

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.:	RULE TITLES:
6A-25.001	Federal Regulations Adopted by Reference
6A-25.002	Definitions
6A-25.003	Informed Choice
6A-25.004	Referral and Application Process
6A-25.005	Assessment for Determining Eligibility and Priority for Services
6A-25.006	Extended Evaluation
6A-25.007	Ability to Serve All Eligible Individuals and Order of Selection for Services
6A-25.008	Individualized Plan for Employment
6A-25.009	Authorization for Services
6A-25.010	Scope of Vocational Rehabilitation Services
6A-25.011	Comparable Services and Benefits
6A-25.012	Division Determinations, Review Procedures
6A-25.013	Confidentiality and Release of Consumer Information/Records
6A-25.014	Physical and Mental Restoration Services
6A-25.015	Vocational and Other Training Services
6A-25.016	Rehabilitation Technology Services
6A-25.017	Case Closure
6A-25.018	Recovery from Third Parties
6A-25.019	Forms and Documents

PURPOSE AND EFFECT: The purpose of this rule development is to comply with the requirements in Sections 413.22 and 413.445, Florida Statutes, to adopt rules necessary to carry out the purposes of Chapter 413, Part II, Florida Statutes. The effect will be rules that accurately reflect all current requirements related to the provision of vocational rehabilitation services.

SUBJECT AREA TO BE ADDRESSED: The provision of vocational rehabilitation services.

RULEMAKING AUTHORITY: 413.22, 413.445 FS.

LAW IMPLEMENTED: 257.36(6), 413.22, 413.24, 413.28, 413.30, 413.32, 413.341, 413.445, 413.72, 413.731 FS.

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

DATE AND TIME: September 15, 2010, 1:30 p.m. – 4:00 p.m.

PLACE: West Florida Public Library, 200 West Gregory Street, Pensacola, FL 32502

Pursuant to the provisions of 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: Melinda Cupp, 2002 Old St. Augustine Road, Building A, Tallahassee, Florida 32301, 1(800)451-4327, ext. 53325 or 1(850)245-3325. If you are 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: Brent McNeal, Assistant General Counsel, Department of Education, 2002 Old St. Augustine Road, Building A, Tallahassee, FL 32301-4962, (850)245-3327

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT: <https://app1.fldoe.org/rules/default.aspx>.

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

St. Johns River Water Management District

RULE NO.:	RULE TITLE:
40C-2.101	Publications Incorporated by Reference

PURPOSE AND EFFECT: The purpose and effect of this rule development is to amend the permit application procedures for consumptive use permits in the Applicant’s Handbook, Consumptive Uses of Water to: (1) indicate that the regulatory delegations to District staff are located in the Statement of Agency Organization and Operation which is found on the District’s website; (2) remove or revise certain references to the Governing Board for clarity and accuracy and because permit delegations are no longer subject to rulemaking due to the 2010 enactment of amendments to Section 373.083(5), F.S.; (3) clarify and reorganize the rules describing: procedures for evaluation of individual permit applications; procedures for objections to such permits; notices provided in the permitting process; requests for administrative hearing; and procedures at regulatory meetings.

SUBJECT AREA TO BE ADDRESSED: The rule development addresses amendments to procedural rules associated with consumptive use permit applications.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.083, 373.116, 373.216, 373.219, 373.229 FS.

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

DATE AND TIME: September 15, 2010, 10:00 a.m.

PLACE: Governing Board Room, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Wendy Gaylord, Rules Coordinator, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)326-3026, or wgaylord@sjrwm.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-2.101 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference Parts I, II and III, the "Water Conservation Public Supply" requirements in Appendix I, and "Legal Description of the Central Florida Coordination Area of the St. Johns River Water Management District" in Appendix L of the document entitled "Applicant's Handbook, Consumptive Uses of Water", _____ ~~3-8-09~~. The purpose of the document is to provide information regarding the policy, procedure, criteria, and conditions that pertain to the District's administration of the consumptive use permitting program.

(2) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.073, 373.079, ~~373.083~~, 373.103, 373.109, 373.196, 373.219, 373.223, 373.229, 373.233, 373.236, 373.239, 373.250, 373.62 FS. History—New 1-1-83, Amended 5-31-84, Formerly 40C-2.101, 40C-2.0101, Amended 10-1-87, 1-1-89, 8-1-89, 10-4-89, 7-21-91, 7-23-91, 11-12-91, 9-16-92, 1-20-93, 12-6-93, 2-15-95, 7-10-95, 4-25-96, 10-2-96, 1-7-99, 2-9-99, 4-10-02, 2-15-06, 2-13-08, 8-12-08, 3-8-09, _____.

APPLICANT'S HANDBOOK SECTIONS:

5.0 Procedures for Processing

5.4 Individual Permits

5.4.1 Staff Evaluation

5.4.1.3 All reviews will be completed and the application will be approved or denied ~~presented to the Board for action~~ within 90 days after the application is determined to be complete.

5.4.1.4 The applicant should be given a minimum 14 days notice when the staff's review is complete and the application has been scheduled for District action on the application ~~a Board meeting~~. This notice includes the place, date and time of the meeting, ~~and~~ a copy of the staff report which recommends approval or denial. The staff report recommending approval or denial of the application shall be the District's Notice of Intended Action. The applicant is advised to read the report carefully. If any part of the report is in error, or if the applicant does not agree with the staff's recommendation, the applicant should immediately contact the District staff ~~prior to the date set for action by the Governing Board~~.

If after contacting District staff regarding its report, the applicant is still dissatisfied with the staff's position, by waiving the ninety day time frame, the applicant has the option of requesting that the District staff take additional time to meet with the applicant to further discuss the application, the applicant's position, and staff's position ~~application be removed from the agenda and rescheduled at a later time~~.

5.4.1.5 Notification to Public for Input

When the District receives an application, it will provide notice that an application has been filed. Such notice will be given by regular mail to property owners listed on the application form, or by publication of a newspaper advertisement when requested by the applicant pursuant to section 4.4.2 in those instances when the number of adjacent landowners exceeds 100. Additionally, notice of the application will be given by regular mail to those persons who have previously filed a written request for notification of pending applications within the affected area.

The District will also publish a notice of the pending application in a newspaper having general circulation in the affected area (however, the District will not publish a newspaper notice when it has published an advertisement pursuant to section 4.4.2). Such notice will be published upon receipt of the application for a permit. ~~In order for the District staff to properly evaluate any information which interested persons may submit, these persons should contact the District within 14 days of the date of publication of notice of receipt of application if they have objections, comments or information regarding the proposed withdrawal. Notice of intended agency action will be provided to the Applicant and to persons who have requested notice as required by Section 120.60, F.S., and Section 373.116, F.S.~~

5.4.1.6 Objections

In order for the District staff to properly evaluate any information which interested persons may submit regarding an application, these persons should contact the District within 14 days of the date of publication of notice of receipt of application and provide their objections, comments or information regarding the proposed withdrawal in writing.

Notice of intended agency action will be provided to the Applicant and to persons who have requested notice as required by Section 120.60, F.S. An applicant or a person whose substantial interests may be determined by the intended agency action may request an administrative hearing in accordance with Chapter 120, F.S., Chapter 28-106, F.A.C., and Rule 40C-1.1007, F.A.C. Making a written objection or appearing at a Board meeting does not make a person a "party" for Chapter 120, F.S., purposes.

~~Written objections should be received by the District at least 7 days prior to the date of the regulatory meeting at which the permit application is scheduled for Governing Board~~

~~consideration in order to be included in the official record of the application and made available to the Board in their deliberations.~~

~~Unless an objection to a permit application is received or a request for an administrative hearing in accordance with Chapter 28-106 and Rule 40C-1.1007, F.A.C., is received, the application may be presented to the Governing Board on a consent agenda and therefore may not receive individual consideration.~~

~~If the applicant is notified that the District staff will recommend denial to the Board, or the Governing Board does in fact deny the permit, then the applicant may request an administrative hearing in accordance with Chapter 28-106 and Rule 40C-1.1007, F.A.C.~~

5.4.2 Regulatory Meeting

5.4.2.1 The Governing Board of the SJRWMD normally meets on the second Tuesday of each month to act on permit applications that have not been delegated to District staff to approve. (See the District’s Statement of Agency Organization and Operation at floridaswater.com for a listing of these regulatory delegations.) At each regulatory meeting the Board has copies of the staff reports, along with the staff’s recommendations, which were provided to them several days before the meeting to allow time for consideration. When applications are formally presented to the Board for action, the Board invites comments from the applicants, District staff, persons who may be impacted by the use, and members of the general public. However, if no requests to speak concerning an application are made at the meeting, the application may be presented to the Governing Board on a consent agenda and therefore may not receive individual consideration. Revised 8-12-08,_____.

5.4.2.2 Upon presentation of an application, the Board will either approve the application, deny the application, or continue the application for consideration at a later day within applicable time frames established by the provisions of Chapter 120, F.S.

~~5.4.2.3 If the applicant, an objector, or any other person whose substantial interest may be determined is dissatisfied with staff recommendation or an action taken by the Board, they may file a petition for an administrative hearing in accordance with Chapter 28-106 and Rule 40C-1.1007, F.A.C.~~

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NOS.:	RULE TITLES:
40C-4.091	Publications Incorporated by Reference
40C-4.321	Duration of Permit
40C-4.381	Limiting Conditions

PURPOSE AND EFFECT: The purpose and effect of this rule development is to amend the environmental resource permit (ERP) rules in Chapter 40C-4, F.A.C., and the Applicant’s

Handbook: Management and Storage of Surface Waters to: (1) indicate that the regulatory delegations to District staff regarding ERPs are located in the Statement of Agency Organization and Operation which is found on the District’s website; (2) remove certain references to the Governing Board in favor of the term “District” for clarity and accuracy and, in some cases, also because permit delegations are no longer subject to rulemaking due to the 2010 enactment of amendments to Section 373.083(5), F.S.; and (3) clarify and reorganize the rules describing: procedures for processing individual and standard ERPs; procedures for objections to such permits; notices provided in the permitting process; requests for administrative hearing; and procedures at regulatory meetings.

SUBJECT AREA TO BE ADDRESSED: The rule development addresses amendments to procedural rules associated with ERP applications.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.079, 373.083, 373.116, 373.118, 373.129, 373.413, 373.416, 373.426, 373.613 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Wendy Gaylord, Rules Coordinator, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)326-3026, or wgaylord@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 40C-4.091 Publications Incorporated by Reference.
 - (1) The Governing Board hereby adopts by reference:
 - (a) Part I “Policy and Procedures,” Part II “Criteria for Evaluation,” subsections 18.0, 18.1, 18.2, and 18.3 of Part III and Appendix K “Legal Description Upper St. Johns River Hydrologic Basin,” “Legal Description Ocklawaha River Hydrologic Basin,” “Legal Description of the Wekiva River Hydrologic Basin,” “Legal Description of the Wekiva Recharge Protection Basin,” “Legal Description of the Econlockhatchee River Hydrologic Basin,” “Legal Description of the Sensitive Karst Areas Basin, Alachua County,” “Legal Description Tomoka River Hydrologic Basin,” “Legal Description Spruce Creek Hydrologic Basin,” “Legal Description of the Sensitive Karst Areas Basin, Marion County,” and “Legal Description of the Lake Apopka Hydrologic Basin,” and Appendix M “Regional Watersheds for Mitigation Banking,” of the document entitled “Applicant’s Handbook: Management and Storage of Surface Waters,” effective _____ February 16, 2010.
 - (b) through (d) No change.
 - (2) No change.

Rulemaking Authority 369.318, 373.044, 373.046(4), 373.113, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421, 373.461 FS. Law Implemented 120.60, 369.316, 369.318, 373.016(2), 373.042, 373.0421, 373.046, 373.085, 373.086, 373.103, 373.109, 373.129, 373.146(1), 373.406, 373.413, 373.4135, 373.4136, 373.414, 373.4141, 373.415, 373.416, 373.417, 373.418, 373.421(2)-(6), 373.423, 373.426, 373.461(3), 373.613, 380.06(9), 403.813(2) FS. History—New 12-7-83, Amended 10-14-84, Formerly 40C-4.091, Amended 5-17-87, Formerly 40C-4.0091, Amended 8-20-87, 10-1-87, 10-11-87, 11-26-87, 8-30-88, 1-1-89, 8-1-89, 10-19-89, 4-3-91, 9-25-91, 11-12-91, 3-1-92, 7-14-92, 9-8-92, 9-16-92, 11-12-92, 11-30-92, 1-6-93, 1-23-94, 2-27-94, 11-22-94, 10-3-95, 8-20-96, 11-25-98, 12-3-98, 1-7-99, 1-11-99, 8-21-00, 7-8-01, 10-11-01, 4-10-02, 9-26-02, 3-7-03, 11-11-03, 2-1-05, 12-3-06, 7-1-07, 5-13-08, 11-5-08, 10-29-09, 2-16-10,_____.

40C-4.321 Duration of Permit.

(1) No change.

(2) Permits expire on the date indicated on the permit unless application for extension is made pursuant to Chapter 40C-1 in writing to the District on or before the date of expiration. If application for extension is made, the permit shall remain in full force and effect until the District Board takes action on the application for extension.

Rulemaking Specific Authority 373.113 FS. Law Implemented 373.413, 373.416, 373.426 FS. History—New 12-7-83, Formerly 40C-4.321, 40C-4.0321, Amended 8-1-89, 9-8-92,_____.

40C-4.381 Limiting Conditions.

(1) No change.

(2) In addition to those general conditions set forth in subsection (1), the District Governing Board shall impose on any permit granted under this chapter and Chapter 40C-40, F.A.C., such reasonable project-specific conditions as are necessary to assure that the permitted system will not be inconsistent with the overall objectives of the District or be harmful to the water resources of the District as set forth in District rules. Upon receipt of the notice of intended District action, any person whose substantial interests are affected shall have the right to request a hearing in accordance with Chapter 120, F.S., Chapter 28-106, F.A.C., and Rule 40C-1.1007, F.A.C.

Rulemaking Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.409, 373.413, 373.416, 373.419, 373.422, 373.423, 373.426 FS. History—New 12-7-83, Formerly 40C-4.381, 40C-4.0381, Amended 8-1-89, 10-19-89, 3-14-90, 2-27-94, 10-3-95, 1-4-96, 1-11-99, 11-11-03,_____.

APPLICANT’S HANDBOOK SECTIONS:

3.0 Activities Requiring a Permit

3.2 Permits Required

No change.

3.2.3 The District Board will not issue separate permits for parts of a system, except for a system which is to be constructed in phases.

5.0 Procedures for Processing Individual Environmental Resource Permits

5.4 Staff Evaluation

5.4.1 When the application is complete, the staff will commence the technical review of the application. Criteria used in the evaluation are defined and discussed in Part II of this Handbook.

5.4.2 All review will be completed and the application will be approved or denied ~~presented to the Board for action~~ within 90 days after the complete application is received.

5.4.3 The goal of the permit evaluation procedure is to assure that the proposed design is consistent with the standards and criteria for evaluation. If the reviewer determines that the design as submitted in the application is inconsistent with the standards and criteria, the District staff will endeavor to assist the applicant in submission of changes in design that will correct the deficiencies in the original application where possible. The responsibility for changing the permit application and designing corrections remains that of the applicant.

5.4.4 The applicant will be given a minimum of 14 days notice when the staff’s review is complete and the application has been scheduled for District action on the application ~~a Board meeting~~. This notice includes the place, date and time of the meeting, and a copy of the staff report which recommends approval or denial. The applicant is advised to read the report carefully. If any part of the report is in error, or if the applicant does not agree with the staff’s recommendation, the applicant should contact the District staff as soon as possible. The 14 day period is provided to allow the staff and applicant an opportunity to resolve any concern which may have been identified. ~~In all instances, the applicant will have an opportunity to make a statement before the Board at the scheduled regulatory meeting.~~

If the 14 day period is not sufficient or the applicant is still dissatisfied with the staff’s position, the applicant by waiving the ninety day time frame, has the option of requesting that the District staff take additional time to meet with the applicant to further discuss the application, the applicant’s position, and the staff’s position. ~~may have the application removed from the agenda and rescheduled at a later time, or the applicant can request an administrative hearing under the provisions of Chapter 120, F.S., Chapter 28-106 and Rule 40C-1.1007, F.A.C.~~

5.4.5 Notification to Public for Input

Once the District receives an application, notice of such application will be provided to those persons who have previously filed a written request for notification of pending applications affecting a designated area. Such notice will be sent by regular mail.

The District will also publish a notice of the pending application in a newspaper having general circulation in the affected area. Such notice will be published upon receipt of the application for a permit.

~~For the District staff to properly evaluate any information which interested persons may submit, these persons are advised to contact the District within 14 days of notification if they have questions, objections, comments or information regarding the proposed system. Those who file a written request for further information regarding the permit application will be furnished the information requested prior to the Governing Board meeting at which the application will be considered.~~

5.4.6 Objections

~~(a) In order for the District staff to properly evaluate any information which interested persons may submit regarding an application, these persons should contact the District within 14 days of the date of publication of notice of receipt of application and provide their objections, comments or information regarding the proposed system in writing. Interested persons may attend the Governing Board regulatory meeting(s) at which the specific application is being considered and present information relevant to the application.~~

~~(b) Notice of intended agency action will be provided to the applicant and to persons who have requested notice as required by Section 120.60, F.S. Written objections must be received by the District at least seven (7) days prior to the date of the regulatory meeting at which the permit application is scheduled for consideration in order to be included in the official record of the application and made available to the Board in its deliberations.~~

~~(c) An applicant or a person whose substantial interests may be determined by the intended agency action may request an administrative hearing in accordance with Chapter 120, F.S., Chapter 28-106, F.A.C., and Rule 40C-1.1007, F.A.C. Making a written objection or appearing at a Board meeting does not make a person a "party" for Chapter 120, F.S., purposes.~~

5.5 Regulatory Meeting

5.5.1 The Governing Board of the St. Johns River Water Management District meets once a month to act on permit applications that have not been delegated to District staff to approve. (See the District's Statement of Agency Organization and Operation at floridaswater.com for a listing of these regulatory delegations.) At each regulatory meeting, the Board has copies of the staff reports, which contain a staff recommendation for approval or denial, and which were provided to them several days before the meeting to allow time for review. When applications are ~~formally~~ presented to the Board for action, the Board invites comments from the applicants, District staff, interested persons, or local governments who may be affected by the application, and members of the general public. However, if no requests to speak concerning an application are made at the meeting, the application may be presented to the Governing Board on a consent agenda and therefore may not receive individual consideration.

5.5.2 Upon presentation of an application, the Board will either approve the application, approve the application with modifications, deny the application, or continue the application for consideration at a later date within applicable time frames established by the provisions of Chapter 120, F.S.

6.0 Procedures for Processing Standard and Noticed General Environmental Resource Permits

6.2 Standard Permits

6.2.3 If, upon District staff review, one of the following factors is present, an individual permit will be required:

(a) and (b) No change.

(c) a substantial objection has been filed with the District in accordance with the provisions of subsection 6.5.6, unless the objection is later withdrawn in writing ~~or on the record at a Governing Board meeting.~~

6.5.6 Objections Regarding Standard Permits

A substantial objection as defined in section 6.2.4 will automatically cause the application for a standard permit to be considered an application for an individual permit, unless the objection is later withdrawn in writing ~~or on the record at a Governing Board meeting.~~ Substantial objections must be filed with the District within 14 days of notification of the application. Notification of the application shall be deemed to be either the fifth day after the date on which the written notice is deposited in the United States mail if actual notice is mailed to the interested person, or the date that notice is published if actual notice is not mailed to the interested person. The applicant will be notified that an objection has been received and that the procedures for application for an individual permit must be followed. No additional fee will be required for standard permit applications which are upgraded to individual status as a result of objections as described above.

7.0 Permits

7.5 Duration

7.5.4 If an application for re-issuance is made prior to expiration, the permit remains in effect until the ~~District Governing Board~~ takes action on the application.

7.6 Enforcement and Inspection

7.6.1 Chapter 373, F.S., provides for the enforcement of District rules by administrative and civil complaint. In addition to the authority of the ~~District Governing Board~~ to enforce, the District has the authority to obtain the assistance of county and city officials in the enforcement of the rules (see Sections 373.603 and 373.609, F.S.). Any person who violates any provision of Chapter 373, F.S., Chapters 40C-4, 40C-40, 40C-41, 40C-42, 40C-43, and 40C-44, F.A.C., or orders of the District ~~Governing Board~~, is guilty of a misdemeanor of the second degree and may be subject to prosecution.

