 32837

GENERAL SUBJECT MATTER TO BE CONSIDERED: Federal and State Perspectives: Past and Present Reveal Our Future. Richard T. Crotty, Orange County Mayor. Invited Speakers include: Ray LaHood, USDOT Secretary; Congressman John Mica; Congresswoman Corrine Brown and former FDOT Secretaries Ben Watts, Jose Abreu, Denver Stutler.

A copy of the agenda may be obtained by contacting: www.teamfl.org or the TEAMFL Office at (407)896-0035.

For more information, you may contact: Bob Hartnett, President/CEO, 2121 Camden Road, Suite B, Orlando, FL 32803, (407)896-0035 or Fax: (407)897-7012.

FLORIDA SURPLUS LINES SERVICE OFFICE

The **Florida Surplus Lines Service Office**, Compensation Committee announces a public meeting to which all persons are invited.

DATE AND TIME: January 18, 2010, 4:00 p.m.

PLACE: 1441 Maclay Commerce Drive, Suite 200, Tallahassee, FL 32312

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business matters to come before the Committee.

A copy of the agenda may be obtained by contacting: Georgie Barrett at gbarrett@fslso.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 7 days before the workshop/meeting by contacting: Georgie Barrett at gbarrett@fslso.com or 1(800)562-4496, ext. 101. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

SMALL BUSINESS REGULATORY ADVISORY COUNCIL

The **Small Business Regulatory Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Every Friday, January 8, 2010 and continuing weekly through May 28, 2010 as needed, 9:00 a.m. (Eastern Standard Time)

PLACE: To participate call: 1(888)808-6959, Conference Code: 4737801#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Special meetings to discuss matters pending in or developed during the 2010 legislative session.

A copy of the agenda may be obtained by contacting: Vicky Baker at vicky.baker@floridasbrac.org or call (850)473-7816.

For more information, you may contact: Vicky Baker at vicky.baker@floridasbrac.org or call (850)473-7816.

The **Small Business Regulatory Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: January 22, 2010, 9:00 a.m. (Eastern Standard Time), December 5, 2010, if needed

PLACE: To participate call: 1(888)808-6959, Conference Code: 4737801#

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business, rules review, and legislative update.

A copy of the agenda may be obtained by contacting: Vicky Baker at vicky.baker@floridasbrac.org or call (850)473-7816.

For more information, you may contact: Vicky Baker at vicky.baker@floridasbrac.org or call (850)473-7816.

Section VII

Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT the Department of Community Affairs, Florida Building Commission has received the petition for declaratory statement from the Orange County Division of Building Safety, DCA09-DEC-309. The petition seeks the agency’s opinion as to the applicability of the Florida Building Code, Existing Buildings Volume (2007, with 2009 supplement) as it applies to the petitioner.

The Petitioner asks if the Florida Building Code, Existing Building Volume (2007) applies to eleven different activities involving repair and replacement of pool components, equipment, and pool decks.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, FL 32399.

NOTICE IS HEREBY GIVEN THAT the Department of Community Affairs, Florida Building Commission has received the petition for declaratory statement from CDC Enterprises, Inc., DCA09-DEC-322. The petition seeks the agency’s opinion as to the applicability of section 13.102.2, Florida Building Code, Building Volume (2007, with 2009 supplement) as it applies to the petitioner.

The Petitioner asks if section 13.102.2, Florida Building Code, Building Volume (2007), requires approval by the Florida Building Commission, as well as the local building official, for use of Petitioner’s product as an alternative material meeting the intent of the Energy Efficiency Code.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, FL 32399.

NOTICE IS HEREBY GIVEN THAT the Department of Community Affairs, Florida Building Commission has received the petition for declaratory statement from Life Time Products, LLC, DCA09-DEC-341. The petition seeks the agency’s opinion as to the applicability of the Florida Building Code as it applies to the petitioner.

The Petitioner asks whether Petitioner’s products, a line of lumber-alternative materials for use in decking, fencing, sea walls, docks, and other exterior applications, would be classified as structural products under the Florida Building Code.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, FL 32399.

NOTICE IS HEREBY GIVEN THAT the Department of Community Affairs, Florida Building Commission has received the petition for declaratory statement from George Merline Associates, Inc., DCA09-DEC-347. The petition seeks the agency’s opinion as to the applicability of sections 3109.2.2, 3109.3, and 3109.4, Florida Building Code, Building Volume (2007, with 2009 supplement) as it applies to the petitioner.

The Petitioner asks of how sections 3109.2.2, 3109.3, and 3109.4, Florida Building Code, Building Volume (2007), apply to modifications of existing structures located seaward of the Coastal Construction Control Line.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399.