8.0 Criteria for Evaluation

8.2 Source of Criteria

Chapter 373, F.S. (Water Resources Act of 1972); Chapter 403, F.S., (Environmental Control); Chapter 62-40, F.A.C. (State Water Policy); and Governing Board policy as stated in Chapter 40C-4, F.A.C., (Environmental Resource Permits: Surface Water Management Systems), Chapter 40C-40, F.A.C., (Standard Environmental Resource Permits), Chapter 40C-41, F.A.C., (Environmental Resource Permits: Surface Water Management Basin Criteria), Chapter 40C-42, F.A.C., (Environmental Resource Permits: Regulation of Stormwater Management Systems), Chapter 40C-44, F.A.C., (Environmental Resource Permits: Regulation of Agricultural Surface Water Management Systems), this Handbook, and through permitting decisions of the ~~District Governing Board~~. Copies of Chapter 373, F.S., (abridged), Chapters 40C-4, 40C-40, 40C-41, and 40C-400, F.A.C., are contained in the appendices in Part IV of this Handbook.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: 40C-8.031
 RULE TITLE: Minimum Surface Water Levels and Flows and Groundwater Levels

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to (1) adopt minimum water levels for the following lakes in the following counties: Lake Avalon and Lake Hiawasse in Orange County, and Johns Lake in Lake and Orange Counties; and (2) amend established minimum water levels for the following lakes in the following counties: Indian Lake in Volusia County, Lake Prevatt in Orange County, and Sylvan Lake in Seminole County.

SUBJECT AREA TO BE ADDRESSED: The proposed rule would establish or amend established minimum water levels for the above listed lakes pursuant to the mandate of Section 373.042, Florida Statutes. Each of the established or amended

levels have an associated duration and return interval. The terms herein are already defined in Chapter 40C-8, F.A.C. As with all minimum levels established by the District, if adopted, the minimum levels in this rule amendment would be used as a basis for imposing limitations on withdrawals of groundwater and surface water in the consumptive use permit regulatory process and for reviewing proposed surface water management systems in the environmental resource permit regulatory process.

RULEMAKING AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.042, 373.0421 FS.

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

DATE AND TIME: October 19, 2010, 9:00 a.m. – 12:00 Noon

PLACE: City of Sanford, 300 North Park Avenue, Sanford, Florida 32771

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Wendy Gaylord, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)326-3026 or email address wgaylord@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-8.031 Minimum Surface Water Levels and Flows and Groundwater Levels.

(1) through (3) No change.

(4) The following minimum surface water levels are established:

System Name	County	Minimum Level	Level (ft NGVD)	Hydroperiod Category	Duration (days)	Return Interval (years)
Aphsawa North	Lake	Frequent High	85.0	Seasonally flooded	—	—
		Average	83.3	Typically saturated	—	—
		Frequent Low	81.3	Semipermanently flooded	—	—
Aphsawa South	Lake	Frequent High	86.0	Seasonally Flooded	—	—
		Average	84.7	Typically Saturated	—	—
		Frequent Low	83.2	Semipermanently Flooded	—	—
Argenta	Putnam	Frequent High	50.1	Seasonally Flooded	—	—
		Average	47.7	Typically Saturated	—	—

		Frequent Low	46.3	Semipermanently Flooded	—	—
Ashby	Volusia	Frequent High	12.3	—	60	2
		Frequent Low	11.1	—	120	5
<u>Avalon</u>	<u>Orange</u>	<u>Frequent High</u>	<u>90.0</u>	—	<u>30</u>	<u>3</u>
		<u>Frequent Low</u>	<u>86.4</u>	—	<u>120</u>	<u>3</u>
Banana	Putnam	Frequent High	38.0	Seasonally Flooded	—	—
		Average	36.2	Typically Saturated	—	—
		Frequent Low	34.4	Semipermanently Flooded	—	—
Bell	Putnam	Frequent High	42.5	Temporarily Flooded	—	—
		Average	40.5	Typically Saturated	—	—
		Frequent Low	38.7	Semipermanently Flooded	—	—
Big	Volusia	Frequent High	26.1	Seasonally Flooded	—	—
		Average	25.0	Typically Saturated	—	—
		Frequent Low	23.7	Semipermanently Flooded	—	—
Bird Pond	Putnam	Frequent High	41.8	Seasonally Flooded	—	—
		Average	39.5	Typically Saturated	—	—
		Frequent Low	38.1	Semipermanently Flooded	—	—
Blue Pond	Clay	Frequent High	174.1	Temporarily Flooded	—	—
		Average	173.3	Typically Saturated	—	—
		Frequent Low	171.7	Semipermanently Flooded	—	—
Boggy Marsh	Lake	Frequent High	117.3	Seasonally Flooded	—	—
		Average	115.9	Typically Saturated	—	—
		Frequent Low	114.5	Semipermanently Flooded	—	—
Bowers	Marion	Frequent High	57.1	Temporarily Flooded	—	—
		Average	54.0	Typically Saturated	—	—
		Frequent Low	52.7	Semipermanently Flooded	—	—
Brantley	Seminole	Frequent High	46.3	Seasonally Flooded	—	—

		Average	45.6	Typically Saturated	—	—
		Frequent Low	44.1	Sempermanently Flooded	—	—
Brooklyn	Clay	Frequent High	114.6	Temporarily Flooded	—	—
		Average	108.0	Typically Saturated	—	—
		Frequent Low	101.0	Sempermanently Flooded	—	—
Broward	Putnam	Frequent High	40.0	Temporarily Flooded	—	—
		Average	38.2	Typically Saturated	—	—
		Frequent Low	36.5	Sempermanently Flooded	—	—
Burkett	Orange	Frequent High	53.5	Seasonally Flooded	—	—
		Average	52.6	Typically Saturated	—	—
		Frequent Low	51.2	Sempermanently Flooded	—	—
Charles	Marion	Frequent High	40.2	Seasonally Flooded	—	—
		Average	39.3	Typically Saturated	—	—
		Frequent Low	37.9	Sempermanently Flooded	—	—
Cherry	Lake	Frequent High	96.0	Seasonally Flooded	—	—
		Average	94.9	Typically Saturated	—	—
		Frequent Low	93.4	Sempermanently Flooded	—	—
Clear	Putnam	Frequent High	37.4	Temporarily Flooded	—	—
		Average	36.4	Typically Saturated	—	—
		Frequent Low	34.9	Sempermanently Flooded	—	—
Colby	Volusia	Frequent High	27.6	—	30	3
		Frequent Low	22.9	—	120	3
Como	Putnam	Frequent High	38.0	Seasonally Flooded	—	—
		Average	36.2	Typically Saturated	—	—
		Frequent Low	34.4	Sempermanently Flooded	—	—
Como, Little Lake	Putnam	Frequent High	38.0	Seasonally Flooded	—	—
		Average	36.6	Typically Saturated	—	—

		Frequent Low	35.2	Semipermanently Flooded	—	—
Coon Pond	Volusia	Frequent High	35.7	Seasonally Flooded	—	—
		Average	34.6	Typically Saturated	—	—
		Frequent Low	33.1	Semipermanently Flooded	—	—
Cowpen	Putnam	Frequent High	89.1	Temporarily Flooded	—	—
		Average	85.7	Typically Saturated	—	—
		Frequent Low	84.2	Semipermanently Flooded	—	—
Cow Pond	Volusia	Frequent High	40.5	Seasonally Flooded	—	—
		Average	39.8	Typically Saturated	—	—
		Frequent Low	37.6	Semipermanently Flooded	—	—
Crystal/Baker	Putnam	Frequent High	35.5	Seasonally Flooded	—	—
		Average	33.9	Typically Saturated	—	—
		Frequent Low	33.0	Semipermanently Flooded	—	—
Daugharty	Volusia	Frequent High	44.8	Temporarily Flooded	—	—
		Average	42.6	Typically Saturated	—	—
		Frequent Low	41.2	Semipermanently Flooded	—	—
Davis	Volusia	Frequent High	36.2	Seasonally Flooded	—	—
		Average	35.4	Typically Saturated	—	—
		Frequent Low	34.0	Semipermanently Flooded	—	—
Deep	Putnam	Frequent High	35.0	Seasonally Flooded	—	—
		Average	33.1	Typically Saturated	—	—
		Frequent Low	32.2	Semipermanently Flooded	—	—
Dias	Volusia	Frequent High	34.6	Seasonally Flooded	—	—
		Average	33.5	Typically Saturated	—	—
		Frequent Low	32.2	Semipermanently Flooded	—	—
Disston	Flagler	Frequent High	13.8	Seasonally Flooded	—	—
		Average	13.2	Typically Saturated	—	—

		Frequent Low	12.5	Semipermanently Flooded	—	—
Dorr	Lake	Frequent High	43.5	Seasonally Flooded	—	—
		Average	43.1	Typically Saturated	—	—
		Frequent Low	42.1	Semipermanently Flooded	—	—
Dream Pond	Putnam	Frequent High	49.0	Seasonally Flooded	—	—
		Average	47.5	Typically Saturated	—	—
		Frequent Low	46.0	Semipermanently Flooded	—	—
Drudy	Volusia	Frequent High	42.1	Seasonally Flooded	—	—
		Average	40.6	Typically Saturated	—	—
		Frequent Low	39.1	Semipermanently Flooded	—	—
Echo	Putnam	Frequent High	38.8	Seasonally Flooded	—	—
		Average	36.7	Typically Saturated	—	—
		Frequent Low	35.2	Semipermanently Flooded	—	—
Emma	Lake	Frequent High	94.1	Seasonally Flooded	—	—
		Average	92.5	Typically Saturated	—	—
		Frequent Low	91.1	Semipermanently Flooded	—	—
Emporia	Volusia	Frequent High	38.9	Seasonally Flooded	—	—
		Average	35.8	Typically Saturated	—	—
		Frequent Low	34.3	Semipermanently Flooded	—	—
Estella	Putnam	Frequent High	38.6	Seasonally Flooded	—	—
		Average	37.2	Typically Saturated	—	—
		Frequent Low	36.5	Semipermanently Flooded	—	—
Fox	Brevard	Frequent High	16.7	Temporarily Flooded	—	—
		Average	15.3	Typically Saturated	—	—
		Frequent Low	13.8	Semipermanently Flooded	—	—
Geneva	Clay	Frequent High	103.0	Seasonally Flooded	—	—
		Average	101.0	Typically Saturated	—	—

		Frequent Low	98.5	Semipermanently Flooded	—	—
Georges Lake	Putnam	Frequent High	98.4	Seasonally Flooded	—	—
		Average	97.8	Typically Saturated	—	—
		Frequent Low	97.0	Semipermanently Flooded	—	—
Gertie	Volusia	Frequent High	27.5	Temporarily Flooded	—	—
		Average	25.6	Typically Saturated	—	—
		Frequent Low	23.3	Semipermanently Flooded	—	—
Gore	Flagler	Frequent High	21.1	—	30	3
		Average	20.6	—	180	1.5
		Frequent Low	19.2	—	120	5
Grandin	Putnam	Frequent High	81.5	—	30	2
		Frequent Low	78.6	—	120	5
Halfmoon	Marion	Frequent High	49.7	Seasonally Flooded	—	—
		Average	47.9	Typically Saturated	—	—
		Frequent Low	46.5	Semipermanently Flooded	—	—
Helen	Volusia	Frequent High	46.1	Temporarily Flooded	—	—
		Average	44.2	Typically Saturated	—	—
		Frequent Low	43.6	Semipermanently Flooded	—	—
<u>Hiawasse</u>	<u>Orange</u>	<u>Frequent High</u>	<u>76.4</u>	—	<u>30</u>	<u>3</u>
		<u>Frequent Low</u>	<u>72.9</u>	—	<u>120</u>	<u>3</u>
Hires	Volusia	Frequent High	41.0	Seasonally Flooded	—	—
		Average	39.5	Typically Saturated	—	—
		Frequent Low	38.0	Semipermanently Flooded	—	—
Hokey	Volusia	Frequent High	35.4	Seasonally Flooded	—	—
		Average	33.7	Typically Saturated	—	—
		Frequent Low	32.3	Semipermanently Flooded	—	—
Hopkins Prairie	Marion	Frequent High	25.8	Seasonally Flooded	—	—
		Average	23.4	Typically Saturated	—	—

		Frequent Low	22.0	Semipermanently Flooded	—	—
Howell	Putnam	Frequent High	34.5	Seasonally Flooded	—	—
		Average	33.6	Typically Saturated	—	—
		Frequent Low	31.8	Semipermanently Flooded	—	—
Howell	Seminole	Frequent High	53.7	Seasonally Flooded	—	—
		Average	52.9	Typically Saturated	—	—
		Frequent Low	51.5	Semipermanently Flooded	—	—
Indian	Volusia	Frequent High	36.2 37.0	Seasonally Flooded	<u>30</u>	<u>3</u>
		Average	35.0 36.1	Typically Saturated	<u>180</u>	<u>1.5</u>
		Frequent Low	32.8 34.4	Semipermanently Flooded	<u>120</u>	<u>5</u>
Irma	Orange	Frequent High	55.1	Seasonally Flooded	—	—
		Average	54.8	Typically Saturated	—	—
		Frequent Low	53.4	Semipermanently Flooded	—	—
<u>Johns</u>	<u>Orange and Lake</u>	<u>Infrequent High</u>	<u>96.3</u>	—	<u>120</u>	<u>25</u>
		<u>Infrequent Low</u>	<u>86.1</u>	—	<u>90</u>	<u>17</u>
Kerr	Marion	Frequent High	24.4	Seasonally Flooded	—	—
		Average	22.9	Typically Saturated	—	—
		Frequent Low	21.5	Semipermanently Flooded	—	—
Lizzie	Putnam	Frequent High	43.9	Seasonally Flooded	—	—
		Average	42.7	Typically Saturated	—	—
		Frequent Low	41.7	Semipermanently Flooded	—	—
Louisa	Lake	Frequent High	96.5	Seasonally Flooded	—	—
		Average	95.4	Typically Saturated	—	—
		Frequent Low	94.0	Semipermanently Flooded	—	—
Lower Louise	Lake Volusia	Frequent High	31.8	Seasonally Flooded	—	—

		Average	31.2	Typically Saturated	—	—
		Frequent Low	29.7	Semipermanently Flooded	—	—
Lucy	Lake	Frequent High	94.1	Seasonally Flooded	—	—
		Average	92.5	Typically Saturated	—	—
		Frequent Low	91.1	Semipermanently Flooded	—	—
Magnolia	Clay	Frequent High	124.7	Seasonally Flooded	—	—
		Average	124.2	Typically Saturated	—	—
		Frequent Low	121.4	Semipermanently Flooded	—	—
Mall, Little Lake	Putnam	Frequent High	38.7	Seasonally Flooded	—	—
		Average	36.8	Typically Saturated	—	—
		Frequent Low	35.2	Semipermanently Flooded	—	—
Margaret	Putnam	Frequent High	35.2	Seasonally Flooded	—	—
		Average	34.5	Typically Saturated	—	—
		Frequent Low	32.5	Semipermanently Flooded	—	—
Martha	Orange	Frequent High	53.5	Seasonally Flooded	—	—
		Average	52.6	Typically Saturated	—	—
		Frequent Low	51.2	Semipermanently Flooded	—	—
Marvin	Putnam	Frequent High	38.6	Seasonally Flooded	—	—
		Average	37.3	Typically Saturated	—	—
		Frequent Low	36.3	Semipermanently Flooded	—	—
McGrady	Putnam	Frequent High	41.5	Seasonally Flooded	—	—
		Average	39.9	Typically Saturated	—	—
		Frequent Low	37.8	Semipermanently Flooded	—	—
McKasel	Putnam	Frequent High	36.7	Seasonally Flooded	—	—
		Average	35.5	Typically Saturated	—	—
		Frequent Low	34.1	Semipermanently Flooded	—	—

Melrose	Putnam	Frequent High	105.2	Seasonally Flooded	—	—
		Average	104.2	Typically Saturated	—	—
		Frequent Low	102.8	Semipermanently Flooded	—	—
Mills	Seminole	Frequent High	42.5	Seasonally Flooded	—	—
		Average	41.4	Typically Saturated	—	—
		Frequent Low	39.9	Semipermanently Flooded	—	—
Minneola	Lake	Frequent High	96.0	Seasonally Flooded	—	—
		Average	95.3	Typically Saturated	—	—
		Frequent Low	93.9	Semipermanently Flooded	—	—
Monroe	Seminole and Volusia	Frequent High	2.8	—	30	2
		Average	1.2	—	180	1.5
		Frequent Low	0.5	—	120	5
Nettles / English	Putnam	Frequent High	44.3	Seasonally Flooded	—	—
		Average	42.7	Typically Saturated	—	—
		Frequent Low	41.7	Semipermanently Flooded	—	—
Nicotoon	Marion	Frequent High	54.7	Seasonally Flooded	—	—
		Average	53.3	Typically Saturated	—	—
		Frequent Low	51.9	Semipermanently Flooded	—	—
Norris	Lake	Frequent High	30.5	Seasonally Flooded	—	—
		Average	29.7	Typically Saturated	—	—
		Frequent Low	29.1	Semipermanently Flooded	—	—
North Park	Como Putnam	Frequent High	41.3	Seasonally Flooded	—	—
		Average	39.7	Typically Saturated	—	—
		Frequent Low	38.5	Semipermanently Flooded	—	—
North Talmadge	Volusia	Frequent High	55.6	Seasonally Flooded	—	—
		Average	54.4	Typically Saturated	—	—

		Frequent Low	52.9	Semipermanently Flooded	—	—
Omega	Putnam	Frequent High	57.4	Temporarily Flooded	—	—
		Average	56.1	Typically Saturated	—	—
		Frequent Low	54.0	Semipermanently Flooded	—	—
Orio	Putnam	Frequent High	37.1	Seasonally Flooded	—	—
		Average	35.6	Typically Saturated	—	—
		Frequent Low	34.7	Semipermanently Flooded	—	—
Pam	Putnam	Frequent High	39.3	Seasonally Flooded	—	—
		Average	37.5	Typically Saturated	—	—
		Frequent Low	36.1	Semipermanently Flooded	—	—
Pearl	Orange	Frequent High	53.5	Seasonally Flooded	—	—
		Average	52.6	Typically Saturated	—	—
		Frequent Low	51.2	Semipermanently Flooded	—	—
Pierson	Volusia	Frequent High	34.4	Seasonally Flooded	—	—
		Average	33.8	Typically Saturated	—	—
		Frequent Low	32.4	Semipermanently Flooded	—	—
Pine Island	Lake	Frequent High	107.7	Seasonally Flooded	—	—
		Average	106.8	Typically Saturated	—	—
		Frequent Low	105.4	Semipermanently Flooded	—	—
Prevatt	Orange	Frequent High	55.8-56.0	Seasonally Flooded	<u>30</u>	<u>2</u>
		Average	53.0	Typically Saturated	—	—
		Frequent Low	50.4-50.9	Semipermanently Flooded	<u>120</u>	<u>5</u>
Prior	Putnam	Frequent High	42.3	Seasonally Flooded	—	—
		Average	40.0	Typically Saturated	—	—
		Frequent Low	39.0	Semipermanently Flooded	—	—
Purdom	Volusia	Frequent High	37.0	Seasonally Flooded	—	—
		Average	36.4	Typically Saturated	—	—

		Frequent Low	35.0	Semipermanently Flooded	—	—
Sand	Putnam	Frequent High	40.9	Seasonally Flooded	—	—
		Average	39.0	Typically Saturated	—	—
		Frequent Low	36.6	Semipermanently Flooded	—	—
Sand Hill	Clay	Frequent High	132.0	Seasonally Flooded	—	—
		Average	131.6	Typically Saturated	—	—
		Frequent Low	129.5	Semipermanently Flooded	—	—
Savannah	Volusia	Frequent High	31.1	Seasonally Flooded	—	—
		Average	29.5	Typically Saturated	—	—
		Frequent Low	28.0	Semipermanently Flooded	—	—
Scoggin	Volusia	Frequent High	35.0	Seasonally Flooded	—	—
		Average	34.1	Typically Saturated	—	—
		Frequent Low	32.7	Semipermanently Flooded	—	—
Shaw	Volusia	Frequent High	36.7	—	30	3
		Average	35.4	—	180	1.7
		Frequent Low	33.7	—	120	3
Silver	Putnam	Frequent High	36.8	Seasonally Flooded	—	—
		Average	35.1	Typically Saturated	—	—
		Frequent Low	33.7	Semipermanently Flooded	—	—
Smith	Marion	Frequent High	54.6	Temporarily Flooded	—	—
		Average	51.4	Typically Saturated	—	—
		Frequent Low	50.0	Semipermanently Flooded	—	—
South	Brevard	Frequent High	16.7	Temporarily Flooded	—	—
		Average	15.3	Typically Saturated	—	—
		Frequent Low	13.8	Semipermanently Flooded	—	—
South Park	Como Putnam	Frequent High	38.1	Seasonally Flooded	—	—
		Average	36.7	Typically Saturated	—	—

		Frequent Low	35.3	Semipermanently Flooded	—	—
Star	Putnam	Frequent High	77.5	Seasonally Flooded	—	—
		Average	75.4	Typically Saturated	—	—
		Frequent Low	74.0	Semipermanently Flooded	—	—
Stella	Putnam	Frequent High	39.4	Seasonally Flooded	—	—
		Average	38.6	Typically Saturated	—	—
		Frequent Low	37.2	Semipermanently Flooded	—	—
Sunset	Lake	Frequent High	85.9	Temporarily Flooded	—	—
		Average	83.5	Typically Saturated	—	—
		Frequent Low	81.0	Semipermanently Flooded	—	—
Swan	Putnam	Frequent High	93.0	Temporarily Flooded	—	—
		Average	90.3	Typically Saturated	—	—
Sylvan	Seminole	Frequent High	41.2 40.4	Seasonally Flooded	<u>30</u>	<u>5</u>
		Average	38.9	Typically Saturated	<u>180</u>	<u>1.7</u>
		Frequent Low	36.7 37.5	Semipermanently Flooded	<u>120</u>	<u>5</u>
Tarhoe	Putnam	Frequent High	37.0	Seasonally Flooded	—	—
		Average	36.0	Typically Saturated	—	—
		Frequent Low	35.2	Semipermanently Flooded	—	—
Three Lakes	Island Volusia	Frequent High	23.7	—	30	5
		Frequent Low	19.4	—	120	10
Trone	Putnam	Frequent High	37.5	Seasonally Flooded	—	—
		Average	35.7	Typically Saturated	—	—
		Frequent Low	34.3	Semipermanently Flooded	—	—
Trout	Volusia	Frequent High	23.3	Seasonally Flooded	—	—
		Average	20.9	Typically Saturated	—	—
		Frequent Low	17.7	Semipermanently Flooded	—	—
Tuscawilla	Alachua	Frequent High	77.6	Seasonally Flooded	—	—

		Average	74.6	Typically Saturated	—	—
		Frequent Low	73.2	Semipermanently Flooded	—	—
Upper Louise	Lake Volusia	Frequent High	35.3	Seasonally Flooded	—	—
		Average	34.6	Typically Saturated	—	—
		Frequent Low	33.2	Semipermanently Flooded	—	—
Washington	Brevard	Frequent High	15.6	Seasonally Flooded	—	—
		Average	14.2	Typically Saturated	—	—
		Frequent Low	12.8	Semipermanently Flooded	—	—
Wauberg	Alachua	Frequent High	67.4	Seasonally Flooded	—	—
		Average	67.1	Typically Saturated	—	—
		Frequent Low	65.6	Semipermanently Flooded	—	—
Weir	Marion	Frequent High	57.2	Seasonally Flooded	—	—
		Average	56.4	Typically Saturated	—	—
		Frequent Low	54.9	Semipermanently Flooded	—	—
Winnemissett	Volusia	Frequent High	59.5	Seasonally Flooded	—	—
		Average	57.8	Typically Saturated	—	—
		Frequent Low	56.0	Semipermanently Flooded	—	—
Winona	Volusia	Frequent High	36.1	Seasonally Flooded	—	—
		Average	33.5	Typically Saturated	—	—
		Frequent Low	32.0	Semipermanently Flooded	—	—
					—	—

(5) through (6) No change.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented: 373.042, 373.0421, 373.103, 373.415 FS. History—New 9-16-92, Amended 8-17-94, 6-8-95, 1-17-96, 8-20-96, 10-20-96, 11-4-98, 6-27-00, 2-13-01, 3-19-02, 5-11-03, 11-10-03, 01-12-04, 2-1-06, 12-03-06,_____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.:

RULE TITLE:

40C-20.011

Policy and Purpose

PURPOSE AND EFFECT: The purpose and effect of this rule development is to delete from Chapter 40C-40, F.A.C., the delegations to District staff to issue standard general consumptive use permits. Amendments to Sections 373.083(5)

and 373.118(5), F.S., enacted in 2010, provide that delegations are not subject to rulemaking. Regulatory delegations regarding consumptive use permits will be described solely in the Statement of Agency Organization and Operation, available on the District’s website at floridaswater.com.

SUBJECT AREA TO BE ADDRESSED: The rule development concerns the delegation of authority to District staff to issue standard general consumptive use permits.

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

LAW IMPLEMENTED: 373.083, 373.118 FS.

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

DATE AND TIME: September 15, 2010, 10:00 a.m.

PLACE: Governing Board Room, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Wendy Gaylord, Rules Coordinator, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)326-3026 or wgaylord@sjrwm.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-20.011 Policy and Purpose.

(+) The rules in this chapter establish a general consumptive use permitting program for certain water uses whose adverse impact, either singly or cumulatively, on the water resources of the District is determined to be minimal. Consumptive uses of water which are non-exempt, which do not exceed 500,000 gallons per day calculated as an annual average, and which do not qualify for a general permit by rule under Rule 40C-2.042, F.A.C., or a noticed general permit under Chapter 40C-22, F.A.C., require a standard general permit under this chapter. The purpose of this chapter is to set forth the requirements for obtaining a standard general consumptive use permit and the conditions under which the use may be exercised.

~~(2) For standard general permit applications which are received and reviewed by a permitting office, the Governing Board appoints the Directors and Assistant Directors of the permitting offices as its agents for the purpose of reviewing and issuing these applications. Any individual listed in subsection 40C-20.011(3), F.A.C., may act on behalf of the Directors and Assistant Directors of the permitting offices.~~

~~(3) For standard general permit applications which are received and reviewed by the headquarters office, the Governing Board appoints the Executive Director, Assistant Executive Director, Deputy Assistant Executive Director, Director of the Department of Resource Management, Assistant Directors of the Department of Resource Management, and the Director of the Division of Consumptive~~

~~Use Permitting, Department of Resource Management, as its agents for the purpose of reviewing and issuing these applications.~~

~~Rulemaking Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.083, 373.118, 373.219, 373.223 FS. History–New 7-23-91, Amended 4-25-96,_____.~~

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: 40C-22.001 **RULE TITLE:** Policy and Purpose

PURPOSE AND EFFECT: The purpose and effect of the rule development is to delete from Chapter 40C-22, F.A.C., the delegations to District staff that authorize staff to inform applicants submitting notices of intent to use a noticed general permit if the proposed consumptive use does not qualify for a noticed general permit. Amendments to Sections 373.083(5) and 373.118(5), F.S., enacted in 2010, provide that delegations are not subject to rulemaking. Regulatory delegations regarding consumptive use permits will be described solely in the Statement of Agency Organization and Operation, available on the District’s website at floridaswater.com.

SUBJECT AREA TO BE ADDRESSED: The rule development concerns the delegation of authority to District staff to notify an applicant that a proposed consumptive use does not qualify for a noticed general permit.

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

LAW IMPLEMENTED: 373.083, 373.118 FS.

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

DATE AND TIME: September 15, 2010, 10:00 a.m.

PLACE: Governing Board Room, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Wendy Gaylord, Rules Coordinator, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)326-3026, or wgaylord@sjrwm.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-22.001 Policy and Purpose.

(+) The District has determined that certain minor consumptive uses, either singly or cumulatively, have a minimal adverse impact on the water resources of the District. This chapter’s purpose is to provide noticed general consumptive use permits for those certain minor consumptive uses. Persons using a noticed general permit under this chapter shall be subject to the notice provisions of Rule 40C-1.1012, F.A.C., before the first consumptive use is conducted as

authorized herein. Compliance with the limiting conditions of the noticed general permit is required to qualify for a noticed general permit under this chapter.

~~(2) For notices of intent to use a noticed general permit under this chapter which are received and reviewed by a permitting office, the Governing Board appoints the Directors and Assistant Directors of the permitting offices as its agents for the purposes of reviewing these notices and informing the applicant, pursuant to Rule 40C-1.1012, F.A.C., if the proposed consumptive use does not qualify for a noticed general permit. Any individual listed in subsection 40C-22.001(3), F.A.C., may act on behalf of the Directors and Assistant Directors of the permitting offices.~~

~~(3) For notices of intent to use a noticed general permit under this chapter which are received and reviewed by the headquarters office, the Governing Board appoints the Executive Director, Assistant Executive Director, Deputy Assistant Executive Director, Director of the Department of Resource Management, Assistant Directors of the Department of Resource Management, Directors of the Service Centers, and the Director of the Division of Consumptive Use Permitting, as its agents for the purposes of reviewing these notices and informing the applicant, pursuant to Rule 40C-1.1012, F.A.C., if the proposed consumptive use does not qualify for a noticed general permit.~~

Rulemaking Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.083, 373.118, 373.219, 373.223 FS. History—New 4-25-96, Amended 10-2-96,_____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NOS.:	RULE TITLES:
40C-40.011	Policy and Purpose
40C-40.302	Conditions for Issuance of Permits

PURPOSE AND EFFECT: The purpose and effect of this rule development is to delete from chapter 40C-40 the delegations to District staff to issue standard environmental resource permits (ERP). Amendments to Section 373.083(5) and 373.118(5), F.S., enacted in 2010, provide that delegations are not subject to rulemaking. Regulatory delegations regarding ERPs will be described solely in the Statement of Agency Organization and Operation available on the District’s website at floridaswater.com. This rule development also proposes to delete reference to the Governing Board in the ERP rule addressing standard permits for incidental site activities because the District staff, not the Board, approves ERP applications as a result of the 2009 and 2010 amendments to Section 373.079(4), F.S.

SUBJECT AREA TO BE ADDRESSED: The rule development addresses the delegation of authority to District staff to issue standard ERPs.

RULEMAKING AUTHORITY: 373.044, 373.113 FS. LAW IMPLEMENTED: 373.079, 373.083, 373.413, 373.416, 373.426 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Wendy Gaylord, Rules Coordinator, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)326-3026, or wgaylord@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-40.011 Policy and Purpose.

(1) This chapter grants standard environmental resource permits for certain specified surface water management systems which have been determined to be not harmful to the water resources of the District and to be not inconsistent with the objectives of the District. This chapter sets forth the requirements for qualifying for a standard permit and the conditions under which it may be exercised. Surface water management systems which are non-exempt, which do not qualify for a noticed general environmental resource permit pursuant to Chapter 40C-400, F.A.C., and which do not qualify for a standard permit under this chapter, are required to obtain individual permits under the provisions of Chapter 40C-4, F.A.C. The District may require an individual permit application for any surface water management system for which an application has been filed under this chapter which may not conform to the provisions of this chapter, or Chapter 373, F.S., or for which a substantial objection has been received.

~~(2) For applications for standard permits which are received and reviewed by a permitting office, the Governing Board appoints the Directors and Assistant Directors of the permitting offices as its agents for the purposes of reviewing and issuing these permits. Any individual listed in subsection 40C-40.011(3), F.A.C., can act on behalf of the Director or Assistant Director of a permitting office.~~

~~(3) For applications for standard permits which are received and reviewed by the Headquarters office, the Governing Board appoints the Executive Director, Assistant Executive Director, Deputy Assistant Executive Director, Director of the Department of Water Resources, and the Assistant Directors of the Department of Water Resource as its agents for the purposes of reviewing and issuing these permits.~~

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.083, 373.413, 373.416, 373.426 FS. History—New 12-7-83, Amended 2-27-94, 10-3-95, 1-4-96, 10-11-01,_____.

40C-40.302 Conditions for Issuance of Permits.

To qualify for a standard permit under this chapter, the permittee must give reasonable assurances that the surface water management system meets subsection (1) and all of the threshold conditions of subsection (2).

(1) through (5) No change.

(6) Notwithstanding the threshold conditions of subsection (2), a standard permit shall be authorized for incidental site activities which are in connection with the work set forth in an individual environmental resource permit application, provided:

(a) The applicant has submitted a complete individual environmental resource permit application for the project area that is the subject of the proposed incidental site activities, and there are no existing unpermitted or unauthorized impacts to wetlands or other surface waters, within the project area of the individual environmental resource permit application, which require a District permit.

1. through 2. No change.

(b) The District staff has reviewed the individual environmental resource permit application and is recommending approval of the individual permit. For the purpose of this section, District staff have recommended approval of the individual permit when the Department Director or Assistant Department Director of the Department of Water Resources has signed the technical staff report recommending approval of the application or the Department Director, Assistant Department Director or Service Center Director of the Department of Water Resources have issued a letter to the applicant stating that the application is complete and the staff will be recommending approval of the application to the Governing Board;

(c) through (g) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.406, 373.414, 373.418 FS. Law Implemented 373.083, 373.413, 373.414, 373.416, 373.418, 373.426 FS. History—New 12-7-83, Amended 9-25-91, 1-6-93, 2-27-94, 10-3-95, 1-11-99, 10-11-01, 2-1-05,_____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: 40C-42.091
 RULE TITLE: Publications Incorporated by Reference

PURPOSE AND EFFECT: The purpose and effect of the rule development is to amend the environmental resource permit (ERP) rules in Chapter 40C-42, F.A.C., and the Applicant’s Handbook: Regulation of Stormwater Management Systems to: (1) indicate that the regulatory delegations to District staff regarding ERPs are located in the Statement of Agency Organization and Operation which is found on the District’s website; (2) remove certain references to the Governing Board in favor of the term “District” for clarity and accuracy and, in some cases, also because permit delegations are no longer

subject to rulemaking due to the 2010 enactment of amendments to Section 373.083(5) and 373.118(5), F.S. and because District staff, not the Board, approve ERP applications as a result of the 2009 and 2010 amendments to Section 373.079(4), F.S.; (3) clarify and reorganize the rules describing: procedures for processing standard general and individual ERPs; notices provided in the permitting process; requests for administrative hearing; and procedures at regulatory meetings; and (4) change the location of posting of notices of receipt of application to the District’s website.

SUBJECT AREA TO BE ADDRESSED: The rule development addresses amendments to procedural rule associated with ERPs for stormwater management systems.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118, 373.418 FS.

LAW IMPLEMENTED: 373.079, 373.083, 373.118, 373.413, 373.416, 373.418, 373.426 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Wendy Gaylord, Rules Coordinator, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)326-3026, or wgaylord@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-42.091 Publications Incorporated by Reference.

(1) The Governing Board adopts by reference Part I “Policy and Procedures”, Part II, “Criteria for Evaluation”, and Part III “Operation and Maintenance”, of the document entitled “Applicant’s Handbook: Regulation of Stormwater Management Systems, Chapter 40C-42, F.A.C.”, effective ~~_____ 12-3-06.~~

(2) through (3) No change.

Rulemaking Specific Authority ~~120.54(8),~~ 369.318, 373.044, 373.113, 373.118, 373.406, 373.414, 373.418 FS. Law Implemented 369.318, ~~373.079, 373.083,~~ 373.109, 373.117, 373.118, 373.406, 373.413, 373.414, 373.415, 373.416, 373.418, 373.419, 373.423, 373.426, 373.461, 403.0877, 403.813 FS. History—New 4-11-94, Amended 7-20-95, 10-3-95, 1-11-99, 10-11-01, 4-10-02, 2-1-05, 12-3-06,_____.

APPLICANT’S HANDBOOK SECTIONS:

3.0 Activities Requiring a Permit

3.2 Permits Required

Any person proposing to construct, alter, operate, maintain, remove, or abandon a stormwater management system, which requires a permit pursuant to section 3.3, except those exempted pursuant to section 3.4, or noted in section 1.6, shall apply to the District for a standard general or individual environmental resource stormwater permit, prior to the commencement of construction, alteration, removal, operation, maintenance, or abandonment of the stormwater management

system. The permit required “thresholds” are listed in section 3.3 of this handbook. Activities below these thresholds are considered to have a minor impact on water resources and are not regulated. Please be aware that no construction, alteration, removal, operation, maintenance, or abandonment of a stormwater management system shall be undertaken without a valid standard general or individual environmental resource stormwater permit unless it is below the thresholds listed or exempt.

Although certain activities may exceed a threshold, the District may elect to “exempt” them in the rule from a requirement to obtain a permit, usually because the activity is regulated by another agency or permit process (see section 3.4).

A “standard general environmental resource stormwater permit” is available for stormwater management systems which follow specific requirements as outlined in section 5. If the system meets these requirements an authorization is issued within 30 days after receipt of a complete application. A standard general environmental resource stormwater permit is approved at the staff level and does not require action by the District’s Governing Board.

An “individual environmental resource stormwater permit” is required for stormwater management systems that requires action by the District’s Governing Board. Stormwater management systems which are required to obtain a permit and do not qualify for a standard general environmental resource stormwater permit are required to obtain an individual environmental resource stormwater permit. The District will take action on an individual permit application within 90 days after the complete application is received. Please refer to section 6 for a discussion of individual permit processing procedures.

The ~~District Board~~ will not issue separate permits for parts of a system, except for a system which is to be constructed in phases.

5.0 Procedures for Processing Standard General Permits

5.1 Standard General Permit Criteria

District standard general environmental resource stormwater permits differ from individual permits in that they are granted by rule ~~rather than upon Board approval~~, to all systems which meet standard general permit design and performance criteria.

To receive a standard general permit, the system must:

(a) Meet certain threshold requirements described in section 3.3 of this handbook

(b) Be designed, constructed and operated in accordance with District criteria described in Parts II and III of this handbook

The person who seeks a standard general permit must submit a complete standard general environmental resource stormwater permit application to the District at least 30 days prior to undertaking the activity and must receive District authorization prior to proceeding.

5.3 Upgrade to Individual Permit

If, upon District staff review of a standard general environmental resource stormwater permit application, one of the following factors is present, the application will be processed as an application for an individual permit:

(a) District staff has a reasonable doubt that District standard general permit criteria for evaluation are met.

(b) A substantial objection to the project has been filed with the District. Substantial objection means a written statement directed to the District regarding a permit which identifies the objector, concerns hydrologic or environmental impacts of the proposed activity, and relates to applicable rule criteria.

Upon determination that one of the factors listed above is present, District staff will notify the applicant that the application has been upgraded to an individual environmental resource stormwater permit and that the provisions of section 6 will be followed, unless the objection is later withdrawn in writing ~~or on the record at a Governing Board meeting.~~

5.7.6 Notification to Public for Input

Once the District receives an application, notice of such application will be provided to those persons who have previously filed a written request for notification of pending applications affecting a designated area. Such notice will be sent by regular mail. Also, a notice of receipt of an application (provided as part of the application form) will be posted on the District’s website at floridaswaters.com in the District headquarters and in each permitting office.

For the District staff to properly evaluate any information which interested persons may submit, these persons are advised to contact the District within 14 days of notification if they have questions, objections, comments or information regarding the proposed system.

5.7.7 Objections

A substantial objection as defined in subsection 5.3(e) will automatically cause the application to be considered an application for an individual permit, unless the objection is later withdrawn in writing ~~or on the record at a Governing Board meeting.~~ Substantial objections must be filed with the District within 14 days of notification of the application. Notification of the application shall be deemed to be either the fifth day after the date on which the written notice is deposited in the United States mail if actual notice is mailed to the interested person, or the date that notice is posted at the District’s website at floridaswater.com ~~www.sjrwmd.com~~ if actual notice is not mailed to the interested person. The applicant will be notified that an objection has been received and that the procedures for application for an individual permit

as described in section 6 must be followed unless all such objections are withdrawn in writing ~~or on the record at a Governing Board meeting~~. No additional permit fee will be required if this occurs.

6.0 Procedure for Processing Individual Permits

6.5 Staff Evaluation

6.5.2 All review will be completed and the application will be ~~approved or denied presented to the Board for action~~ within 90 days after the complete application is received.

6.5.4 The applicant will be given a minimum of 14 days notice when the staff's review is complete and the application has been scheduled for ~~District action on the application a Board meeting~~. This notice includes ~~the place, date and time of the meeting, and~~ a copy of the staff report which recommends approval or denial and if it is recommended for approval, conditions. The applicant is advised to read the report carefully. If any part of the report is in error, or if the applicant does not agree with the staff's recommendation, the applicant should contact the District staff as soon as possible. The 14 day period is provided to allow the staff and applicant an opportunity to resolve any concern which may have been identified. ~~In all instances, the applicant will have an opportunity to make a statement before the Board at the scheduled regulatory meeting.~~

If the 14 day period is not sufficient or the applicant is still dissatisfied with the staff's position, the applicant ~~by waiving may waive~~ the 90 day timeframe, ~~has the option of requesting that the District staff take additional time to meet with the applicant to further discuss the application, the applicant's position, and the staff's position, and may have the application removed from the agenda. It may either be rescheduled at a later time, or the applicant can request an administrative hearing under the provisions of Chapter 120, F.S., Chapter 28-106 and Rule 40C-1.1007, F.A.C.~~

6.5.5 Notification to Public for Input

Once the District receives an application, notice of such application will be provided to those people who have previously filed a written request for notification of pending applications affecting a designated area. Such notice will be sent by regular mail. Also, a notice of receipt of an application (provided as part of the application form) will be posted in the District headquarters and in each permitting office.