NOTICE IS HEREBY GIVEN THAT the Department of Community Affairs, Florida Building Commission has received the petition for declaratory statement from JDB Code Services, Inc., DCA09-DEC-351. The petition seeks the agency's opinion as to the applicability of sections 102.1 and 102.4, Florida Building Code, Building Volume (2007, with 2009 supplement) as it applies to the petitioner.

The Petitioner asks how sections 102.1 and 102.4, Florida Building Code, Building Volume (2007, with 2009 supplement) apply to the installation of receptacle outlets in Category I, II, and III sunrooms attached to single family dwellings.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, FL 32399.

NOTICE IS HEREBY GIVEN THAT the Department of Community Affairs has received the petition for declaratory statement from Warren Schaefer, DCA09-DEC-370. The petition seeks the agency's opinion as to the applicability of Rule 9B-72 and sections 1623 and 1626, Florida Building Code, Building Volume (2007 with 2009 supplement) as it applies to the petitioner.

The Petitioner seeks clarification of the requirements for product approval testing of a lift and slide door. Petitioner asks if sections 1623 and 1626, Florida Building Code, Building Volume (2007 with 2009 supplement), allow a lab to issue, sign and seal a test report for an individual unit tested; and where the code states that 3 specimens of one product must be tested, whether the specimens must be alike; and whether the test lab has authority to determine which units are to be tested for the approval.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, FL 32399.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from John Baynes, Petitioner/Unit Owner, In Re: Lake Vista I Condominium Association, Inc., Docket No. 2009061023 on November 20, 2009. The petition seeks the agency's opinion as to the applicability of (none cited) as it applies to the petitioner. Whether the second floor balconies, stairways and elevators serving second floor units are limited common elements under article 5.4 of the Declaration of Lake Vista I Condominium.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Hibiscus-By-The-Sea Condominium Association, Inc. on October 21, 2009. The following is a summary of the agency's declination of the petition:

The Division does not have jurisdiction to resolve disputes over unclear provisions in a declaration; or because the Division cannot issue a declaratory statement concerning events that have already taken place.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed

by Joseph Rosen on behalf of Plaza East Association, Inc. on October 15, 2009. The following is a summary of the agency's declination of the petition:

The Division may not issue a Declaratory Statement concerning events that have already occurred; or when there are facts in dispute; or where there are unit owners who will be affected by the decision and who are not parties to the petition. A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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 issued an order disposing of the petition for declaratory statement filed by Jennifer Bachman on July 28, 2009. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Vol. 35, No. 35, of the September 4, 2009, Florida Administrative Weekly. The Petitioner sought the Board's interpretation of Chapter 480, F.S., entitled "Massage Practice," as it applies to the practice of reflexology. Specifically, the Petitioner requested that the Board issue a Declaratory Statement exempting her from regulation under the Massage Practice Act, so she may be permitted to practice reflexology without a license. The Board of Massage Therapy considered the Petition at its meeting held on October 2, 2009, and issued an order, filed on November 9, 2009, denying the Petition, finding that reflexology falls within the definition of massage therapy found in Section 480.033, F.S.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Kaye Howerton, Executive Director, 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399-3256.

Please refer all comments to: Kaye Howerton, Executive Director, 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399-3256.

NOTICE IS HEREBY GIVEN THAT the Board of Massage Therapy has issued an order disposing of the petition for declaratory statement filed by Dayl Kumpa on July 31, 2009. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Vol. 35, No. 35, of the September 4, 2009, Florida Administrative Weekly. The Petitioner sought the Board's interpretation of Chapter 480, F.S., entitled "Massage Practice," as it applies to the practice of reflexology. Specifically, the Petitioner requested that the Board issue a Declaratory Statement exempting her from regulation under the Massage Practice Act, so she may be permitted to practice reflexology without a license. The Board of Massage Therapy considered the Petition at its meeting held on October 2, 2009, and issued an order, filed on November 9, 2009, denying the Petition, finding that reflexology falls within the definition of massage therapy found in Section 480.033, F.S.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Kaye Howerton, Executive Director, 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399-3256.

Please refer all comments to: Kaye Howerton, Executive Director, 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399-3256.

NOTICE IS HEREBY GIVEN THAT on December 2, 2009, the Board of Pharmacy has received the petition for declaratory statement from Gary G. Koesten, B.Pharm, M.S., C.Ph., on behalf of 1-800-PetMeds. The petition seeks the agency's opinion as to the applicability of paragraph 64B16-28.108(2)(d), Florida Administrative Code, and Section 465.016(1)(l), F.S. as it applies to the petitioner.

The petition seeks the Board's interpretation of paragraph 64B16-28.108(2)(d), Florida Administrative Code, and Section 465.016(1)(l), F.S., concerning administering donated medications to animals.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal, has received the petition for declaratory statement from Anthony C. Apfelbeck, Fire Official with the City of Altamonte Springs. The petition seeks the agency's opinion as to the applicability of Section 633.027, F.S. and Rule 69A-60.008, F.A.C., as it applies to the petitioner.