~~For the District staff to properly evaluate any information which interested persons may submit, these persons are advised to contact the District within 14 days of notification if they have questions, objections, comments or information regarding the proposed system.~~

6.5.6 Objections

(a) ~~In order for the District staff to properly evaluate any information which interested persons may submit regarding an application, these persons should contact the District within 14 days of notification of the application and provide their objections, comments, or information regarding the specific~~

~~application in writing. Interested persons may attend the Governing Board regulatory meeting(s) at which the specific application is being considered and present information relevant to the application.~~

(b) ~~Notice of intended agency action will be provided to the applicant and to persons who have requested notice as required by Section 120.60, F.S. Written objections must be received by the District at least seven (7) days prior to the date of the regulatory meeting at which the permit application is scheduled for consideration in order to be included in the official record of the application and made available to the Board in its deliberations.~~

(c) An applicant or a person whose substantial interest may be affected by the ~~intended agency Board's~~ action may request an administrative hearing in accordance ~~with Chapter 120, F.S., Chapter 28-106, F.A.C., and with~~ section 40C-1.1007, F.A.C. Making a written objection or appearing at a Board meeting does not ~~make a person a "party" initiate a formal proceeding~~ for Chapter 120, F.S., purposes.

6.6 Regulatory Meeting

The Governing Board of the District meets once a month to act on permit applications ~~that have not been delegated to District staff to approve. (See the District's Statement of Agency Organization and Operation at floridaswater.com for a listing of these regulatory delegations.)~~ At each regulatory meeting, the Board has copies of the staff reports, which contain a staff recommendation for approval or denial, that were provided to them several days before the meeting to allow time for review. When applications are ~~formally~~ presented to the Board for action, the Board invites comments from the applicants, District staff, interested persons, members of the general public, or local governments who may be affected by the application. ~~However, if no requests to speak concerning an application are made at the meeting, the application may be presented to the Governing Board on a consent agenda and therefore may not receive individual consideration.~~

Upon presentation of an application, the Board will either approve the application, approve the application with modifications, deny the application, or continue the application for consideration at a later date within applicable timeframes established by provisions of Chapter 120, F.S.

7.0 Permits

7.4 Enforcement and Inspection

One condition of each permit is that District authorized staff, upon proper identification, will have permission to enter, inspect and observe the system to insure compliance with the permitted plans and all conditions included in the permit issued by the District (see section 7.6.3).

Chapter 373, F.S. provides for the enforcement of District rules by both administrative and civil complaint. In addition to the authority of the ~~District Governing Board~~ to enforce, the District has the authority to obtain the assistance of county and city officials in the enforcement of the rules (see sections

373.603 and 373.609, F.S.). A violation of any provision of Chapter 373, F.S., Chapters 40C-4, 40C-40, 40C-41, 40C-42, F.A.C., or orders of the District ~~Governing Board~~, is a second degree misdemeanor and the violator may be subject to prosecution.

7.5.2 Permit Conditions

The ~~District Governing Board~~ may impose upon any permit granted pursuant to Chapter 40C-42, F.A.C., such reasonable conditions as are necessary to assure that the permitted system will not be inconsistent with the overall objectives of the District and will not be harmful to the water resources of the District.

7.5.3 Standard Limiting Permit Conditions

In addition to project-specific special conditions, 19 general limiting conditions are included on all permits issued pursuant to Chapter 40C-42, F.A.C., unless waived by the ~~District Governing Board~~ upon its determination that the conditions are inapplicable for the work authorized by a given permit.

These conditions include a statement of permit duration, requirements for other District permits or permit modifications, construction sequence and timely completion of the stormwater management system, requirements for as-built certification, requirements for adequate erosion and sedimentation control during and after construction, submittal of appropriate operation and maintenance documents, site inspections, and permit transfers. The conditions are listed below:

- 1. through 19. No change.

7.7 Permit Modifications

The ~~District Governing Board~~ may modify a permit in accordance with the provisions of Section 373.429, F.S.

A request for modification of a permitted system may be made by a permittee as follows:

- (a) through (c) No change.

(d) A request for modification by letter above, must be accompanied by the appropriate fee required by Rule 40C-1.603, F.A.C. A modification by letter may be approved only by those District staff specified in the District's Statement of Agency Organization and Operation which may be found on the District's website at floridaswater.com ~~the Director, Department of Water Resources, Assistant Director, Department of Water Resources, or a Service Center Director.~~ Any such approval will be provided in writing to the applicant.

- (c) No change.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NOS.:	RULE TITLES:
40C-44.091	Publications Incorporated by Reference
40C-44.341	Revocation or Modification of Permits

PURPOSE AND EFFECT: The purpose and effect of the rule development is to amend the environmental resource permit (ERP) rules in Chapter 40C-44, F.A.C., and the Applicant's Handbook: Regulation of Stormwater Management Systems to: (1) indicate that the regulatory delegations to District staff regarding ERPs are located in the Statement of Agency Organization and Operation which is found on the District's website; (2) remove certain references to the Governing Board in favor of the term "District" for clarity and accuracy and, in some cases, also because permit delegations are no longer subject to rulemaking due to the 2010 enactment of amendments to Sections 373.083(5) and 373.118(5), F.S. and because District staff, not the Board, approve ERP applications as a result of the 2009 and 2010 amendments to Section 373.079(4), F.S.; (3) clarify and reorganize the rules describing: procedures for processing standard general and individual ERPs; notices provided in the permitting process; requests for administrative hearing; and procedures at regulatory meetings; and (4) change the location of posting of notices of receipt of application to the District's website.

SUBJECT AREA TO BE ADDRESSED: The rule development addresses amendments to procedural rule associated with ERPs for stormwater management systems.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.079, 373.083, 373.118, 373.129, 373.413, 373.416, 373.426, 373.609, 373.613 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Wendy Gaylord, Rules Coordinator, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)326-3026, or wgaylord@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-44.091 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference Part I "Policy and Procedures" and Part II "Criteria for Evaluation," of the document entitled "Applicant's Handbook: Agricultural Surface Water Management Systems," effective 12-3-06.

- (a) through (b) No change.
- (2) through (3) No change.

Rulemaking Specific Authority 369.318, 373.044, 373.113, 373.118, 373.171, 373.406, 373.416, 373.418 FS. Law Implemented 369.318, 373.118, 373.406, 373.413, 373.416, 373.418, 373.426, 373.461, 373.603, 373.609, 373.613 FS. History–New 10-20-92, Amended 7-4-93, 10-3-95, 1-11-99, 4-10-02, 3-7-03, 12-3-06,_____.

40C-44.341 Revocation or Modification of Permits.

(1) The ~~District Governing Board~~ may revoke or modify a permit in accordance with the provisions of Section 373.429, F.S., and Chapter 40C-1, F.A.C.

(2) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.171, 373.406, 373.416, 373.418 FS. Law Implemented 373.429 FS. History–New 8-11-91. Amended 10-20-92, 7-4-93,_____.

APPLICANT’S HANDBOOK SECTIONS:

1.0 Introduction

1.6 Explanation of Thresholds, Exemptions, Standard General or Individual Permits

Permits are required for activities which exceed certain “thresholds” (see section 3.2). Activities below these thresholds are considered to have a minor impact on water resources and are not regulated.

Although certain activities may exceed a threshold, the District may elect to “exempt” them in the rule from a requirement to obtain a permit, usually because the activity is regulated by another agency or permit process (see section 3.4.2). Other exemptions are established by the Florida Legislature in the statute which created the water management districts (see section 3.4.1).

A “standard general permit” is available for smaller or typically low-polluting agricultural activities which follow specific requirements. ~~A standard general permit is approved at the staff level and does not require action by the District’s Governing Board.~~

An “individual permit” is applicable to agricultural operations which have a higher potential to cause pollution. An individual permit is more complicated and flexible, ~~and requires action by the District’s Governing Board.~~ Agricultural surface water management systems which are required to obtain a permit, and do not qualify for a standard general permit, are required to obtain an individual permit.

3.0 Activities Requiring a Permit

3.2 Permits Required

3.2.2 The ~~District Board~~ will not issue separate permits for parts of a system, except for a system which is to be constructed in phases.

3.5 Conceptual Approval Permit

3.5.3 The ~~District’s Governing Board’s~~ determination that the conceptual plans are consistent with Chapter 373, F.S., and Chapters 40C-4, 40C-40, and 40C-41, F.A.C., will provide the applicant with an assurance that the concepts upon which his

designs are based can provide for systems which will not be harmful to the water resources of the District and will not be inconsistent with the overall objectives of the District.

4.0 Application Preparation

4.2 Forms and Instructions

~~4.2.4 An applicant who thinks that the information required to be included on the application form or requested at the pre-application conference is unnecessary for review of the application, may request that the Governing Board determine whether such information is required to review the particular system with regard to statutory and rule criteria. To obtain such a determination, the applicant should request an opportunity to present evidence to the District Governing Board regarding the lack of need for the disputed information. The Governing Board will hear such disputes at regularly scheduled meetings; requests for opportunity to present such evidence should be received at least 21 days prior to the regulatory meeting at which the request is to be heard.~~

5.0 Procedures for Processing Individual Environmental Resource Agricultural System Permits

5.3 Request for Additional Information

5.3.4 If, within the given time frame, the applicant does not submit the requested information (which was requested within 30 days after receipt of the application) the application may be prepared for administrative denial in accordance with Rule 40C-1.1008, F.A.C. In such instances, the applicant will be mailed or delivered a notice of the intent to take such action at a minimum of 14 days prior to the meeting at which the Board will consider denial. The applicant may request an administrative Section 120.569, F.S., hearing pursuant to Chapter 120, F.S., Chapter 28-106, F.A.C., and Rule Section 40C-1.1007, F.A.C., to dispute the necessity of the information required. The applicant may present evidence to the Board stating why the permit application should not be denied. Administrative dDenial pursuant to this procedure is not a determination of the merit of an application and does not preclude reapplying at a later time.

5.4 Staff Evaluation

5.4.2 All review will be completed and the application will be approved or denied ~~presented to the Board for action~~ within 90 days after the complete application is received.

5.4.4 The applicant will be given a minimum of 14 days notice when the staff’s review is complete and the application has been scheduled for District action on the application a Board meeting. This notice includes the place, date and time of the meeting, and a copy of the staff report which recommends approval or denial. The applicant is advised to read the report carefully. If any part of the report is in error, or if the applicant does not agree with the staff’s recommendation, the applicant should contact the District staff as soon as possible. The 14 day period is provided to allow the staff and applicant an opportunity to resolve any concern which may have been

~~identified. In all instances, the applicant will have an opportunity to make a statement before the Board at the scheduled regulatory meeting.~~

~~If the 14 day period is not sufficient or the applicant is still dissatisfied with the staff's position, the applicant by waiving the ninety day time frame, has the option of requesting that the District staff take additional time to meet with the applicant to further discuss the application, the applicant's position, and the staff's position. may have the application removed from the agenda and rescheduled at a later time, or the applicant can request an administrative hearing under the provisions of Chapter 120, F.S., and Rule 40C-1.511, F.A.C.~~

5.4.5 Notification to Public for Input

Once the District receives an application, notice of such application will be provided to those persons who have previously filed a written request for notification of pending applications affecting a designated area. Such notice will be sent by regular mail.

~~For the District staff to properly evaluate any information which interested persons may submit, these persons are advised to contact the District within 14 days of notification if they have questions, objections, comments or information regarding the proposed system. Those who file a written request for further information regarding the permit application will be furnished the information requested prior to the Governing Board meeting at which the application will be considered.~~

5.4.6 Objections

~~(a) In order for the District staff to properly evaluate any information which interested persons may submit regarding an application, these persons should contact the District within 14 days of the date of receipt of the notice of receipt of application and provide their objections, comments or information regarding the specific application in writing. Interested persons may attend the Governing Board regulatory meeting(s) at which the specific application is being considered and present information relevant to the application.~~

~~(b) Notice of intended agency action will be provided to the applicant and to persons who have requested notice as required by Section 120.60, F.S. Written objections must be received by the District at least seven (7) days prior to the date of the regulatory meeting at which the permit application is scheduled for consideration in order to be included in the official record of the application and made available to the Board in its deliberations.~~

~~(c) An applicant or a person whose substantial interests may be determined by the intended agency action may request an administrative hearing in accordance with Chapter 120, F.S., Chapter 28.106, F.A.C., and Rule 40C-1.1007, section 40C-1.511, F.A.C. Making a written objection or appearing at a Board meeting does not make a person a "party" for Chapter 120, F.S., purposes.~~

5.5 Regulatory Meeting

5.5.1 The Governing Board of the St. Johns River Water Management District meets once a month to act on permit applications that have not been delegated to District staff to approve. (See the District's Statement of Agency Organization and Operation at floridaswater.com for a listing of these regulatory delegations.) At each regulatory meeting, the Board has copies of the staff reports, which contain a staff recommendation for approval or denial, and which were provided to them several days before the meeting to allow time for review. When applications are formally presented to the Board for action, the Board invites comments from the applicants, District staff, interested persons, or local governments who may be affected by the application, and members of the general public. However, if no requests to speak concerning an application are made at the meeting, the application may be presented to the Governing Board on a consent agenda and therefore may not receive individual consideration.

6.0 Procedures for Processing Standard General Environmental Resource Agricultural System Permits

6.2 Standard General Permits

6.2.4 Upon determination that one of the factions listed in subsection 6.2.3 is present, District staff will notify the applicant that an individual permit is required, and the provisions of subsection 5.0 will be followed. Substantial objection means a written statement directed to the District Governing Board regarding a permit which identifies the objector, concerns hydrologic or environmental impacts of the proposed activity, and relates to applicable rule criteria.

6.5 Staff Evaluation

6.5.6 Notification to Public for Input

At the time the District has received a standard general permit application for construction, it will provide public notice that the application has been filed. Such public notice will be sent by regular mail to those people who have previously filed a written request for notification of pending applications within the affected area.

Notice of receipt of an application which includes construction will be posted on the District website at floridaswater.com in the District headquarters and in each permitting office. For operation and maintenance of existing agricultural operations, pursuant to subsection 40C-44.055(2), F.A.C., no notice of receipt of an application is required.

For the District staff to properly evaluate any information which interested persons may submit, these persons should contact the District within 14 days of receipt of notice of the application if they have questions, objections, comments, or information regarding the proposed system.

7.0 Permits

7.4 Duration

7.4.3 Permits expire at 11:59 pm on the date indicated on the permit conditions unless an application is made pursuant to Chapter 40C-1, F.A.C., for an extension on or before the date of expiration. Application for an extension should be made by writing to:

Department of ~~Water Resources Management~~
 St. Johns River Water Management District
 4049 Reid Street
 Palatka, FL 32177-2529

7.4.5 If an application for re-issuance is made prior to expiration, the permit remains in effect until the District Governing Board takes action on the application.

7.4.6 The District Governing Board may revoke or modify a permit in accordance with the provisions of Section 373.429, F.S., and Chapter 40C-1, F.A.C. The following constitutes grounds for modification or revocation:

- (a) Consistent noncompliance with permit conditions.
- (b) Consistent noncompliance with state water quality standards.
- (c) Noncompliance with approved wasteload allocations, developed pursuant to a Surface Water Improvement and Management Plan or other state or District program, when adopted by District rule, such that the operation has become inconsistent with the objectives of the District, as set forth in section 9.0 of the Applicant’s Handbook: Agricultural Surface Water Management Systems, or
- (d) Noncompliance with a pollutant load reduction goal when adopted by District rule, such that the operation has become inconsistent with the objectives of the District, as set forth in section 9.0 of the Applicant’s Handbook: Agricultural Surface Water Management Systems.

For the purposes of this section of the rule only, the District staff will consider “consistent noncompliance with state water quality standards” to be violations of state water quality standards for 2 consecutive quarters of 3 or more parameters or violations of state water quality standards for 4 consecutive quarters of 1 or more parameters.

7.5 Enforcement and Inspection

7.5.1 Chapter 373, F.S. provides for the enforcement of District rules by administrative and civil complaint. In addition to the authority of the District Governing Board to enforce, the District has the authority to obtain the assistance of county and city officials in the enforcement of the rules (see Sections 373.603 and 373.609, F.S.) A person who violates District rules or refuses to comply with a District order may be subject to criminal prosecution as set forth in Section 373.403, F.S.

8.0 Criteria for Evaluation

8.2 Source of Criteria

The criteria for evaluation have been developed from guidelines established in Chapter 373, F.S. (Water Resources Act of 1972); Chapter 403, F.S., (Environmental Control); Chapter 62-40, F.A.C. (State Water Policy); Chapter 40C-4,

F.A.C., (Environmental Resource Permits: Surface Water Management Systems), Chapter 40C-40 (Standard General Environmental Resource Permits), Chapters 62-3 and 62-302, F.A.C. (Water Quality Standards), this handbook, and through permitting decisions of the District Governing Board. Copies of Chapter 373, F.S., (abridged), Chapter 62-40, F.A.C., Chapters 40C-4 and 40C-40, F.A.C., are contained in the appendices in Part IV of this handbook.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.:	RULE TITLE:
40C-400.201	Policy and Purpose
40C-400.211	Processing Procedures for Noticed General Permits

PURPOSE AND EFFECT: The purpose and effect of this rule developments is to delete from Chapter 40C-400, F.A.C., the delegations to District staff that authorize staff to inform applicants submitting notices of intent to use a noticed general permit if the proposed system does not qualify for a noticed general permit. Amendments to Sections 373.083(5) and 373.118(5), F.S., enacted in 2010, provide that delegations are not subject to rulemaking. Regulatory delegations regarding environmental resource permits will be described solely in the Statement of Agency Organization and Operation, available on the District’s website at floridaswater.com. This rule development also would change the location of the posting of notices of intent to use a noticed general permit to the District’s website.

SUBJECT AREA TO BE ADDRESSED: The rule development concerns the delegation of authority to District staff to notify an applicant when the proposed system does not qualify for a noticed general permit. The rule development also addresses the location where the District will post notices of intent to use noticed general permits.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.083, 373.118, 373.413, 373.416, 373.426 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Wendy Gaylord, Rules Coordinator, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)326-3026, or wgaylord@sjrwmd.com.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-400.201 Policy and Purpose.

(+) The purpose of Part II of this chapter is to provide noticed general environmental resource permits for those activities which have been determined to have minimal impacts to the water resources of the district, both individually

and cumulatively. Mitigation is neither necessary nor required for activities that qualify for noticed general permits. Persons wishing to use one or more of the general permits in this chapter shall be subject to the notice provisions of Rule 40C-1.1013, F.A.C., before any activity is conducted as authorized herein. The general conditions provided pursuant to Rule 40C-400.215, F.A.C., shall apply to all of the general permits in this chapter. Strict compliance with all of the terms, conditions, requirements, limitations and restrictions applicable to a desired noticed general permit under this Part is required to qualify for such a permit.

~~(2) For notices of intent to use a noticed general permit under Part II of this Chapter which are received and reviewed by a permitting office, the Governing Board appoints the Directors and Assistant Directors of the permitting offices as its agents for the purposes of reviewing these notices and informing the applicant, pursuant to Rule 40C-1.1013, F.A.C., if the system does not qualify for a noticed general permit. Any individual listed in subsection 40C-400.201(3), F.A.C., may act on behalf of the Directors and Assistant Directors of the permitting offices.~~

~~(3) For notices of intent to use a noticed general permit under Part II of this Chapter which are received and reviewed by the Headquarters office, the Governing Board appoints the Executive Director, Assistant Executive Director, Deputy Assistant Executive Director, Director of the Department of Resource Management, and the Assistant Directors of the Department of Resource Management as its agents for the purposes of reviewing these notices and informing the applicant, pursuant to Rule 40C-1.1013, F.A.C., if the system does not qualify for a noticed general permit.~~

Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.083, 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95, Amended 1-4-96,_____.

40C-400.211 Processing Procedures for Noticed General Permits.

(1) through (2) No change.

(3) At the time that the District has received the notice of intent, it will provide public notice that the notice of intent has been filed. Such public notice shall be sent by regular mail to those people who have previously filed a written request for notification of pending applications within the affected area. The notice of intent for a noticed general permit shall be posted on the District website at floridaswater.com in the District headquarters and in the permitting office responsible for reviewing the notice of intent.

(4) through (10) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95, 1-4-96,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.080
 RULE TITLE: Child Health Check-Up

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.080, F.A.C., is to incorporate by reference the Florida Medicaid Child Health Check-Up Coverage and Limitations Handbook, October 2010 and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. The amendment updates Child Health Check-Up policy, clarifies existing policy, updates forms, and updates fiscal agent information. Clarification of existing policies is being added to ensure a better understanding of policy requirements.

SUBJECT AREA TO BE ADDRESSED: Child Health Check-Up.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.905, 409.908, 409.912, 409.913 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, September 14, 2010, 9:00 a.m. – 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, 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: Judy Taylor-Fischer at the Bureau of Medicaid Services, (850)412-4217. If you are 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: Judy Taylor-Fischer, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4217, e-mail: judy.fischer@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.080 Child Health Check-Up.

(1) This rule applies to all Child Health Check-Up service providers, with a Category of Service Code 55 listed on their provider file, enrolled in the Medicaid program.

(2) All Child Health Check-Up service providers enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Child Health Check-Up

Coverage and Limitations Handbook, October ~~2010~~ ~~2003~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's Web site at mymedicaid-florida.com. Select Public Information for Providers, then Provider Support, and then Provider Handbooks. Paper copies of the handbooks may be obtained by calling the Medicaid fiscal agent at (800)289-7799 and selecting option 7. ~~Both handbooks are available from the Medicaid fiscal agent.~~

Rulemaking Specific Authority 409.919 FS., Chapter 92-129, Sec. 58, Laws of Florida. Law Implemented ~~409.902~~, 409.905, 409.908, ~~409.912~~, ~~409.913~~ FS. History—New 1-1-77, Amended 2-6-78, 1-4-79, 2-18-80, 9-15-80, 9-30-81, Formerly 10C-7.47, Amended 7-17-91, 5-11-92, 5-27-93, Formerly 10C-7.047, Amended 12-26-95, 4-22-98, 9-26-00, 11-17-03, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.: 61-30.701
 RULE TITLE: Verification of experience

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to permit applicants for licensure by grandfathering pursuant to Section 468.8324, F.S., to supply a list of 120 home inspection reports they have completed as proof of the required three years experience.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is the method by which the Department accepts documentation as proof of the experience required for licensure under Section 468.8324, F.S.

RULEMAKING AUTHORITY: 468.8325, 468.8324(b) FS.

LAW IMPLEMENTED: 468.8325, 468.8324 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: Richard Morrison at (850)922-0336. If you are 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: Richard Morrison, Executive Director, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)922-0336

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-113.100
 RULE TITLE: Purpose

PURPOSE AND EFFECT: The Department proposes to amend Chapter 62-113, F.A.C., to provide for a partial delegation of Environmental Resource Permit (ERP) program responsibilities for permitting, compliance, and enforcement under Part IV of Chapter 373, F.S., from the Department to the Environmental Protection Commission (EPC) of Hillsborough County. The purpose of the delegation is to provide for streamlined review and agency action on state and local permits for activities involving such things as construction of docks, seawalls, and single-family residences in wetlands and other surface waters within Hillsborough County. The delegation will be in accordance with the criteria established by Chapter 373.441, F.S., and Chapter 62-344, F.A.C. The EPC has an existing memorandum of understanding with the Southwest Florida Water Management District to perform compliance and enforcement of ERP activities authorized by the SWFWMD within the county. A previous notice of development of this rule was published in the Florida Administrative Weekly on November 16, 2007.

SUBJECT AREA TO BE ADDRESSED: Delegation agreement between the Department and the Environmental Protection Commission of Hillsborough County regarding permitting, compliance, and enforcement of activities regulated under Part IV of Chapter 373, F.S.

RULEMAKING AUTHORITY: 373.043, 373.046, 373.418, 373.441, 403.061 FS.

LAW IMPLEMENTED: 373.026, 373.046, 373.441, 403.061, 403.182 FS.

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

DATE AND TIME: September 21, 2010, 2:00 p.m.

PLACE: Environmental Protection Commission of Hillsborough County, 3629 Queen Palm Drive, Tampa, FL 33619

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mary VanTassel at (850)245-8486. If you are

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: For a copy of the draft rule and draft Delegation Agreement, contact Mary Van Tassel, Florida Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, M.S. 2500, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, telephone (850)245-8486, or e-mail: Mary.VanTassel@dep.state.fl.us. For questions about the rule and delegation, contact Douglas Fry at (850)245-8480 or Doug.Fry@dep.state.fl.us. Further information and updates on this rule development also may be obtained from the Department's web site at: http://www.dep.state.fl.us/water/rules_dr.htm#erp. (OGC No. 07-1612)

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

DEPARTMENT OF JUVENILE JUSTICE

Residential Services

RULE NO.: 63E-7.002
 RULE TITLE: Definitions

PURPOSE AND EFFECT: The definition of "controlled observation" is updated and clarified to avoid confusion and misuse.

SUBJECT AREA TO BE ADDRESSED: The definition of "controlled observation," which includes restrictions on its use, is further detailed.

RULEMAKING AUTHORITY: 20.316, 985.64, 985.601(3)(a) FS.

LAW IMPLEMENTED: 985.601(3)(a), 985.03(44), 985.441(1)(b) 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, September 14, 2010, 10:00 a.m.
 PLACE: DJJ Headquarters, 2737 Centerview Drive, General Counsel's Conference Room 3223, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Milla, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100, e-mail john.milla@djj.state.fl.us

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NOS.: 64B3-1.006
 RULE TITLES: Notices, Current Address of Licensees
 64B3-1.008 Board Meetings

PURPOSE AND EFFECT: The Board proposes the rule amendment to update language concerning notifying the department via electronic methods and to update the type of board meetings.

SUBJECT AREA TO BE ADDRESSED: Notices, Current Address of Licensees; Board Meetings.

RULEMAKING AUTHORITY: 456.035 456.011, 483.805 FS.

LAW IMPLEMENTED: 286.0105, 456.011, 456.035(1), 483.817, 483.819 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: Bruce Deterding, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-2.002
 RULE TITLE: Clinical Laboratory Personnel
 64B3-2.003 Definitions

PURPOSE AND EFFECT: The Board proposes the rule amendment to update language concerning direct supervision and to clarify the definition of clinical laboratory experience.

SUBJECT AREA TO BE ADDRESSED: Clinical Laboratory Personnel; Definitions.

RULEMAKING AUTHORITY: 483.805(4), 483.811(2), (4) FS.

LAW IMPLEMENTED: 483.035(1), 483.803, 483.811, 483.821, 483.823 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: Bruce

Deterding, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-3.002 RULE TITLE: Personnel of Clinical Laboratory Personnel Training Programs

PURPOSE AND EFFECT: The Board proposes the rule amendment to update language concerning rules that are referenced in the rule.

SUBJECT AREA TO BE ADDRESSED: Personnel of Clinical Laboratory Personnel Training Programs.

RULEMAKING AUTHORITY: 483.805(4), 483.811(2) FS.

LAW IMPLEMENTED: 483.800, 483.809, 483.811 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: Bruce Deterding, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-4.001 RULE TITLE: Trainee Registration

PURPOSE AND EFFECT: The Board proposes the rule amendment to update language concerning requirements of training program for trainee registration.

SUBJECT AREA TO BE ADDRESSED: Trainee Registration.

RULEMAKING AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 483.809(3), 483.811(2), (3), (4), 483.825 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: Bruce

Deterding, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-5.0011 RULE TITLE: Definitions

PURPOSE AND EFFECT: The Board proposes the rule amendment to remove language concerning requirements of training program for trainee registration.

SUBJECT AREA TO BE ADDRESSED: Definitions.

RULEMAKING AUTHORITY: 483.805, 483.823 FS.

LAW IMPLEMENTED: 483.823 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: Bruce Deterding, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NOS.: 64B3-6.002 RULE TITLES: Documentation for Licensure
64B3-6.003 Personnel Licensure – Temporary Permit

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify language concerning the American Society for Clinical Pathology Board of Certification and to clarify language concerning the temporary license.

SUBJECT AREA TO BE ADDRESSED: Documentation for Licensure; Personal Licensure – Temporary Permit.

RULEMAKING AUTHORITY: 483.805(4), 483.823 FS.

LAW IMPLEMENTED: 456.013, 483.809, 483.813, 483.815, 483.823 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: Bruce Deterding, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-8.006
 RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

PURPOSE AND EFFECT: The Board proposes this rule amendment to include the penalties and sentencing guidelines for health care fraud of Ch. 2009-223, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

RULEMAKING AUTHORITY: 456.072, 456.079 FS

LAW IMPLEMENTED: 456.072, 456.079, 464.018 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252

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

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-2.001
 RULE TITLE: Licensure by Certification of Credentials

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address the licensure by certification of credentials for speech-language pathologists or audiologists

SUBJECT AREA TO BE ADDRESSED: Licensure by Certification of Credentials.

RULEMAKING AUTHORITY: 456.013(7), 468.1135(4) FS.

LAW IMPLEMENTED: 456.013(7), 468.1145(2), 468.1185 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: Christy Robinson, Acting Executive Director, Board of Speech-Language Pathology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32314-3256

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

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-2.003
 RULE TITLE: Provisional Licensure; Requirements

PURPOSE AND EFFECT: The Board proposes to development of rule amendment to address the requirements for provisional license.

SUBJECT AREA TO BE ADDRESSED: Provisional License; Requirements.

RULEMAKING AUTHORITY: 468.1135(4) FS.

LAW IMPLEMENTED: 468.1145(2), 468.1155(4) FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Christy Robinson, Acting Executive Director, Board of Speech-Language Pathology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32314-3256

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

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-4.001
 RULE TITLE: Certification of Assistants

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address the certification of speech-language pathologist or audiologist assistants.

SUBJECT AREA TO BE ADDRESSED: Certification of Assistants.

RULEMAKING AUTHORITY: 468.1125(9), 468.1135(4) FS

LAW IMPLEMENTED: 468.1125(3), (9), 468.1215 FS

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Christy Robinson, Acting Executive Director, Board of Speech-Language Pathology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32314-3256

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

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.:	RULE TITLE:
67-21.002	Definitions
67-21.003	Application and Selection Process for Developments
67-21.0035	Applicant Administrative Appeal Procedures
67-21.004	Federal Set-Aside Requirements
67-21.0045	Determination of Method of Bond Sale
67-21.006	Development Requirements
67-21.007	Fees
67-21.008	Terms and Conditions of MMRB Loans
67-21.009	Interest Rate on Mortgage Loans
67-21.010	Issuance of Revenue Bonds
67-21.013	Non-Credit Enhanced Multifamily Mortgage Revenue Bonds
67-21.014	Credit Underwriting Procedures
67-21.015	Use of Bonds with Other Affordable Housing Finance Programs
67-21.017	Transfer of Ownership
67-21.018	Refundings and Troubled Development Review
67-21.019	Issuance of Bonds for Section 501(c)(3) Entities

PURPOSE AND EFFECT: The purpose of this Rule is to establish the procedures by which the Corporation shall administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the Multifamily Mortgage Revenue Bond (MMRB) Program authorized by Section 142 of the Code and Section 420.509, F.S.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to the development of the 2011 application and program requirements for the MMRB Program, as specified in Rule Chapter 67-21, Florida Administrative Code (F.A.C.).

RULEMAKING AUTHORITY: 420.507, 420.508 FS.

LAW IMPLEMENTED: 420.509 FS.

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

DATE AND TIME: September 15, 2010, 2:30 p.m.

PLACE: Doubletree Hotel, 101 South Adams Street, Tallahassee, FL 32301. The workshop will be accessible via phone at 1(888)808-6959, Conference Code #1374197.

Pursuant to the provisions of 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: Blake Carson-Poston at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Len Stirrat, Multifamily Bonds Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

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

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-48.001	Purpose and Intent
67-48.002	Definitions
67-48.004	Application and Selection Procedures for Developments
67-48.005	Applicant Administrative Appeal Procedures
67-48.007	Fees
67-48.0072	Credit Underwriting and Loan Procedures
67-48.0075	Miscellaneous Criteria
67-48.009	SAIL General Program Procedures and Restrictions
67-48.0095	Additional SAIL Application Ranking and Selection Procedures
67-48.010	Terms and Conditions of SAIL Loans
67-48.0105	Sale, Transfer or Refinancing of a SAIL Development
67-48.013	SAIL Construction Disbursements and Permanent Loan Servicing
67-48.014	HOME General Program Procedures and Restrictions
67-48.015	Match Contribution Requirement for HOME Allocation
67-48.017	Eligible HOME Activities
67-48.018	Eligible HOME Applicants
67-48.019	Eligible and Ineligible HOME Development Costs
67-48.020	Terms and Conditions of Loans for HOME Rental Developments
67-48.0205	Sale, Transfer or Refinancing of a HOME Development
67-48.022	HOME Disbursements Procedures and Loan Servicing
67-48.023	Housing Credits General Program Procedures and Requirements

- 67-48.025 Qualified Allocation Plan
- 67-48.027 Tax-Exempt Bond-Financed Developments
- 67-48.028 Carryover Allocation Provisions
- 67-48.029 Extended Use Agreement
- 67-48.030 Sale or Transfer of a Housing Credit Development
- 67-48.031 Termination of Extended Use Agreement and Disposition of Housing Credit Developments

PURPOSE AND EFFECT: The purpose of this Rule is to establish the procedures by which the Corporation shall: (1) administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the State Apartment Incentive Loan (SAIL) Program authorized by Section 420.5087, Florida Statutes (F.S.), and the HOME Investment Partnerships (HOME) Program authorized by Section 420.5089, Florida Statutes; and (2) administer the Application process, determine Housing Credit (HC) amounts and implement the provisions of the Housing Credit Program authorized by Section 42 of the Code and Section 420.5099, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to (1) the development of the 2011 application and program requirements for the SAIL, HOME, HC Programs, as specified in Rule Chapter 67-48, Florida Administrative Code (F.A.C.) and (2) amendments to the Florida Housing Finance Corporation’s 2009 Qualified Allocation Plan (QAP).

RULEMAKING AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.5087, 420.5089, 420.5099 FS.

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

DATE AND TIME: September 15, 2010, 2:30 p.m.

PLACE: Doubletree Hotel, 101 South Adams Street, Tallahassee, FL 32301. The workshop will be accessible via phone at 1(888)808-6959, Conference Code #1374197.

Pursuant to the provisions of 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: Blake Carson-Poston at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kevin Tatreau, Director of Multifamily Development Programs, (850)488-4197

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 NOS.: | RULE TITLES: |
| 69A-62.002 | Uniform Minimum Firefighter Employment Standards; Adoption of National Fire Protection Association Standards |
| 69A-62.021 | General Guidelines for Firefighter Employer Comprehensive Safety and Health Programs |
| 69A-62.022 | Firefighter Employer Comprehensive Safety and Health Remediation Plan |

PURPOSE AND EFFECT: The purpose and effect of the rule amendments is to update them by adopting recent standards, requirements for firefighter employer comprehensive safety and health programs, and remediation plans.

SUBJECT AREA TO BE ADDRESSED: Firefighter Health and Safety.

RULEMAKING AUTHORITY: 633.01(1), 633.45(1)(a), 633.804, 633.805, 633.808, 633.809, 633.821 FS.

LAW IMPLEMENTED: 633.45(1)(a), 633.802, 633.804, 633.805, 633.807, 633.808, 633.809, 633.821 FS.

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

DATE AND TIME: Friday, September 10, 2010, 10:30 a.m.

PLACE: Room 105, Florida State Fire College, 11655 N.W. Gainesville Rd, Ocala, FL 34482

Pursuant to the provisions of 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: Charles Brush, Health and Safety Program Manager, (352)369-2836; Charlie.Brush@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: Charles Brush, Health and Safety Program Manager, (352)369-2836; Charlie.Brush@myfloridacfo.com

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

Section II Proposed Rules

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE NOS.:	RULE TITLES:
9N-3.002	Definitions
9N-3.007	Product Approval by the Commission
9N-3.008	Approval of Product Evaluation Entities, Product Validation Entities, Testing Laboratories, Certification Agencies, Quality Assurance Agencies and Accreditation Bodies
9N-3.011	Forms

PURPOSE AND EFFECT: The purpose of the rule development workshop is to implement section 39, chapter 2010-176, Laws of Florida, and create an expedited method of product approval for products certified to comply with the Florida Building Code and repeal means by which the Florida Building Commission approves evaluation entities in addition to those identified in statute. To update the forms/BCIS (Building Code Information System) to update the payment screens and to add provision for approval of product by DCA

SUMMARY: To update the forms/BCIS (Building Code Information System) to update the payment screens and to add provision for approval of certain products by DCA subject to ratification by the Florida Building Commission.

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: 553.77(1)(i), 553.842(1), (8) FS.

LAW IMPLEMENTED: 553.842(1), (8) FS.

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

DATE AND TIME: Participation by communications media technology available as follows: Conference call, telephone number (888)808-6959, Conference Code: 1967168; September 21, 2010, 10:00 a.m.

PLACE: Room 250L, Sadowski Building, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247. If you are 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: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

THE FULL TEXT OF THE PROPOSED RULES IS:

9N-3.002 Definitions.

The following terms have the meanings indicated:

(1) through (14) No change.

(15) Department means Florida Department of Community Affairs.

(15) through (22) renumbered (16) through (23) No change.

(24)(23) Product Approval:

State product approval means the approval of a product or system of construction by the Commission for acceptance of a product on a state or regional basis consistent with an evaluation conducted pursuant to Rule 9N-3.005, F.A.C. In addition, this includes the approval of a product by the Department pursuant to paragraph 9N-3.007(1)(d), F.A.C.

(24) through (30) renumbered (25) through (31) No change.

(32) Technically relevant means in accordance with this rule and or the applicable provisions of the Florida Building Code.

(32) through (35) renumbered (34) through (37) No change.

Rulemaking Specific Authority 553.842(1) FS. Law Implemented 553.842(1) FS. History--New 5-5-02, Amended 9-4-03, 11-22-06, 4-10-08, Formerly 9B-72.010, Amended _____.

9N-3.007 Product Approval by the Commission.

(1) Approval of a product or system of construction for state acceptance shall be performed by the Commission through the following steps:

(a) and (b) No change.

(c) With exception to product applications submitted pursuant to paragraph 9N-3.005(1)(a), F.A.C., Upon Commission acceptance of the required documentation pursuant to Rule 9N-3.005, F.A.C., and validation of compliance with the Code pursuant to Rule 9N-3.006, F.A.C.,

the Commission may approve the product for use statewide in accordance with its approval and limitations of use unless credible evidence is provided questioning the validity of the documentation submitted in support of the application for approval.

(d) Product Application that rely upon a product certification mark or listing from an approved certification agency shall be approved for use statewide in accordance with its approval and limitations of use to demonstrate compliance with the Code as follows:

1. An application of a product submitted for state acceptance pursuant to paragraph 9N-3.005(1)(a), F.A.C., shall be approved by the Department after the Program System Administrator (the Administrator" verifies that the application and required documentation as per Rule 9N-3.006, F.A.C., are complete.

2. The verification by the Administrator must be completed within 10 business days after receipt of the application.

3. Upon approval by the Department, the Administrator shall add approved products to the list of the state-approved products maintained by the BCIS. Approvals by the Department shall be reviewed and ratified by the Commission's Program Oversight Committee ("POC" except for a showing of good cause that a review by the full Commission is necessary.

4. For the purpose of curing deficiencies identified within product applications approved under this section, the following steps will be undertaken:

a. If a comment is received on a Department approved Product, the Administrator shall immediately evaluate the comment and determine whether the comment is technically relevant;

b. If the comment as determined by the Administrator is technically significant, the Administrator shall post the comment received in the comment box for the application;

c. The Administrator shall immediately notify the manufacturer of the comment received on his or her application requesting that the manufacturer respond to the comment and revise the application as deemed necessary; and

d. An outstanding comment(s) shall be subject to review and determination by the POC, except for a showing of good cause that a review and determination by the full Commission is necessary.

(d) through (g) renumbered (e) through (h) No change.

(2) Fees for state approval of products.

(a) through (3) No change.

Rulemaking Specific Authority 553.77(1)(i), 553.842(1) FS. Law Implemented 553.842(1) FS. History--New 5-5-02, Amended 9-4-03, 11-22-06, 5-21-09, 10-28-09, Formerly 9B-72.090, Amended _____.

9N-3.008 Approval of Product Evaluation Entities, Product Validation Entities, Testing Laboratories, Certification Agencies, Quality Assurance Agencies and Accreditation Bodies.

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

~~2. The International Conference of Building Officials Evaluation Services (ICBO ES);~~

~~3. The Building Officials and Code Administrators International Evaluation Services (BOCA ESI);~~

~~4. The Southern Building Code Congress International Evaluation Services (PST ESI);~~

~~2.5.~~ The Miami-Dade County Building Code Compliance Office Product Control Division (MDCBCCOPCD);

~~3.6.~~ The International Code Council, International Evaluation Services (IES); and

~~4.7.~~ The International Association of Plumbing and Mechanical Officials Evaluation Service (IAPMO).