Petitioner asks very specific questions that pertain to his particular set of circumstances.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604 or (850)413-4238, Fax: (850)922-1235 or (850)488-0697 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in case any question arises), or by e-mailing your request: Lesley.Mendelson@myfloridacfo.com.

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal, has received the petition for declaratory statement from City of Belleair Beach, Florida. The petition seeks the agency's opinion as to the applicability of Rule 69A-60.007, F.A.C. (Enforcement of Fire Prevention Code; Rule 69A-60.003, F.A.C. (NFPA1 – Florida Adoption 2008); Rule 69A-60.004, F.A.C. (Life Safety Code): NFPA 14- (Standards for Installation of Standpipes and Hose Systems) as it applies to the petitioner.

The Petitioner seeks a declaratory statement regarding very specific questions that pertain to his particular set of circumstances.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604 or (850)413-4238, Fax: (850)922-1235 or (850)488-0697 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in case any question arises), or by e-mailing your request to: Lesley.Mendelson@myfloridacfo.com.

Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND

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

EXECUTIVE OFFICE OF THE GOVERNOR

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 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 and 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).

ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG) SUBGRANTS TO NON-ENTITLED CITIES AND COUNTIES

The Florida Energy and Climate Commission (FECC), within the Executive Office of the Governor, will administer the U.S. Department of Energy (DOE) EECBG program funds through special funding from the American Recovery and Reinvestment Act of 2009 (Recovery Act or Act). Florida intends to distribute approximately \$18.6 million in EECBG Program funds to local governments that are not eligible for direct formula funding through DOE. A full copy of the grant solicitation guidelines and application is located on MyFloridaClimate.com

QUALIFICATION: 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.

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 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 1(800)955-8771 (TDD).

EXPRESSWAY AUTHORITIES

REQUEST FOR QUALIFICATIONS
MDX PROCUREMENT/CONTRACT NO. RFQ-10-05
MDX WORK PROGRAM NO. 11211.050
MDX PROJECT/SERVICE TITLE: CONSTRUCTION
ENGINEERING AND INSPECTION (CE&I) SERVICES
FOR THE DESIGN-BUILD PROJECT FOR CENTRAL
BOULEVARD WIDENING REALIGNMENT AND
SERVICE LOOP

The Miami-Dade Expressway Authority (MDX) is soliciting Requests for Qualifications from qualified firms to provide Construction Engineering and Inspection (CE&I) and contract administration for the Design-Build Project of MDX Work Program Number 11211.030 for Central Boulevard Widening Realignment and Service Loop. A MANDATORY Pre-Proposal Conference is scheduled for December 29, 2009, 10:00 a.m. (Eastern Time). Note: Any prospective Proposer not in attendance at the Mandatory Pre-Proposal Conference shall be prohibited from submitting a Proposal.

For a copy of the RFQ with information on the Scope of Services, Pre-qualification and submittal requirements, please logon to MDX's Website: www.mdxway.com to download the documents under "Doing Business with MDX, or call: MDX's Procurement Department at (305)637-3277 for assistance. Note: In order to download any MDX solicitation, you must first be registered as a Vendor with MDX. This can only be facilitated through MDX's Website: www.mdxway.com under "Doing Business with MDX: Vendor Registration".

The deadline for submitting a Proposal in response to this solicitation is February 2, 2010, by 2:00 p.m. (Eastern Time).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

**NOTICE OF INVITATION TO BID
BID NO. BDC 25-09/10**

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Construction is soliciting formal competitive bids from Certified or Registered General contractors for the project listed below:

PROJECT NAME: City of Marathon Safety Improvements for the Florida Keys Overseas Heritage Trail

SCOPE OF WORK: The contractor shall provide the necessary labor, materials, equipment, and supervision to complete upgrades to the existing bicycle path in Marathon, FL along the Florida Keys Overseas Heritage Trail (MM 47 to 54). The scope includes widening in select areas, installation of a new trail in select areas, and installation of signage, bollards, landscaping, and intersection markings. The project shall be constructed according to plans and shall include the most recent version of the Florida Department of Transportation's Standard Specifications for Road and Bridge Construction. to the plans and specifications.

PARK LOCATION: Florida Keys Overseas Heritage Trail-City of Marathon (Monroe County).

PROJECT MANAGER: Trish Smith, Office of Greenways and Trails, **ADDRESS:** 3 La Croix Court, Key Largo, Florida 33037, (305)420-8432, Fax: (305)872-0558.

PROJECT BUDGET: \$915,000.00

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.

MINORITY BUSINESS REQUIREMENT: The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

PREQUALIFICATION: When the total Bid including Alternates exceeds \$200,000, each Bidder whose field is governed by Chapter 399, 455, 489, or 633, Florida Statutes, for licensure or certification, must submit the following prequalification data of their eligibility to submit bids 240 hours (10 days) PRIOR TO the Bid Opening date, unless the Bidder has been previously qualified by the Department of Environmental Protection for the current biennium (July 1 – June 30) of odd numbered years in accordance with subsection

60D-5.004(2), F.A.C., as evidenced by a letter from DEP to the Bidder, which letter shall be presented to DEP upon request. If the Department requires clarification or additional information, Bidder shall submit such information by 120 hours (5 days) prior to Bid Opening. Material submitted after those deadlines shall disqualify the Bidder.

INSTRUCTIONS: Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number below. Compact Disk (CD) containing the plans and specifications will be available on December 24, 2009 at the Office of Greenways & Trails, Florida Keys Heritage Trail, 3 La Croix Court, Key Largo, Florida 33037, Attention: Shelley Welch, (305)853-3571, Fax: (305)853-3574.

ADA REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact: Michael Renard, Bureau of Design and Construction, (850)488-5372 at least five (5) workdays prior to openings. If you are hearing or speech impaired, please contact the Florida Relay Services by calling 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

BID SUBMITTAL DUE DATE: No later than 2:00 p.m. (ET), Monday, January 25, 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 Administer, Bureau of Design and Construction, (850)488-3572. The Department reserves the right to reject any or all bids.

BID POSTING DATE: No later than 2:00 p.m. (ET), Tuesday, January 26, 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) the Agency Clerk, Lea Crandall, Department of Environmental Protection, Office of General Counsel, MS #35, 3900 Commonwealth Blvd., Tallahassee FL 32399-3000, (850)245-2242, Fax: (850)245-2303, lea.crandall@dep.state.fl.us during the 72-hour period after Bid Specifications are posted on the Vendor Bid System. Failure to file a Notice of Intent to Protest or a formal, written Protest in accordance with Chapter 28-110, F.A.C., within ten days after the 72-hour period ends, as prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of your right to an administrative hearing on the Bid Specifications under Chapter 120, Florida Statutes. Rules for bid protests can be found in Sections 120.569 and

120.57, F.S., and Chapter 28-110, Florida Administrative Code. A bid protester shall comply with these statutes and rules.

C. C. BORDEN CONSTRUCTION, INC.

REQUEST FOR BIDS

NOTICE IS HEREBY GIVEN THAT C. C. Borden Construction, Inc., in conjunction with Florida Department of Transportation will be accepting sealed proposals, which will be received until 2:00 p.m., Friday, January 15, 2010, C. C. Borden Construction, Inc., 1019 Rosselle Street, Jacksonville, FL 32204 for SR-9 (I-95) South bound Agriculture Station (Contract Number: E2i96; Project Number: 21345635201). A Contractors/Vendors Pre-qualification will be e-mailed to interested parties. Bid drawings and specs will be available for review at C. C. Borden Construction, Inc., 1019 Rosselle Street, Jacksonville, FL 32204, or available for purchase from LDI Reproprinting at (904)781-0777 or www.LDILINE.com. The bid package will include scope of services and submittal instructions. All interested bidders shall submit their Notice of Intent to Bid by Fax: (904)354-4770, contact: Roxanne Garcia at (904)354-3458 or e-mail: roxanne@ccborden.com. Do not submit online. Pre-Bid Conference will be held January 5, 2010, 10:00 a.m. – 12:00 Noon, Jacksonville Urban Office Training Facility, 2198 Edison Ave., Jacksonville, FL with a site visit in Nassau County on I95 between mile posts 10.585 & 11.044 at 2:00 p.m. or January 6, 2010, 10:00 a.m. Review plans and specifications prior to the meeting. The Florida Department of Transportation & C. C. Borden Construction, Inc. are committed to provide equal opportunity and strongly encourage all interested DBE and M/WBE and small business firms and suppliers to submit bids. C. C. Borden Construction, Inc., reserves the right to reject any and all bids, waive formalities and irregularities in bidding and to accept bids, or negotiate with bidders which are considered by C. C. Borden Construction, Inc., and the Florida Department of Transportation to be in the best interest of the project.

EARLY LEARNING COALITION OF PINELLAS COUNTY, INC.