(b) No change.

~~(e) Evaluation entities and certification agencies accredited as meeting the requirements of ISO/IEC Guide 65, adopted by reference in Rule 9N-3.016, F.A.C., other than architects and engineers registered in this state, shall apply to the Commission for approval as an evaluation entity by submitting correspondence to the Commission substantiating accreditation and independence. Upon approval by the Commission, paragraph 9N-3.008(1)(a), F.A.C., above shall be amended to include the applicant as an evaluation entity.~~

(2) Approved Validation Entities.

(a) through (c) No change.

(3) through (6) No change.

Rulemaking Specific Authority 553.842(8) FS. Law Implemented 553.842(8) FS. History--New 5-5-02, Amended 9-4-03, 3-9-04, 11-22-06, 4-10-08, 12-9-09, Formerly 9B-72.100, Amended _____.

9N-3.011 Forms.

The following forms are adopted for use in reference to the Product Evaluation and Approval System. Copies of these forms are available from the Department of Community Affairs, Codes and Standards Section, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399, and via the Building Codes Information System on the Internet, www.floridabuilding.org.

(1) Florida Building Commission, Application for Organization/Entity Approval, Form No. 9B-72.130(1), effective _____ ~~November 10, 2009~~ (electronic version).

(2) Florida Building Commission, Application for State Product Approvals, Form No. 9B-72.130(2), effective _____ ~~November 10, 2009~~ (electronic version). New and revised applications received after January 11, 2010 shall be limited to a maximum of 150 product sequence numbers. This limitation shall not be applicable to editorial revision or affirmation of an existing application.

(3) No change.

Rulemaking Specific Authority 553.842(1) FS. Law Implemented 553.842(1) FS. History--New 5-5-02, Amended 9-4-03, 11-22-06, 4-10-08, 3-2-10, Formerly 9B-72.130, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 23, 2010

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

Florida Prepaid College Board

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

PURPOSE AND EFFECT: This rule is amended to reflect the updated form for the Florida Prepaid College Plan and Florida College Investment Plan New Account Application Form and the updated form for the Florida Prepaid College Plan Master Covenant and to incorporate by reference the new Florida Prepaid College Plan Add-a-Plan Application.

SUMMARY: This rule change is being made to update the Florida Prepaid College Plan and Florida College Investment Plan New Account Application and the Florida Prepaid College Plan Master Covenant and to incorporate by reference the new Florida Prepaid College Plan Add-a-Plan Application.

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

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: September 20, 2010, 2:00 p.m.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-4.001 Application.

(1)(a) Rule Chapters 19B-4 through 19B-13 and 19B-15, F.A.C., apply to advance payment contracts for the prepayment of postsecondary registration, local fees, tuition differential fees and/or dormitory residency fees under the Stanley G. Tate Florida Prepaid College Program, the "Program."

(b) The application period shall commence and terminate on dates set annually by the Board and published in the Florida Administrative Weekly. Applications for advance payment contracts purchased through the Board's direct support organization, The Florida Prepaid College Foundation, Inc., for purchasers participating in employer participation programs or by purchasers pursuant to a court order will be accepted by the Board at any time. Other applications for advance payment contracts submitted to the Board outside the annual application period will be processed for data collection and administrative purposes, but will not be accepted by the Board until the beginning of the next succeeding annual application period.

(c) The contract prices associated with applications submitted to the Board during the annual application period shall be the contract prices applicable to advance payment contracts for that annual application period. The contract prices associated with applications submitted to the Board outside the annual application period, except for those purchased through the Board's direct support organization, The Florida Prepaid College Foundation, Inc., for purchasers participating in employer participation programs or by purchasers pursuant to a court order, shall be the contract prices applicable to advance payment contracts for the next succeeding annual application period. After acceptance by the Board of the purchaser's application, a participation and payment schedule shall be mailed to the purchaser.

(d) The advance payment contract shall be comprised of the application, master covenant, and participation and payment schedule.

(2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB ~~2011-01 2009-10a~~, is hereby incorporated by reference and may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1). The Florida Prepaid College Plan Master Covenant, Form No. FPCB ~~2011-02 2010-02~~, is hereby incorporated by reference and may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1). The Florida Prepaid College Plan Add-a-Plan Application, Form No. FPCB

2011-03, is hereby incorporated by referenced and may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1).

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.001, Amended 12-5-93, 5-31-95, 6-20-96, 10-20-96, 12-16-97, 2-18-99, 6-6-99, 2-8-00, 5-21-00, 1-3-01, 10-9-01, 11-27-02, 10-1-03, 1-29-04, 12-28-04, 6-2-05, 12-20-05, 1-1-07, 11-27-07, 12-17-07, 11-18-08, 1-28-09, 4-5-09, 10-26-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Prepaid College Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2010

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: RULE TITLE:

19B-4.002 Contract Prices

PURPOSE AND EFFECT: The rule is amended to establish the actuarial assumptions which will be used to establish prices for the 4-Year Florida University Plan, 2 + 2 Florida Plan, 4-Year Florida College Plan and 2-Year Florida College Plan and to update the actuarial assumptions which will be used to establish prices for Tuition Differential Fee Plans, Local Fee Plans and the Dormitory Plan, in the Florida Prepaid College Plan.

SUMMARY: This rule change is being made to establish the actuarial assumptions which will be used to establish plan prices for the various plans available in the Florida Prepaid College Plan.

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

LAW IMPLEMENTED: 1009.98(2) FS.

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

DATE AND TIME: September 20, 2010, 2:00 p.m.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-4.002 Contract Prices.

(1) The Board will evaluate the advance payment contract prices for revision annually. All advance payment contract prices will be published annually in the Florida Administrative Weekly.

~~(2) The advance payment contract prices for tuition plans are based on the actuarial assumption that university tuition will rise at an average of 6.5 percent per annum, community college tuition will rise at an average of 6 percent per annum and dormitory fees will rise at an average of 6 percent per annum.~~

(a) The 4-Year Florida University Plan are based on the actuarial assumptions that Registration Fees at State Universities will rise at an average of 6.5 percent per annum, Local Fees at State Universities will rise at an average of 6.5 percent per annum, and the Tuition Differential Fee will rise annually at the maximum increase permitted pursuant to Section 1009.24(16), F.S.

(b) The 2 + 2 Florida Plan are based on the actuarial assumptions that Registration Fees at State Universities will rise at an average of 6.5 percent per annum, Local Fees at State Universities will rise at an average of 6.5 percent per annum, the Tuition Differential Fee will rise annually at the maximum increase permitted pursuant to Section 1009.24(16), F.S., the Registration Fees at Florida Colleges will rise at an average of 6 percent per annum and Local Fees at Florida Colleges will rise at an average of 6 percent per annum.

(c) The 4-Year Florida College Plan are based on the actuarial assumptions that the Registration Fees at Florida Colleges will rise at an average of 6 percent per annum and Local Fees at Florida Colleges will rise at an average of 6 percent per annum.

(d) The 2-Year Florida College Plan are based on the actuarial assumptions that Registration Fees at Florida Colleges will rise at an average of 6 percent per annum and Local Fees at Florida Colleges will rise at an average of 6 percent per annum.

(e) The Dormitory Plan are based on the actuarial assumption that dormitory fees at State Universities will rise at an average of 6 percent per annum.

(f) Local Fee Plans ~~fee plan prices~~ are based on the actuarial ~~assumption~~ assumption that the Local Fees at State Universities ~~university local fees~~ will rise at an average of 6.5 percent per annum and Local Fees at Florida Colleges ~~community college local fees~~ will rise at an average of 6 percent per annum.

~~(g) Tuition Differential Fee Plans The tuition differential fee plan prices are based on the actuarial assumption that the Tuition Differential Fee tuition differential fee will rise annually at the maximum increase permitted pursuant to Section 1009.24(16), F.S. an average of 8.5 percent per annum until such time as the sum of the tuition differential fee and the fees specified in Section 1009.24(16)(b)4., F.S., reaches the maximum amount permitted pursuant to Section 1009.24(16)(b)4., F.S., as determined by the Education Estimating Conference pursuant to Section 216.134(4)(a), F.S. Once the sum of the tuition differential fee and the fees specified in Section 1009.24(16)(b)4., F.S., equals the maximum amount permitted pursuant to Section 1009.24(16)(b)4., F.S., the actuarial assumption is that the tuition differential fee will rise an average of 6.5% percent per annum thereafter.~~

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(2) FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.002, Amended 5-31-95, 2-18-99, 2-8-00, 12-28-03, 12-28-04, 12-20-05, 12-17-07, 11-30-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Florida Prepaid College Board
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2010

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-4.005
 RULE TITLE: Maximum Account Balance Limit
 PURPOSE AND EFFECT: The rule is being amended to specify how the maximum account balance for the Florida Prepaid College Plan and the Florida College Investment Plan will apply with respect to the 4-Year Florida University Plan, 2 + 2 Florida Plan, 4-Year Florida College Plan, and 2-Year Florida College Plan and to revise how the maximum account balance will apply with respect to Tuition Plans, Local Fee Plans, Tuition Differential Fee Plans and Dormitory Plans.
 SUMMARY: The amended rule specifies how the maximum account balance for the Florida Prepaid College Plan and Florida College Investment Plan will apply with respect to each of the plans offered through the Florida Prepaid College Plan.
 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: 1009.971(1), (4), (6) FS.
 LAW IMPLEMENTED: 1009.98, 1009.981 FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
 DATE AND TIME: September 20, 2010, 2:00 p.m.
 PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

- 19B-4.005 Maximum Account Balance Limit.
 - (1) No change.
 - (2) For purposes of the maximum account balance limit, the redemption value of an advance payment contract for:
 - (a) The 4-Year Florida University Plan shall be the most expensive lump-sum contract price for the 4-Year Florida University Plan, as determined annually by the Board's actuary.
 - (b) A 2 + 2 Florida Plan shall be the most expensive lump-sum contract price for the 2 + 2 Florida Plan, as determined annually by the Board's actuary.
 - (c) A 4-Year Florida College Plan shall be the most expensive lump-sum contract price for the 4-Year Florida College Plan, as determined annually by the Board's actuary.
 - (d) A 2-Year Florida College Plan shall be the most expensive lump-sum contract price for the 2-Year Florida College Plan, as determined annually by the Board's actuary.
 - (e) A Tuition Plan shall be the most expensive lump-sum price for a 4-Year University Tuition Plan, as determined by the Board's actuary in the actuarial report prepared by the Board's actuary dated August 19, 2009.
 - (f) A Local Fee Plan shall be the most expensive lump-sum contract price for a 4-Year University Local Fee Plan, as determined annually by the Board's actuary.
 - (g) A Tuition Differential Fee Plan shall be the most expensive lump-sum contract price for a 4-Year University Tuition Differential Fee Plan, as determined annually by the Board's actuary.
- ~~Tuition, local fee, and tuition differential fee plans shall be the most expensive lump sum contract price for the university tuition, university local fee and university tuition differential fee plans, as determined annually by the Board's actuary.~~

~~(h)(b)~~ A Dormitory Plan plans shall be the most expensive lump-sum four (4) year dormitory contract price (8 semesters), as determined annually by the Board's actuary.

(3) No change.

Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98, 1009.981 FS. History--New 11-27-02, Amended 12-28-03, 7-13-06, 12-17-07, 7-9-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Florida Prepaid College Board
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2010

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-5.001
 RULE TITLE: Plan Types

PURPOSE AND EFFECT: This rule is amended to: a) reflect the addition of the 4-Year Florida University Plan, 2 + 2 Florida Plan, 4-Year Florida College Plan and 2-Year Florida College Plan to the prepaid plans offered through the Florida Prepaid College Plan; b) provide definitions used with respect to the description of the prepaid plans offered through the Florida Prepaid College Plan; c) provide that all plans offered for sale through the Florida Prepaid College Plan are available for beneficiaries that are in the eleventh grade or below; d) reflect that Tuition Plans are no longer available for purchase; and e) revise the names and descriptions of the Tuition Plans Local Fee Plans, Tuition Differential Fee Plans and the Dormitory Plans. These changes relate to the implementation of Section 1009.98(2)(a)3. and (b)4., F.S.

SUMMARY: This rule revises the prepaid plans available through the Florida Prepaid College Plan.

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

LAW IMPLEMENTED: 1009.98(2)9, (10), FS.

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

DATE AND TIME: September 20, 2010, 2:00 p.m.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-5.001 ~~Plan Contract~~ Types.

(1) Definitions.

(a) "Florida College" means any public postsecondary educational institution in the Florida College System as defined in Section 1000.21(3), Florida Statutes.

(b) "Local Fee" means: (a) the activity and service, health, and athletic fees authorized in Section 1009.24(9)-(12), F.S., charged by a State University; or (b) the student activity fee authorized in Section 1009.23, F.S., and charged by a Florida College. The technology fee authorized in Section 1009.23(10), F.S., charged by a Florida College is also covered by Local Fee Plans purchased after July 1, 1999.

(c) "Registration Fee" means: (a) the tuition fee authorized in Section 1009.24(4), F.S., financial aid fee authorized in Section 1009.24(7), F.S., building fee authorized in Section 1009.24(8), F.S., and Capital Improvement Trust Fund fee authorized in Section 1009.24(8), F.S., charged by a State University; or (b) the tuition fee, authorized in Section 1009.23(3), F.S., the fee for capital improvements authorized in Section 1009.23(11), F.S., and the financial aid fee authorized in Section 1009.23(8), F.S., charged by a Florida College.

(d) "State University" means any university in the State University System as defined in Section 1000.21(6), Florida Statutes.

(e) "Tuition Differential Fee" means the fee charged by a State University pursuant to Section 1009.24(16), F.S.

~~The Florida Prepaid College Board's advance payment contracts offer purchasers four (4) different plans: tuition, local fees, tuition differential fees and dormitory. All advance payment contracts include a tuition plan, unless the advance payment contract is an exception, pursuant to the Rules of this Chapter 19B-5, F.A.C. Purchasers may add corresponding local fee, tuition differential fee and/or dormitory plans in conjunction with or as addendums to advance payment contracts. The tuition plans cover the matriculation fee, the building fee, the capital improvement fee and the financial aid fee. Local fee plans cover the activity and service, health, and athletics fees imposed by the state universities and the student activity fee imposed by the community colleges. Local fee plans purchased after July 1, 1999 also cover the technology fee imposed by the community colleges. Tuition differential fee plans cover the supplemental fee charged by the same universities pursuant to Section 1009.24(16), F.S. The dormitory plan covers the housing rate specified by the~~

university for inclusion in the plan of a double occupancy, air conditioned room. The amount payable under each plan will be determined pursuant to Section 1009.98(10), F.S.

(2) The 4-Year Florida University Plan. The 4-Year Florida University Plan prepays the Registration Fees, Tuition Differential Fee and Local Fees, for 120 semester credit hours at a State University. The 4-Year Florida University Plan initially is available for purchase during 2010-2011 open enrollment period which begins on October 18, 2010. The 4-Year Florida University Plan may be purchased only for a qualified beneficiary who is in the eleventh grade or below at the time the application for the purchase of the 4-Year Florida University Plan is accepted by the Board.

(3) The 2 + 2 Florida Plan. The 2 + 2 Florida Plan prepays the Registration Fees and Local Fees for 60 lower division semester credit hours at a Florida College and the Registration Fees, Tuition Differential Fee and Local Fees for 60 semester credit hours at a State University. The 2 + 2 Plan initially is available for purchase during the 2010-2011 open enrollment period which begins on October 18, 2010. The 2 + Florida Plan may be purchased only for a qualified beneficiary who is in the eleventh grade or below at the time the application for the purchase of the 2 + 2 Florida Plan is accepted by the Board.

(4) The 4-Year Florida College Plan. The 4-Year Florida College Plan prepays the Registration Fees and Local Fees for 60 lower division semester credit hours at a Florida College and for 60 upper division semester credit hours at a Florida College. The 4-Year Florida College Plan initially is available for purchase during the 2010-2011 open enrollment period which begins on October 18, 2010. The 4-Year Florida College Plan may be purchased only for a qualified beneficiary who is in the eleventh grade or below at the time the application for the purchase of the 4-Year Florida College Plan is accepted by the Board.

(5) The 2-Year Florida College Plan. The 2-Year Florida College Plan prepays the Registration Fees and Local Fees for 60 lower division semester credit hours at a Florida College. The 2-Year Florida College Plan initially is available for purchase during the 2010-2011 open enrollment period which begins on October 18, 2010. The 2-Year Florida College Plan may be purchased only for a qualified beneficiary who is in the eleventh grade or below at the time the application for the purchase of the 2-Year Florida College Plan is accepted by the Board.

(6)(4) Tuition Plans plans consist of three (3) separate plans:

(a) 4-Yr University Tuition Plan – The purchase of a 4-Yr University Tuition Plan prepays the Registration Fees for university plan specifies that 120 credit hours at a State University state university are purchased for the benefit of the qualified beneficiary.

(b) 2-Yr FL College Tuition (formerly the Community College Plan) – The purchase of a 2-Yr FL College Tuition Plan prepays the Registration Fees for community college plan specifies that 60 lower division credit hours at a Florida College state community college are purchased for the benefit of the qualified beneficiary. For 2 Yr- FL College Plans community college plans purchased prior to the 1996-97 application period, the number of credit hours purchased through the 2-Yr FL College Tuition Plan community college plan shall be the number specified in the advance payment contract.

(c) 2 + 2 Tuition Plan (formerly the Community College Plus University Plan) – The purchase of a 2 + 2 Tuition Plan prepays the Registration Fees for community college plus university plan specifies that 60 lower division credit hours at a Florida College state community college and the Registration Fees for 60 upper division level credit hours at a State University state university are purchased for the benefit of the qualified beneficiary. For 2 + 2 Tuition Plans community college plus university plans purchased prior to the 1996-97 application period, the number of credit hours purchased through the 2 + 2 Plan community college plus university plan shall be the number specified in the advance payment contract. Tuition Plans plans do not cover Local Fees, the Tuition Differential Fee or other institutionally-imposed fees such as health, athletic, activity and service, technology, tuition differential or student activity fees. Tuition Plans are not available for purchase after January 31, 2010.

(7)(2) Local Fee Plans fee plans consist of three (3) separate plans:

(a) 4-Yr University Local Fee Plan – The purchase of a 4-Yr University Local Fee Plan prepays the Local Fees university local fee plan specifies that local fees for 120 credit hours at a State University state university are purchased for the benefit of the qualified beneficiary. The 4-Yr University Local Fee Plan may only be purchased as an addition to a 4-Yr University Tuition Plan.

(b) 2-Yr FL College Local Fee Plan (formerly the Community College Local Fee Plan) – The purchase of a 2-Yr FL College Local Fee Plan prepays the Local Fees community college plan specifies that local fees for 60 lower division credit hours at a Florida College state community college are purchased for the benefit of the qualified beneficiary. The 2-Yr FL College Local Fee Plan may only be purchased as an addition to a 2-Yr FL College Tuition Plan.

(c) 2 + 2 Local Fee Plan (formerly the Community College Plus University Local Fee Plan) – The purchase of a 2 + 2 Local Fee Plan prepays the Local Fees community college plus university plan specifies that local fees for 60 lower division credit hours at a Florida College state community college and 60 upper division level credit hours at a State University state

~~university are purchased for the benefit of the qualified beneficiary. The 2 + 2 Local Fee Plan may only be purchased as an addition to the 2 + 2 Tuition Plan.~~

~~Local Fee Plans fee plans may be purchased only for a qualified beneficiary who is in the eleventh grade or below at the time the application for the purchase of the Local Fee Plan is accepted by the Board for those contract beneficiaries four (4) or more years away from their anticipated matriculation date at the time the application is filed. The Local Fee Plans do local fee plan does not include payment of the Tuition Differential Fee or other institutionally-imposed fees cover the tuition differential fee.~~

~~(8)(3) Tuition Differential Fee Plans consist of two (2) separate plans: Beneficiaries for whom advance payment contracts were in effect prior to July 1, 2007 and consist of the university tuition plan or the community college plus university tuition plan, are exempt from the tuition differential fee.~~

~~(a) 4-Yr University TDF Tuition Differential Fee Plan – The purchase of a 4-Yr University TDF Plan prepays the Tuition Differential Fee for university tuition differential fee plan specifies that 120 credit hours at a State University state university are purchased for the benefit of the qualified beneficiary. The 4-Yr University TDF Plan 120 credit hour university tuition differential fee plan may be purchased only as an addition to a 4-Yr University Tuition Plan in conjunction with a university tuition plan.~~

~~(b) 2 + 2 TDF Plan (formerly the Community College Plus University Tuition Differential Fee Plan) – The 2 + 2 TDF Plan prepays the Tuition Differential Fee for community college plus university tuition differential fee plan specifies that only 60 credit hours at a State University state university are purchased for the benefit of the qualified beneficiary. The 2 + 2 TDF Plan 60 credit hour tuition differential fee plan may be purchased only as an addition to a 2 + 2 Tuition Plan in conjunction with a community college plus university tuition plan.~~

~~Tuition Differential Fee Plans differential fee plans may be purchased only for a qualified beneficiary who is in the eleventh grade or below for those qualified beneficiaries who are four (4) or more years away from their anticipated matriculation date at the time the application for the Tuition Differential Fee Plan is accepted received by the Board. Beneficiaries for whom advance payment contracts were in effect prior to July 1, 2007 and include the 4-Yr University Tuition Plan or the 2 + 2 Tuition Plan, are exempt from the tuition differential fee. Tuition Differential Fee Plans do not include payment of Local Fees or other institutionally-imposed fees.~~

~~(9)(4) Dormitory Plan.~~

~~(a) The Dormitory Plan provides payment for a double-occupancy, air-conditioned room in a dormitory specified by the State University and approved by the Board in~~

which the qualified beneficiary is enrolled. Where a State University does not offer a double-occupancy, air-conditioned dormitory room, the Dormitory Plan will pay the State University, on behalf of the qualified beneficiary, the average cost of an eligible double-occupancy, air-conditioned dormitory room in the State University System.