The Early Learning Coalition of Pinellas County, Inc. would like to announce a Request for Proposals for the provision of School Readiness, Voluntary Prekindergarten and Quality services in Pinellas County. The purpose of the Early Learning Coalition of Pinellas County, Inc. is to promote School Readiness in Pinellas County through quality programs and services for children. The Early Learning Coalition of Pinellas County, Inc. seeks to contract for the following service categories: (I) School Readiness and Voluntary Prekindergarten services, and (II) Quality services. Contract compliance and general administrative functions are also required in each area for bid. The Coalition proposes entering

into a contract for a period of one (1) year with possible subsequent renewal of the contract for two (2) additional years subject to: (a) availability of funds as determined by the Coalition (b) satisfactory performance evaluations as determined by the Coalition, and (c) changes in programmatic or service related needs as determined at the sole discretion of the Coalition. The contract may also be affected by any changes in statute or rule that may arise during the contract period. For a copy of RFP #2009-001 on or after the release date of January 4, 2010, please visit the Coalition website: www.elcpinellas.org or contact: Lisa Zawistowski, Director of Contracted Services, Early Learning Coalition of Pinellas, Inc., 5735 Rio Vista Drive, Clearwater, FL 33760, (727)548-1439, ext. 24.

Section XII Miscellaneous

DEPARTMENT OF EDUCATION

PUBLIC ANNOUNCEMENT OF A/E SELECTION RESULTS

The Florida School for the Deaf and the Blind announces its intention to negotiate, in accordance with the Consultants Competitive Negotiation Act, for the following:

PROJECT NAME: MacWilliams

PROJECT NUMBER: 20100001

1. Schenkel Shultz Architecture
2. Fisher Koppenhafer Architecture Interior Design
3. JSA Architects Interiors Planners

DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation intends to issue an "Airport Site Approval Order," in accordance with Chapter 330, Florida Statutes, "Regulation of Aircraft, Pilots, and Airports" and Chapter 14-60, Florida Administrative Code, "Airport Licensing, Registration, and Airspace Protection" for the following site:

Gabbert Heliport M&G Transactions, a private airport, in Sarasota County, at Latitude 27° 20' 05.748" and Longitude 82° 25' 47.964", to be owned and operated by Mr. James F. Gabbert, 1250 Hidden Harbor Way, 7502 Claxtraus Dr., Sarasota, FL 34242.

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 Motofino USA, Inc., intends to allow the establishment of Carley's Scooters, as a dealership for the sale of motorcycles manufactured by Zhejiang Taizhou Wangve Power Co., Ltd. (ZHEJ) at 595 Avenue K, Southeast, Winter Haven (Polk County), Florida 33880, on or after December 11, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Carley's Scooters are dealer operator(s): Carla Smith, 595 Avenue K, Southeast, Winter Haven, Florida 33880; principal investor(s): Carla Smith, 595 Avenue K, Southeast, Winter Haven, Florida 33880.

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: Tom Fay, Motofino USA, Inc., 2167 Gordon Highway, Augusta, Georgia 30909.

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 Chrysler Group Carco, LLC, d/b/a Chrysler Group, LLC, intends to allow the establishment of CJD Northpark, LLC, as a dealership for the sale of automobiles manufactured by Chrysler Group Carco, LLC (CHRY) at 750 Towne Center Boulevard, Sanford (Seminole County), Florida, 32771, on or after February 10, 2010.

The name and address of the dealer operator(s) and principal investor(s) of CJD Northpark, LLC are dealer operator(s): John R. Fields, 2100 Frontage Road, Glencoe, Illinois 60022; principal investor(s): John R. Fields, 2100 Frontage Road, Glencoe, Illinois 60022.

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: P.R. Langlely, Chrysler Group Carco, LLC, 1000 Boggy Creek Road, Orlando, Florida 32824.

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 Chrysler Group Carco, LLC, d/b/a Chrysler Group, LLC, intends to allow the establishment of CJD North, LLC d/b/a Fields Chrysler Jeep Dodge, as a dealership for the sale

of automobiles manufactured by Chrysler Group Carco LLC (DODG) at 750 Towne Center Boulevard, Sanford (Seminole County), Florida 32771, on or after February 10, 2010.

The name and address of the dealer operator(s) and principal investor(s) of CJD North, LLC d/b/a Fields Chrysler Jeep Dodge are dealer operator(s): John R. Fields, 2100 Frontage Road, Glencoe, Illinois 60022; principal investor(s): John R. Fields, 2100 Frontage Road, Glencoe, Illinois 60022.

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: P.R. Langley, Chrysler Group Carco LLC, 10300 Boggy Creek Road, Orlando, Florida 32824.

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 Chrysler Group Carco, LLC, d/b/a Chrysler Group, LLC, intends to allow the establishment of CJD Northpark, LLC d/b/a Fields Chrysler Jeep Dodge as a dealership for the sale of automobiles manufactured by Chrysler Group Carco, LLC (JEEP) at 750 Towne Center Boulevard, Sanford (Seminole County), Florida, 32771, on or after February 10, 2010.

The name and address of the dealer operator(s) and principal investor(s) of CJD Northpark, LLC d/b/a Fields Chrysler Jeep Dodge are dealer operator(s): John R. Fields, 2100 Frontage Road, Glencoe, Illinois 60022; principal investor(s): John R. Fields, 2100 Frontage Road, Glencoe, Illinois 60022.

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: P.R. Langley, Chrysler Group Carco LLC, 10300 Boggy Creek Road, Orlando, Florida 32824.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that JMSTAR Powersports, Inc., intends to allow the establishment of Hot Scooters, LLC, as a dealership for the sale of motorcycles manufactured by JMSTAR Powersports, Inc. (JMST) at 1316 North Federal Highway, Hollywood (Broward County), Florida 33020, on or after December 31, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Hot Scooters LLC are dealer operator(s): Giuseppe Urso, 1316 North Federal Highway, Hollywood, Florida 33020; principal investor(s): Giuseppe Urso, 1316 North Federal Highway, Hollywood, Florida 33020.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Yenong Xie, JMSTAR Powersports, Inc., 796 Sunflower Circle, Weston, Florida 33327.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Jonway Motorcycles USA, Co., Ltd., intends to allow the establishment of Ride Green, Inc., as a dealership for the sale of motorcycles manufactured by Shanghai Shenke Motorcycle Co., Ltd. (SHEN) at 16283 South Tamiami Trail, Fort Myers (Lee County), Florida 33908, on or after December 31, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Ride Green, Inc. are dealer operator(s): Chauncey Solinger, 16283 South Tamiami Trail, Unit B, Fort Myers, Florida 33908; principal investor(s): Chauncey Solinger, 16283 South Tamiami Trail, Unit B, Fort Myers, Florida 33908.

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: Darrell Green, Jonway Motorcycles USA Co., Ltd., 1503 Kelly Boulevard, Carrollton, Texas 75006.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for the Relocation of a
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Southeast Toyota Distributors, LLC, intends to allow the relocation of Central Florida Motor Sales, Inc. d/b/a Scion of Orlando, as a dealership for the sale of automobiles manufactured by Southeast Toyota Distributors, LLC (SCIO), from its present location at 3800 West Colonial Drive, Orlando, Florida 32808, to a proposed location at 3445 Vineland Road (Orange County), Orlando, Florida 32811, on or after March 1, 2010.

The name and address of the dealer operator(s) and principal investor(s) of Central Florida Motor Sales, Inc. d/b/a Scion of Orlando are dealer operator(s): Joseph Siviglia, 3800 West Colonial Drive, Orlando, Florida 32808; principal investor(s): Joseph Siviglia, 3800 West Colonial Drive, Orlando, Florida 32308 and Andrew Adams, 558 South Central Expressway, Richardson, Texas 75080. The notice indicates intent to relocate the franchise 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, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, 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: Janet Shope, Southeast Toyota Distributors, LLC, 100 Jim Moran Boulevard, Deerfield Beach, Florida 33442.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Jonway Motorcycles USA, Co., Ltd. intends to allow the establishment of Suncoast Motors, Inc., as a dealership for the sale of motorcycles manufactured by

Shanghai Shenke Motorcycle, Co., Ltd. (SHEN) at 853 US 41 Bypass South, Venice (Sarasota County), Florida 34285, on or after December 31, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Suncoast Motors, Inc. are dealer operator(s): Robert Shapiro, 853 US Highway 41 Bypass South, Venice, Florida 34285; principal investor(s): Robert Shapiro, 853 US Highway 41 Bypass South, Venice, Florida 34285.

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: Darrell Green, Jonway Motorcycles USA, Co., Ltd. 1503 Kelly Boulevard, Carrollton, Texas 75006.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for the Relocation of a
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Southeast Toyota Distributors, LLC, intends to allow the relocation of Central Florida Motor Sales, Inc. d/b/a Toyota of Orlando, as a dealership for the sale of automobiles manufactured by Southeast Toyota Distributors, LLC (TOYT), from its present location at 3800 West Colonial Drive, Orlando, Florida 32808, to a proposed location at 3445 Vineland Road (Orange County), Orlando, Florida 32811, on or after March 1, 2010.

The name and address of the dealer operator(s) and principal investor(s) of Central Florida Motor Sales, Inc. d/b/a Toyota of Orlando are dealer operator(s): Joseph Siviglia, 3800 West Colonial Drive, Orlando, Florida 32808; principal investor(s): Joseph Siviglia, 3800 West Colonial Drive, Orlando, Florida 32308 and Andrew Adams, 558 South Central Expressway, Richardson, Texas 75080. The notice indicates intent to relocate the franchise 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, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, 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: Janet Shope, Southeast Toyota Distributors, LLC, 100 Jim Moran Boulevard, Deerfield Beach, Florida 33442.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that BMW of North America LLC, intends to allow the establishment of Wesley Chapel Automotive Management, LLC d/b/a MINI of Wesley Chapel as a dealership for the sale of automobiles manufactured by BMW of North America, LLC (MINC) at 323 feet Northwest of the Northwest corner of State Road 56 and Cypress Ridge Boulevard in Wesley Chapel (Pasco County), Florida 33544, on or after February 1, 2010.

The name and address of the dealer operator(s) and principal investor(s) of Wesley Chapel Automotive Management, LLC d/b/a MINI of Wesley Chapel are dealer operator(s): Larry Morgan, 1101 East Fletcher Avenue, Tampa, Florida 33612; principal investor(s): LCM Investments II, LLLP, 1101 East Fletcher Avenue, Tampa, Florida 33612 and V. Young Enterprises, Inc., 3800 Ivy Dale Court, Land O'Lakes, Florida 34638.

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: Robert Goodheart, BMW of North America, LLC, 300 Chestnut Ridge Road, Woodcliff Lake, New Jersey 07677.

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 No. 50-00010-W (Application No. 080627-9) Town of Jupiter Water Utilities, 210 Military Trail, Jupiter, FL 33458, for issuance of a Water Use Permit modification to meet the public water supply demands for the Town of Jupiter serving 89,337 persons in the year 2025. Withdrawals are from the Surficial Aquifer system and from the Floridan Aquifer system. The project is located in Palm Beach County, Townships 40,41 South, Ranges 42,43 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, (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 Section 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: 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 Administration 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

manmade lakes proposed to be constructed at a new limestone mine in Collier County under Environmental Resource Permit application No. 0286236-001.

The manmade lakes will be constructed across property lines such that the manmade lakes will have more than one property owner. After reclamation, the four manmade lakes will also be connected to each other by reinforced concrete pipes. After reclamation, control structures will allow discharge to offsite wetlands and other surface waters during storms less than the 25-year, 24-hour storm. The proposed manmade lakes will be subject to the water quality standards provided in Rule 62-302.530, F.A.C.

On July 16, 2009, Cemex Construction Materials Florida, LLC, applied to the Department for a variance from the minimum standards for dissolved oxygen authorized by subsection 63-302.530(30), F.A.C., which requires a minimum level of 5.0 mg/L dissolved oxygen in the surface waters of the state.

The dissolved oxygen levels in the hypolimnion of the manmade lake are expected to drop below the mandatory minimum of 5.0 mg/L at times. Stratification and the associated reduction of dissolved oxygen in the hypolimnion are natural phenomena in deep-water bodies, especially during warmer parts of the year. This condition is well documented in the limnological literature and recognized in Section 373.414(6)(a), F.S., which states, “[t]he Legislature recognizes that some mining activities that may occur in waters of the state must leave a deep pit as part of the reclamation. Such deep pits may not meet the established water quality standard for dissolved oxygen below the surficial layers. Where such mining activities otherwise meet the permitting criteria contained in this section, such activities may be eligible for a variance from the established water quality standard for dissolved oxygen within the lower layers of the reclaimed pit.”

A variance of the minimum standards provided in Rule 62-302.530, F.A.C., for dissolved oxygen, within the hypolimnion of the proposed manmade lakes is not expected to result in any on-site or off-site impacts. Oxygen levels in the upper layers of the manmade lakes are expected to meet the requirements of Rule 62-302.530, F.A.C., and be adequate to support healthy fish populations. There is no practicable means known or available to achieve the required dissolved oxygen levels within the manmade lake. Therefore, the Department intends to grant a permanent variance pursuant to Section 403.201(1)(a), F.S., for the dissolved oxygen within the hypolimnion layer of the proposed manmade lakes.

This project is located at 7570 Oil Well Grade Road, approximately one mile north of Immokalee Road in the northwest corner of the northeast portion of Sections 9, 10, 15, 16, 21, and 22, Township 47 South, Range 28 East, in rural Collier County.

The Department’s file on this matter is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Bureau of Mining and Minerals Regulation, 2051 East Paul Dirac Drive, Tallahassee, Florida 32310, (850)488-8217.

Under this intent to grant, this variance is hereby granted subject to the applicant’s compliance with any requirement in this intent to publish notice of this intent in a newspaper of general circulation and to provide proof of such publication in accordance with Section 50.051, F.S. This action is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., as provided below. If a sufficient petition for an administrative hearing is timely filed, this intent to grant automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. When proof of publication is provided, if required by this intent, and if a sufficient petition is not timely filed, the variance will be granted as a ministerial action. Because an administrative hearing may result in the reversal or substantial modification of this action, the applicant is advised not to commence construction or other activities until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time have expired and until the variance has been executed and delivered. Mediation is not available.

A person whose substantial interests are affected by the Department’s action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed: (received by the clerk) in the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000.

Under subsection 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department’s action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with: Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with Section 403.201, F.S., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) the name and address of each agency affected and each agency's file or identification number, if known; (b) the name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination; (c) a statement of when and how the petitioner received notice of the agency decision; (d) a statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) a concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; (f) a statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and (g) a statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for

administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This intent to grant a variance constitutes an order of the Department. Subject to the provisions of Section 120.68(7)(a), F.S., which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with: Clerk of the Department, Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the order is filed with the Clerk of the Department.

NOTICE OF AVAILABILITY

FLORIDA CATEGORICAL EXCLUSION NOTIFICATION

Town of Lake Hamilton

The Florida Department of Environmental Protection has determined that the Town of Lake Hamilton's project involving installation of a transmission line to replace an old deteriorated and corroded transmission line will not adversely affect the environment. The total cost of the project is estimated to be \$464,675. The project may qualify for a Drinking Water State Revolving Fund loan composed of federal funds and state funds.

A full copy of the Florida Categorical Exclusion Notification can be obtained by writing to: Venkata Panchakarla, Department of Environmental Protection, Bureau of Water Facilities Funding, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400, (850)245-8366.

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://approd.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 December 9, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the License of Peter A. Smith, D.C. License #CH 9119. 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 December 14, 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 Akram A. Ismail, M.D. License #ME 64427. 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 December 14, 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 Nancy Ruth Crosby Jacobs, R.N. License #RN 1968242. 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 December 9, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the License of Sheryl Renee

Williamson, R.N. License #RN 9188193. 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 application:

APPLICATION WITHDRAWN

Application to Acquire Control
Financial Institution to be Acquired: Marquis Bank, Miami, Florida
Proposed Purchaser: Javier Holtz, Indian Creek Village, Florida
Date of Application: October 15, 2009
Withdrawn: December 15, 2009

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN December 7, 2009
 and December 11, 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 Administration

5A-8.003	12/10/09	12/30/09	35/37	
5A-8.004	12/10/09	12/30/09	35/37	
5A-8.008	12/10/09	12/30/09	35/37	
5A-12.001	12/10/09	12/30/09	35/37	
5A-12.002	12/10/09	12/30/09	35/37	
5A-12.003	12/10/09	12/30/09	35/37	
5A-12.004	12/10/09	12/30/09	35/37	
5A-12.005	12/10/09	12/30/09	35/37	
5A-13.001	12/10/09	12/30/09	35/37	
5A-13.002	12/10/09	12/30/09	35/37	
5A-13.003	12/10/09	12/30/09	35/37	
5A-14.001	12/10/09	12/30/09	35/37	
5A-14.002	12/10/09	12/30/09	35/37	
5A-14.003	12/10/09	12/30/09	35/37	
5A-14.004	12/10/09	12/30/09	35/37	
5A-14.005	12/10/09	12/30/09	35/37	
5A-14.006	12/10/09	12/30/09	35/37	
5A-14.007	12/10/09	12/30/09	35/37	
5A-14.008	12/10/09	12/30/09	35/37	
5A-14.009	12/10/09	12/30/09	35/37	

Division of Aquaculture

5L-1.003	12/8/09	12/28/09	35/36	
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STATE FAIR AUTHORITY

32-1.001	12/10/09	12/30/09	35/43	
32-1.006	12/10/09	12/30/09	35/43	
32-1.010	12/10/09	12/30/09	35/43	
32-1.011	12/10/09	12/30/09	35/43	
32-1.012	12/10/09	12/30/09	35/43	
32-1.023	12/10/09	12/30/09	35/43	

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

61C-1.005	12/8/09	12/28/09	35/39	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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Board of Landscape Architecture

61G10-18.001	12/8/09	12/28/09	35/44	
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Board of Pilot Commissioners

61G14-19.001	12/11/09	12/31/09	35/38	
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Board of Accountancy

61H1-20.0098	12/7/09	12/27/09	35/43	
61H1-26.005	12/7/09	12/27/09	35/43	
61H1-27.001	12/7/09	12/27/09	35/43	

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

64B3-5.007	12/10/09	12/30/09	35/44	
64B3-10.005	12/10/09	12/30/09	35/44	

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

64B4-31.010	12/8/09	12/28/09	35/44	
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Board of Dentistry

64B5-2.0135	12/11/09	12/31/09	35/45	
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Council of Medical Physicists

64B23-2.001	12/8/09	12/28/09	35/41	
64B23-7.001	12/8/09	12/28/09	35/41	

Division of Environmental Health

64E-15.002	12/10/09	12/30/09	35/36	
64E-15.003	12/10/09	12/30/09	35/36	
64E-15.004	12/10/09	12/30/09	35/36	
64E-15.006	12/10/09	12/30/09	35/36	
64E-15.007	12/10/09	12/30/09	35/36	
64E-15.009	12/10/09	12/30/09	35/36	
64E-15.010	12/10/09	12/30/09	35/36	

Division of Emergency Medical Operations

64J-1.0201	12/11/09	12/31/09	35/19	35/39
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DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

69J-123.002	12/7/09	12/27/09	35/39	
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