~~(b)(a) The Dormitory Plan may be purchased only for a qualified beneficiary who is in the eleventh grade or below at the time the application for the purchase of the Dormitory Plan is accepted by the Board dormitory plan may be purchased only for those contract beneficiaries four (4) or more years away from their anticipated matriculation date at the time that the contract application is filed.~~

~~(c)(b) A Dormitory Plan which is dormitory plan purchased in conjunction with or as an addendum to the 2 + 2 Florida Plan or which is purchased as an addendum to a 2 + 2 Tuition Plan community college plus university plan may only be used is intended for use after the beneficiary is admitted to a State University state university. A Dormitory Plan dormitory plan may only be transferred for use at a Florida College community college pursuant to Rule 19B-9.004, F.A.C.~~

~~(d)(e) A purchaser may purchase a Dormitory Plan dormitory plan for a beneficiary who was adopted from the Department of Children and Family Services after May 5, 1997, without purchasing a 4-Year Florida University Plan or 2 + 2 Florida Plan or without having purchased Tuition Plan tuition plan contract for that beneficiary.~~

~~(10)(5) The advance payment contract does contracts do not cover fees and costs related to books, meals, transportation, and institutionally-imposed fees, including, but not limited to such as laboratory fees.~~

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(2), (10) FS. History—New 3-29-89, Amended 5-17-92, 8-23-92, Formerly 4G-5.001, Amended 5-31-95, 6-20-96, 10-20-96, 8-18-97, 2-18-99, 2-8-00, 8-27-02, 12-17-07, 11-30-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Prepaid College Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2010

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: RULE TITLE:

19B-5.002 Contract Benefits

PURPOSE AND EFFECT: This rule is amended to update the names of the prepaid plans offered through the Florida Prepaid College Plan and to delete the description of the type of dormitory rooms available through the Dormitory Plan as that provision is being transferred to Rule 19B-5.001, F.A.C.

SUMMARY: The changes to the rule revise provisions concerning usage of contract benefits under advance payment contracts in the Florida Prepaid College Plan.

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

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: September 20, 2010, 2:00 p.m.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-5.002 Contract Benefits.

(1) No change.

(2)(a) To be eligible to receive Dormitory Plan ~~dormitory plan~~ benefits, qualified beneficiaries must file a complete and timely residence application with the applicable postsecondary institution. Beneficiaries must comply with all housing authority rules and regulations. The housing prepayment fee will be waived for the first housing application. Subsequent applications to alternate housing authorities will require payment by the purchaser of the appropriate prepayment fee. The Dormitory Plan ~~dormitory residence plan~~ is not available for use during the summer term.

~~(b) The dormitory plan provides payment for a double occupancy, air-conditioned room in a dormitory specified by the state university. Where a state university does not offer a double occupancy, air-conditioned dormitory room, the dormitory plan will pay the university, on behalf of the qualified beneficiary, the average cost of an eligible double occupancy, air-conditioned dormitory room in the State University System.~~

(3) Local Fee Plans ~~Local fee~~ and Tuition Differential Fee Plans ~~tuition differential fee plans~~ are tied to the corresponding type of Tuition Plan purchased for the qualified beneficiary ~~tuition contracts~~ for matriculation purposes. Payment for the Local Fees ~~local~~ and the Tuition Differential Fee ~~tuition differential fees~~ will be remitted with the tuition payment for

Registration Fees, upon the receipt of an ~~tuition~~ invoice for a qualified beneficiary whose advance payment contract includes those ~~is composed of these fee plans~~.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-5.002, Amended 5-31-95, 6-20-96, 2-18-99, 1-1-07, 12-17-07, 11-30-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2010

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-5.003
 RULE TITLE: Contract Requirements

PURPOSE AND EFFECT: This rule is amended to update the names of certain of the prepaid plans in the Florida Prepaid College Plan and clarify the requirements for usage of the contract benefits under those plans.

SUMMARY: This rule change updates names of the prepaid plans offered through the Florida Prepaid College Plan and clarifies the requirements for the use of the benefits of advance payment contracts in the Florida Prepaid College Plan.

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

LAW IMPLEMENTED: 1009.98(4) FS.

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

DATE AND TIME: September 20, 2010, 2:00 p.m.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-5.003 Contract Requirements.

(1) through (5) No change.

(6) Contract benefits associated with advance ~~Advance~~ payment contracts that are composed of a Tuition Plan, a Local Fee Plan and a Tuition Differential Fee Plan ~~tuition, local fee and tuition differential fee plans~~ will only be paid if the Tuition Plan, Local Fee Plan and Tuition Differential Fee Plan ~~tuition plan, local fee plans and tuition differential fee plan~~ are in good standing. Payments for the contract benefits associated with Local Fee Plans and Tuition Differential Fee Plan ~~Local fee payments and tuition differential fee payments~~ shall not be remitted to pay the Registration Fees ~~tuition~~ for any beneficiary attending a State University Florida ~~public university~~ or Florida College ~~community college~~. Payments for the contract benefits associated with Local Fee Plans and Tuition Differential Fee Plans ~~Local fee payments and tuition differential fee payments~~ may be remitted to pay tuition at private and out-of-state colleges for any qualified beneficiary.

Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(4) FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-5.003, Amended 5-31-95, 6-20-96, 2-18-99, 6-6-99, 11-6-01, 8-27-02, 12-17-07, 1-28-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Prepaid College Board
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2010

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-5.004
RULE TITLE: Contract Purchasers

PURPOSE AND EFFECT: This rule is amended to specify the rights of purchasers and co-purchasers for 4-Year Florida University Plans, 2 + 2 Florida Plans, 4-Year Florida College Plans and 2-Year Florida College Plans. The amendment provides that the purchaser's and co-purchaser's approval is required for changes of the purchaser, co-purchaser or beneficiary for advance payment contracts which include one of those plans, the purchaser and co-purchaser of those plans each enjoy a survivorship right for each other, the purchaser and co-purchaser must authorize termination of an advance payment contract which includes one of those plans and the purchaser and co-purchaser must approve any refund request associated with a terminated advance payment contract which included one of those plans.

SUMMARY: This rule change specifies the rights of purchasers and co-purchasers of the 4-Year Florida University Plans, 2 + 2 Florida Plans, 4-Year Florida College Plans and 2-Year Florida College Plans which will be offered for sale in the enrollment period for the Florida Prepaid College Plan which will begin on October 18, 2010.

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

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: September 20, 2010, 2:00 p.m.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-5.004 Contract Purchasers.

(1) No change.

(2) For advance payment contracts that include a 4-Year Florida University Plan, 2 + 2 Florida Plan, 4-Year Florida College Plan or 2-Year Florida College Plan:

(a) Co-purchasers are permitted, but are not required. When a co-purchaser is designated on an advance payment contract, the purchaser and co-purchaser each will enjoy a right of survivorship.

(b) Changes to the purchaser, co-purchaser or beneficiary designated on the advance payment contract, requests for voluntary termination of the advance payment contract, and refund requests associated with the termination of an advance payment contract must be in writing and contain the notarized signature of the purchaser and co-purchaser. All other changes to the advance payment contract must be in writing and approved by the purchaser.

(3)(2) For advance payment contracts that include a Tuition Plan for tuition plans purchased prior to February 1, 2009:

(a) Co-purchasers are permitted, and will enjoy only a right of survivorship. However, the purchaser may, without the consent or authorization of the co-purchaser, execute all contract changes, conversions, transfers, cancellations, and refund requests.

(b) Any requests to change the purchaser designated on the advance payment contract must be signed by the purchaser and notarized by a notary. Refunds shall be made payable to the purchaser only.

(c) If a purchaser terminates a contract pursuant to Rule 19B-10.002, F.A.C., the co-purchaser must be notified in writing.

(d) Purchasers may elect to change the rights of a co-purchaser to be the same as those for advance payment contracts purchased on or after February 1, 2009, by submitting a written request to the Board. The request must be signed by the purchaser and the co-purchaser and both signatures must be notarized by a notary. If a purchaser changes the rights enjoyed by the co-purchaser to those for advance payment contracts purchased on or after February 1, 2009, the change in the co-purchaser's rights is irrevocable, the provisions of paragraphs 19B-5.004(2)(a), (b) and (c), F.A.C., shall not apply to the advance payment contract and the provisions of subsection 19B-5.004(3), F.A.C., shall apply to the advance payment contract.

~~(4)(3)~~ For advance payment contracts that include a Tuition Plan ~~for tuition plans~~ purchased on or after February 1, 2009:

(a) Co-purchasers are permitted, but are not required. When a co-purchaser is designated on an advance payment contract, the purchaser and co-purchaser each will enjoy a right of survivorship.

(b) Changes to the purchaser, co-purchaser or beneficiary designated on the advance payment contract, requests for voluntary termination of the advance payment contract, and refund requests associated with the termination of an advance payment contract must be in writing and contain the notarized signature of the purchaser and co-purchaser. All other changes to the advance payment contract must be in writing and approved by the purchaser.

~~(5)(4)~~ The provisions of subsection 19B-5.004(3)(2), F.A.C., also apply to advance payment contracts for Dormitory Plan ~~dormitory~~, Local Fee Plans ~~local fee~~ and Tuition Differential Fee Plans ~~tuition differential fee plans~~, regardless of the date of their purchase, that are associated with Tuition Plans ~~tuition plans~~ that were purchased prior to February 1, 2009. The provisions of subsection 19B-5.004(4)(3), F.A.C., apply to advance payment contracts for Dormitory Plans, Local Fee Plans and Tuition Differential Fee Plans ~~dormitory, local fee and tuition differential fee plans~~ associated with Tuition Plans ~~tuition plans~~ that were ~~are~~ purchased on or after February 1, 2009.

Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History--New 3-29-89, Amended 3-19-92, Formerly 4G-5.004, Amended 12-5-93, 6-20-96, 7-28-98, 11-27-02, 1-28-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Prepaid College Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2010

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-5.006
RULE TITLE: Limitations on Plan Option Changes
PURPOSE AND EFFECT: This rule is amended to make changes to reflect the updated names for the plans available under the Florida Prepaid College Plan and to make technical revisions to the text of the rule.

SUMMARY: This rule change updates the names of the prepaid plans available through the Florida Prepaid College Plan and makes other technical revisions.

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

LAW IMPLEMENTED: 1009.98(4) FS.

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

DATE AND TIME: September 20, 2010, 2:00 p.m.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-5.006 Limitations on Plan Option Changes.

(1) No change.

(2)(a) Advance payment contract purchasers may make a lump sum prepayment to fully prepay the installments payments then remaining due for any plan included in an advance payment contract ~~an installment contract~~ with no prepayment penalty.

(b) Advance payment contract purchasers may make one (1) or more partial prepayments for any plan included in the advance payment ~~on an installment~~ contract. For purposes of this Rule, a partial prepayment is a payment made on a plan on which payments are due and ~~an installment contract~~ which is received by the Board prior to the regularly scheduled time for a payment and ~~which~~ is less than the lump sum amount required to fully prepay the installment payments due on a plan

included in the advance payment contract at the time such payment is received by the Board. An advance payment contract purchaser shall not receive any refund or reduction of the total amount due for all of the installment payments due for any plan included in an advance payment on an installment contract, including any amount for implied interest pursuant to subsection 19B-4.003(2), F.A.C., as the result of one (1) or more partial prepayments.

(3) No plan option, including a Dormitory Plan, Local Fee Plan or Tuition Differential Fee Plan ~~dormitory, local fee or tuition differential fee plan~~, may be added or deleted except during this change period, during an open enrollment period, or by approval of the Board in cases of hardship and pursuant to the special petition procedure outlined in Rule 19B-12.001, F.A.C.

~~Rulemaking Specific~~ Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(4) FS. History--New 2-6-90, Formerly 4G-5.006, Amended 6-20-96, 3-20-97, 2-18-99, 12-17-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Prepaid College Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2010

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-6.001 RULE TITLE: Fee Schedule

PURPOSE AND EFFECT: This rule is amended to specify the fee to add a Dormitory Plan to a 4-Year Florida University Plan and 2 + 2 Florida Plan, to specify that the Termination Fee and Reinstatement Fee that will apply with respect to such plans and to revise the names of other plans in the Florida Prepaid College Plan.

SUMMARY: This rule change specifies the fees which will apply to add a Dormitory Plan to a 4-Year Florida University Plan and 2 + 2 Florida Plan, to specify that the Termination Fee and Reinstatement Fee that will apply with respect to such plans and to revise the names of other plans in the Florida Prepaid College Plan.

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

LAW IMPLEMENTED: 1009.971(4), 1009.98 FS.

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

DATE AND TIME: September 20, 2010, 2:00 p.m.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-6.001 Fee Schedule.

The following fee schedule will apply for all advance payment contract applicants and purchasers:

(1) Application Fee –

(a) through (c) No change.

(d) A fee of ten dollars (\$10.00) will be assessed for any purchaser of a 4-Year Florida University Plan, 2 + 2 Florida Plan, 4-Year Florida College Plan, 2-Year Florida College Plan or Tuition Plan ~~tuition plan~~ who subsequently adds a Dormitory Plan ~~dormitory plan~~ to the previously purchased 4-Year Florida University Plan, 2 + 2 Florida Plan, 4-Year Florida College Plan, 2-Year Florida College Plan or Tuition Plan ~~tuition plan~~.

(e) A fee of ten dollars (\$10.00) will be assessed for any purchaser of a Tuition Plan ~~tuition plan~~ who subsequently adds the corresponding Local Fee Plan ~~local fee plan~~ to the previously purchased Tuition Plan ~~tuition plan~~.

(f) A fee of ten dollars (\$10.00) will be assessed for any purchaser of a Tuition Plan ~~tuition plan~~ who subsequently adds the corresponding Tuition Differential Fee Plan ~~tuition differential fee plan~~ to the previously purchased Tuition Plan ~~tuition plan~~.

(2) Termination Fee – Fifty percent (50%) of the amount paid into a 4-Year Florida University Plan, 2 + 2 Florida Plan, 4-Year Florida College Plan, 2-Year Florida College Plan or Tuition Plan ~~the tuition plan~~ up to a cap of fifty dollars (\$50.00) will be assessed upon termination of a 4-Year Florida University Plan, 2 + 2 Florida Plan, 4-Year Florida College Plan, 2-Year Florida College Plan or Tuition Plan ~~any tuition plan purchased, respectively~~, unless:

(a) The purchaser or beneficiary dies or is disabled; or

(b) The beneficiary receives a scholarship which renders the plan unusable; or

(c) The purchaser holds the advance payment contract for a period of at least two (2) years immediately preceding the request for termination and refund.

(3) No change.

(4) Late Fee.

(a) A late fee of ten dollars (\$10.00) will be assessed on each monthly payment received twenty (20) days past the due date. This charge shall be separate from and in addition to any termination fee that might be imposed pursuant to subsection (2) of this Rule. If ~~Tuition Plan the tuition, Local Fee Plan local fee and Tuition Differential Fee Plan tuition differential fee~~ payments are received twenty (20) or more days past the due date, only the Tuition Plan tuition plan will be assessed a ten dollar (\$10.00) late fee. The Board will grant an additional four (4) days' grace period when a federal holiday occurs within the twenty (20) days mentioned above.

(b) When an advance payment contract is terminated, not more than seventy dollars (\$70.00) in outstanding late fees may be deducted from the refund for the advance payment contract.

(c) When an advance payment contract is paid-in-full, the Board will waive:

1. Any outstanding late fees in excess of seventy dollars (\$70.00).
 2. The outstanding late fee balance when the outstanding late fee balance is fifty dollars (\$50.00) or less.
- (5) through (6) No change.

(7) Reinstatement Fee – A fifty dollar \$50.00 fee shall be assessed for the reinstatement of a voluntarily canceled or involuntarily canceled plan. This fee shall be due ~~for on~~ each 4-Year Florida University Plan, 2 + 2 Florida Plan, 4-Year Florida College Plan, 2-Year Florida College Plan, Tuition Plan, Local Fee Plan, Tuition Differential Fee Plan and Dormitory Plan tuition, local fee, tuition differential fee and dormitory plan. The fee shall be due from the purchaser at the time the request for reinstatement is made and shall be in addition to all payments and fees required to bring a plan current.

~~Rulemaking Specific~~ Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971(4), 1009.98 FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, 8-23-92, Formerly 4G-6.001, Amended 12-5-93, 6-20-96, 12-16-97, 2-18-99, 2-8-00, 11-6-01, 11-27-02, 12-17-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Prepaid College Board
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2010

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: RULE TITLE:
19B-9.001 Flexibility

PURPOSE AND EFFECT: This rule is amended to: a) update references to the fees included in the contract benefits for the types of prepaid plans offered in the Florida Prepaid College Plan; b) update the example used to explain how plan benefits are converted for use at a different type of Florida state postsecondary education institution; c) specify that a Dormitory Plan may not be used at a Florida College and may not be an addendum to a 4-Year Florida College Plan, 2-Year Florida College Plan or 2-Yr FL College Tuition Plan; d) specify that a Tuition Differential Fee Plan may not be used at a Florida College and may not be an addendum to a 2-Yr FL College Tuition Plan; and e) revise references to the community college plan to the 2-Yr College FL Tuition Plan.

SUMMARY: This rule amendment updates this rule to reflect the addition of the 4-Year Florida University Plan, 2 + 2 Florida Plan, 4-Year Florida College Plan and 2-Year Florida College Plan to the Florida Prepaid College Plan.

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

LAW IMPLEMENTED: 1009.971, 1009.98(3), (5) FS.

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

DATE AND TIME: September 20, 2010, 2:00 p.m.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-9.001 Flexibility.

The benefits of advance payment contracts are designed to be flexible in order to allow beneficiaries to attend the postsecondary institutions of their choice regardless of the type of plans included in the advance payment ~~contract contracts~~ purchased.

(1) Plan benefits will be automatically converted upon receipt of a valid postsecondary institution invoice based upon the respective rates of tuition and/or fees included among the contract benefits for the plan or plans included in the qualified beneficiary's advance payment contract tuition rate at the time of the qualified beneficiaries' actual matriculation dates. For example, if the qualified beneficiary has a 2-YR FL College Tuition Plan and if the Florida College Registration Fees (the

~~benefits provided by a 2-YR FL College Tuition Plan are community college tuition rate is two-thirds (2/3) of the State University Registration Fees university rate at the time of matriculation, three Florida College community college credit hours will be used to pay for two (2) State University university credit hours.~~

~~(2) A Dormitory Plan may not be used at a Florida College except as provided in Rule 19B-9.004, F.A.C. and dormitory plan may not be an addendum transferred to a 4-Year Florida College Plan, 2-Year Florida College Plan or 2-Yr FL College Tuition Plan community college plan.~~

~~(3) A Tuition Differential Fee Plan may not be used at a Florida College and tuition differential fee plan may not be an addendum transferred to a 2-Yr FL College Tuition Plan community college plan.~~

(4) For the purchaser to convert plan benefits and receive a refund, pursuant to Rule 19B-11.002, F.A.C., a written conversion/refund request must be received from the purchaser no earlier than one (1) year and before April 1 of the year of matriculation of the qualified beneficiary.

Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971, 1009.98(3) FS. History--New 3-29-89, Amended 3-19-92, Formerly 4G-9.001, Amended 6-20-96, 8-18-97, 12-17-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Prepaid College Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2010

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.:	RULE TITLE:
19B-9.002	Use of Benefits at In-State Private Colleges or Universities, Out-of-State Colleges and Universities and Vocational-Technical Schools

PURPOSE AND EFFECT: This rule is amended to specify the redemption rates for the 4-Year Florida University Plan, 2 + 2 Florida Plan, 4-Year Florida College Plan and 2-Year Florida College Plan and to clarify the redemption rate for Tuition Plans, Local Fee Plans, Tuition Differential Fee Plans and Dormitory Plan, which will apply when the benefits of one of those plans is used at an eligible educational institution, as defined in s. 529 of the Internal Revenue Code.

SUMMARY: This rule change specifies the redemption rates for the 4-Year Florida University Plan, 2 + 2 Florida Plan, 4-Year Florida College Plan and 2-Year Florida College Plan

and to clarify the redemption rate for Tuition Plans, Local Fee Plans, Tuition Differential Fee Plans and Dormitory Plan, which will apply when the benefits of one of those plans is used at an eligible educational institution, as defined in s. 529 of the Internal Revenue Code.

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

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: September 20, 2010, 2:00 p.m.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-9.002 Use of Benefits at In-State Private Colleges or Universities, Out-of-State Colleges and Universities and Vocational-Technical Schools.

(1) In the event the beneficiary matriculates to any eligible education institution, as defined in s. 529 of the Internal Revenue Code, (other than a State University in Florida or a Florida College), the redemption value will be forwarded to the institution.

(2) For purposes of the transfer of 4-Year Florida University Plans, the redemption value shall be the sum of the average amounts payable to State Universities for Registration Fees, Local Fees and Tuition Differential Fees under the beneficiary's plan, at the time of matriculation.

(3) For purposes of the transfer of 2 + 2 Florida Plans, the redemption value shall be the sum of the average amounts payable to State Universities for Registration Fees, Local Fees and Tuition Differential Fees under the beneficiary's plan, at the time of matriculation, and the sum of the average amounts payable to Florida Colleges for Registration Fees and Local Fees under the beneficiary's plan, at the time of matriculation.

(4) For purposes of the transfer of 4-Year Florida College Plans, the redemption value shall be the sum of the average amounts payable to Florida Colleges for Registration Fees and Local Fees under the beneficiary's plan, at the time of matriculation.

(5) For purposes of the transfer of 2-Year Florida College Plans, the redemption value shall be the sum of the average amounts payable to Florida Colleges for Registration Fees and Local Fees under the beneficiary’s plan, at the time of matriculation.

(6) For purposes of such transfers of Tuition Plans, Local Fee Plans and Tuition Differential Fee Plans the tuition, local fee and tuition differential fee plans, the redemption value shall be the average amount payable to State Universities for Registration Fees, Local Fees and Tuition Differential Fees of tuition, local fees and tuition differential fees, respectively, under the beneficiary’s plan or plans to a state university or the average amount payable to Florida Colleges for Registration Fees and Local Fees, respectively, under the beneficiary’s plan or plans community college, at the time of matriculation.

(7) For purposes of such transfers of the Dormitory Plan dormitory plan, the redemption value shall be the average of the State University state university dormitory fees payable under the beneficiary’s plan to a State University state university or Florida College community college, at the time of matriculation for the number of semesters reflected in each beneficiary’s Dormitory Plan dormitory plan.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History--New 3-29-89, Formerly 4G-9.002, Amended 2-6-90, 12-5-93, 6-20-96, 10-20-96, 2-18-99, 10-9-01, 12-17-07, 11-30-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2010

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-9.004
RULE TITLE: Dormitory Transfer to Florida Colleges and State University-Held Residences Other than Dormitories

PURPOSE AND EFFECT: This rule amendment updates references to the Dormitory Plan and to change references from “community college” to “Florida College” for purposes of the Florida Prepaid College Plan.

SUMMARY: This rule change is being made to update references to the Dormitory Plan and to changes references from “community college” to “Florida College”.

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

LAW IMPLEMENTED: 1009.98(3), (10) FS.

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

DATE AND TIME: September 20, 2010, 2:00 p.m.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-9.004 Dormitory Transfer to Florida Community Colleges and State University-Held Residences Other than Dormitories.

(1) A Dormitory Plan dormitory plan may be transferred to a Florida College community college or Florida College community college direct-support organization that operates a residence facility for students attending the Florida College community college. Funds transferred to the Florida College community college or Florida College community college direct-support organization shall not exceed the lesser of the actual fees charged by the Florida College community college or the Florida College community college direct-support organization for dormitories or residency opportunities or the average dormitory fees payable under the beneficiary’s Dormitory Plan dormitory plan for State University state university dormitories designated for inclusion in the Program.

(2) A Dormitory Plan dormitory plan may be transferred to other State University university held residences designated by a State University state university for inclusion in the Program. Funds transferred to other State University university-held residences shall not exceed the average of fees payable under the beneficiary’s Dormitory Plan dormitory plan for dormitories at the State University state university that are designated for inclusion in the Program. The terms of the State University university housing contract shall take precedence over the terms of the advance payment contract for the purpose of transferring Dormitory Plans dormitory plans.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(3), (10) FS. History--New 10-20-96, Amended 1-28-09, 11-30-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: December 1, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: August 20, 2010

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: RULE TITLE:
 19B-11.001 General

PURPOSE AND EFFECT: This rule is amended to specify the redemption value for death and disability refunds and scholarship refunds associated with the 4-Year Florida University Plan, 2 + 2 Florida Plan, 4-Year Florida College Plan and 2-Year Florida College Plan, clarify the redemption value for death and disability refunds and scholarship refunds associated with Tuition Plans, Local Fee Plans, Tuition Differential Fee Plans and Dormitory Plans, and delete obsolete text.

SUMMARY: This rule change specifies the redemption rates for purposes of death and disability refunds and scholarship refunds for the 4-Year Florida University Plan, 2 + 2 Florida Plan, 4-Year Florida College Plan and 2-Year Florida College Plan, clarifies the redemption value for death and disability refunds and scholarship refunds for Tuition Plans, Local Fee Plans, Tuition Differential Fee Plans and Dormitory Plans, and deletes obsolete text.

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

LAW IMPLEMENTED: 1009.971 1009.98(5) FS.

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

DATE AND TIME: September 20, 2010, 2:00 p.m.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-11.001 General.

Except as provided herein, refunds shall not exceed the amount paid for any plan included in the advance payment contract bought by the purchaser, except for conversions pursuant to Rule 19B-11.002, F.A.C., and dormitory plan refunds due to

insufficient housing pursuant to Rule 19B-11.004, F.A.C. Termination of student status after the official drop/add period eliminates the refund option for that semester. The Board will process a refund associated with an account that was terminated pursuant to Rule 19B-10.001 or 19B-10.002, F.A.C., upon the receipt of a notarized, written request that is signed by the person or persons required pursuant to Rule 19B-5.004, F.A.C. The refund will be paid only to the purchaser ~~of the terminated account.~~

(1) For participants in the Florida Prepaid College Board Program's advance payment contracts, a scholarship is defined as a financial or in-kind award or grant given to an individual for study, training, or research, and which does not constitute compensation for personal services.

(2) Refunds may exceed the amount paid for a plan in the following circumstances:

(a) If a beneficiary is awarded a scholarship, the terms of which cover the benefits included in the beneficiary's advance payment ~~contract~~ ~~contracts~~, moneys paid for the purchase of the advance payment ~~contract~~ ~~contracts~~ shall be returned to the purchaser in semester installments coinciding with the matriculation by the beneficiary in an amount not to exceed the redemption value of the advance payment contract at the time the scholarship benefits are used. Proof of scholarship shall be given to the Board as required by the Master Covenant.

(b) In the event of death or total disability of the beneficiary, the advance payment contract may be terminated pursuant to Rule 19B-10.002, F.A.C., and the moneys paid for the purchase of an advance payment contract shall be refunded in lump sum in an amount not to exceed the redemption value of the advance payment contract at the time of the refund request. Proof of death or disability shall be in such form as required by the Board.

(3) For the purposes of refunds pursuant to paragraph 19B-11.001(2), F.A.C., the redemption value for the:

(a) 4-Year Florida University Plan shall be the sum of the average amounts payable to State Universities for Registration Fees, Local Fees and Tuition Differential Fees, under the beneficiary's plan.

(b) 2 + 2 Florida Plan shall be the sum of the average amounts payable to the State Universities for Registration Fees, Local Fees and Tuition Differential Fees, under the beneficiary's plan, and the sum of the average amounts payable to Florida Colleges for Registration Fees and Local Fees, under the beneficiary's plan.

(c) 4-Year Florida College Plan shall be the sum of the average amounts payable to Florida Colleges for Registration Fees and Local Fees, under the beneficiary's plan.

(d) 2-Year Florida College Plan shall be the sum of the average amounts payable to Florida Colleges for Registration Fees and Local Fees, under the beneficiary's plan.

(e) Tuition Plans, Local Fee Plans and Tuition Differential Fee Plans For purposes of refunds pursuant to paragraph 19B-11.001(2)(a) or (b), F.A.C., for tuition, local fee and tuition differential fee plans, the redemption value shall be the average amount payable to State Universities for Registration Fees of tuition, Local Fees local fees and Tuition Differential Fees tuition differential fees, respectively, payable under the beneficiary's plan or plans to the state universities or the average amount payable to Florida Colleges for Registration Fees and Local Fees, respectively, under the beneficiary's plan or plans community colleges at the time of the refund request.

(f) Dormitory Plans For purposes of refunds pursuant to paragraph 19B-11.001(2)(a) or (b), F.A.C., for the dormitory plan, the redemption value shall be the average of the State University state university dormitory fees payable under the beneficiary's Dormitory Plan dormitory plan at the time of the refund request, for the number of semesters reflected in the beneficiary's advance payment contract. For purposes of refunds pursuant to paragraph 19B-11.001(2)(c) F.A.C., for tuition differential fee plans, the redemption value shall be the average amount of tuition differential fees payable under the beneficiary's tuition differential plan to state universities in Florida at the time of the refund.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971, 1009.98(5), (10) FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-11.001, Amended 8-18-97, 11-6-01, 12-17-07, 1-28-09, 11-30-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Prepaid College Board
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2010

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-11.004
RULE TITLE: Dormitory Refund

PURPOSE AND EFFECT: This rule is amended to correct capitalization for references to the Dormitory Plan and the term "State University."

SUMMARY: This rule change corrects capitalization in references to the Dormitory Plan and the term "State University."

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

LAW IMPLEMENTED: 1009.971, 1009.98(5) FS.

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

DATE AND TIME: September 20, 2010, 2:00 p.m.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-11.004 Dormitory Refund.

If there is insufficient housing to accommodate a qualified beneficiary under the Dormitory Plan dormitory plan, the actual value of dormitory rates at the specified institution at the time of the application for dormitory space at the university will be refunded to the purchaser. Insufficient housing means that sufficient numbers of double-occupancy, air-conditioned dormitory rooms are not available for the qualified beneficiaries who attend that State University state university. If the qualified beneficiary is placed upon an university admission wait list and is therefore prohibited by university regulations from submitting a timely housing application and, as a consequence, does not receive a housing assignment, this shall constitute insufficient housing pursuant to this section. The Board shall require documentation from the university housing authority and/or admission office prior to processing a dormitory refund due to insufficient housing. If the qualified beneficiary elects not to apply for the dormitory residence, the refund will be the amount paid for the dormitory plan after assessment of the termination fee pursuant to subsection 19B-6.001(2), F.A.C. Where a State University state university does not offer a double-occupancy, air-conditioned dormitory room, the Program will refund the purchaser the average cost of an eligible double-occupancy, air-conditioned dormitory room in the State University System.

Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971, 1009.98(5) FS. History--New 3-29-89, Amended 2-6-90, Formerly 4G-11.004, Amended 5-31-95, 2-18-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Prepaid College Board
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2010

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-11.005 RULE TITLE: Other Refunds

PURPOSE AND EFFECT: This rule is amended to specify that when the beneficiary does not complete use of a 4-Year Florida University Plan, 2 + 2 Florida Plan, 4-Year Florida College Plan, 2-Year Florida College Plan, Tuition Plan, Local Fee Plan, Tuition Differential Fee Plan or Dormitory Plan that a pro rata refund will be available.

SUMMARY: This rule is amended to specify that a pro rata refund is available when a beneficiary of a 4-Year Florida University Plan, 2 + 2 Florida Plan, 4-Year Florida College Plan, 2-Year Florida College Plan, Tuition Plan, Local Fee Plan, Tuition Differential Fee Plan or Dormitory Plan does not complete use of their respective prepaid plan.

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

LAW IMPLEMENTED: 1009.971, 1009.98(5) FS.

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

DATE AND TIME: September 20, 2010, 2:00 p.m.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-11.005 Other Refunds.

If a beneficiary does not complete a 4-Year Florida University Plan, 2 + 2 Florida Plan, 4-Year Florida College Plan, 2-Year Florida College Plan, Tuition Plan, Local Fee Plan, Tuition Differential Fee Plan or Dormitory Plan ~~Community College Plan, University Plan, or a Community College/University Plan~~ for reasons other than those specified in Rules 19B-11.001 through 19B-11.004, F.A.C., the plan account may be terminated pursuant to Rule 19B-10.002, F.A.C., and a pro-rata refund of the amount paid for the plan or plans ~~into the~~

~~fund~~ is available. A refund under this rule will not include funds for any school year partially attended but not completed. A school year partially attended but not completed shall mean any one semester of a two semester school year whereby the student is enrolled at the conclusion of the official drop/add period, but withdraws before the end of such semester.

~~Rulemaking Specific~~ Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971, 1009.98(5) FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-11.005, Amended 1-28-09,

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2010

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-11.007 RULE TITLE: Unclaimed Refunds

PURPOSE AND EFFECT: This rule is amended to update the Board's web address where information will be available pertaining to refunds for terminated advance payment contracts when the refund for the terminated advance payment contract has been available for six years.

SUMMARY: This rule change updates the Board's web address where information will be available pertaining to refunds for terminated advance payment contracts when the refund for the terminated advance payment contract has been available for six years.

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

LAW IMPLEMENTED: 1009.971, 1009.972(5), 1009.98(5) FS.

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

DATE AND TIME: September 20, 2010, 2:00 p.m.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-11.007 Unclaimed Refunds.

(1) The Board will mail written notice to the purchaser of a terminated advance payment contract when a refund for the account has been available for six (6) years. Such refund will consist of any monies paid into the program minus any applicable fees due against the account. The notice will indicate the procedure which must be followed to obtain a refund of the monies held by the Board and that if a refund claim is not timely made that the funds will escheat to the Florida Prepaid College Trust Fund. An alphabetical list of the names and city of residence of such purchasers will be posted on the Board's website on the Internet (www.myfloridaprepaid.com ~~www.florida529plans.com~~). Any refund which remains unclaimed seven (7) years after an account is terminated will escheat to the Florida Prepaid College Trust Fund.

(2) through (4) No change.

~~Rulemaking Specific~~ Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971, 1009.972(5), 1009.98(5) FS. History--New 6-20-96, Amended 12-29-98, 4-15-04, 1-28-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2010

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-14.001 RULE TITLE: Scope

PURPOSE AND EFFECT: This rule is amended to update and capitalize the names of various prepaid plans associated with advance payment contracts under the Florida Prepaid College Plan and to update the name of the Florida Prepaid College Board.

SUMMARY: This rule change is being made to update a reference to the former name of the Florida Prepaid College Board and to update and capitalize the names of various prepaid plans available through the Florida Prepaid College Plan.

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: 1009.971(1), (4), (6) FS.
LAW IMPLEMENTED: 1009.971 FS.

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

DATE AND TIME: September 20, 2010, 2:00 p.m.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-14.001 Scope.

These rules shall apply to the resolution of all claims, disputes or controversies related to or arising from contracts, including any extensions of contracts, entered by the Florida Prepaid ~~College Postsecondary Education Expenses~~ Board on or after the effective date of these rules. These rules shall constitute the sole procedure for the resolution of all claims under all such contracts. These rules do not apply to advance payment contracts for the prepayment of Registration Fees, Local Fees, the Tuition Differential Fee ~~postsecondary registration fees and dormitory registration fees~~.

~~Rulemaking Specific~~ Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971 FS. History--New 6-20-96, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2010

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

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

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

SUMMARY: This rule change is being made to update the Florida Prepaid College Plan and Florida College Investment Plan New Account Application.

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

LAW IMPLEMENTED: 1009.981 FS.

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

DATE AND TIME: September 20, 2010, 2:00 p.m.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.002 Application for Participation in the Program.

(1) No change.

(2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB 2011-01 ~~2009-10a~~, is hereby incorporated by reference. The form may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1).

(3) No change.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981 FS. History--New 11-27-02, Amended 1-29-04, 12-28-04, 6-2-05, 12-20-05, 1-1-07, 11-27-07 11-18-08, 1-28-09, 4-5-09, 10-26-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2010

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.602
 RULE TITLE: Community Release Programs

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to: include language being moved from Rule 33-601.606, F.A.C.; incorporate language from Form DC6-127 directly into the rule; require that all inmates participating in a work release program pay a 55% subsistence fee; clarify the

procedure for collecting subsistence fees; and clarify the process by which inmates working at paid employment may obtain necessary clothing, tools, and equipment.

SUMMARY: The proposed rule is amended to: include language being moved from Rule 33-601.606, F.A.C., regarding eligibility and ineligibility criteria for participation in a community release program, the mechanism for placement in a program, and the procedure for removal from a program; incorporate language from Form DC6-127, Checklist for Transfers to Work Release Centers, so that the form no longer needs to be incorporated by reference in the rule; require that all inmates participating in a work release program pay a 55% subsistence fee; clarify the procedure for collecting subsistence fees in the event an inmate fails to deposit his final paycheck into his Inmate Trust Fund account; and clarify the process by which inmates working at paid employment may obtain necessary clothing, tools, and equipment.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 945.091, 946.002 FS.

LAW IMPLEMENTED: 945.091, 946.002 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: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.602 Community Release Programs.

(1) Definitions.

(a) Center Work Assignment (CWA) – An inmate assignment to a work release center to serve in a support capacity.

(b) Community Release Program – Any program that which allows inmates to work at paid employment or a center work assignment or to participate in education, training, or substance abuse treatment programs, or any other transitional program to facilitate re-entry into the community in a work release center, contract community work release facility, or community contract facility, or voluntary work with a public or nonprofit agency in the community.

(c) Community Work Release (CWR) – The portion of the community release program that which allows inmates to work at paid employment in the community while continuing as inmates of the facility where they are confined.

~~(d)~~(e) Community Study Release – The portion of the community release program that which allows inmates to attend an educational or vocational facility or participate in a training program in the community while continuing as inmates of the facility where they are confined.

~~(e)~~(d) Community Volunteer Service – An activity that which allows inmates housed at a work release center or contract facility to voluntarily work with a governmental or nonprofit agency in the community.

~~(e)~~ Modality II – A community based residential substance abuse treatment program for inmates.

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

~~(g)~~(f) Net Earnings – Gross pay less withholding tax, social security deductions, and any legally required court ordered civil deductions.

~~(h)~~ Non-advanceable date refers to an inmate's release date that is restricted from continuous, monthly gain time awards over the entire length of the sentence, including:

1. Tentative release date based upon offenses occurring on or after October 1, 1995;
2. Presumptive parole release date (PPRD);
3. 100% minimum service requirements, such as the Prison Releasee Re-Offender Act or Three-Time Violent Offender cases.

~~(i)~~ Transition Program – The portion of the community release program that provides inmates substance abuse programming and skills necessary for employment and re-entry into their communities prior to being assigned to CWR.

~~(j)~~(g) State Classification Office (SCO) – The office or office staff ~~A staff member~~ at the central office level that who is responsible for the review of inmate classification decisions. Duties include approving, disapproving, or modifying ICT or rejecting Institutional Classification Team (ICT) recommendations.

~~(k)~~(h) Work Release Center – ~~Refers to a~~ A correctional facility that houses community custody inmates participating in a community release program where a community-based transition program is conducted for approved community custody inmate prior to release from custody.

~~(l)~~(i) Work Release Inmate Monitoring System (WRIMS) – A web site application used by work release facility staff to record information related to an inmate's participation in CWR ~~community work release.~~

(2) Eligibility and Ineligibility Criteria.

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

1. Current or prior sex offense convictions;
 2. A guilty finding on any disciplinary report for escape or attempted escape within the last five years;
 3. A current or prior conviction for escape covered by Section 945.092, F.S.;
 4. Been terminated from CWR, a community-based residential substance abuse program, a CWA, or a transition program for disciplinary reasons during the inmate's current commitment;
 5. Been incarcerated four or more times in any state or federal correctional facility;
 6. Been found guilty of any disciplinary report in the 60 days prior to placement;
 7. Refused to complete or has an unsatisfactory removal from a substance abuse program that the inmate was required to complete at any point during his current period of incarceration unless the refusal was based upon objections to the religious based content of the program, in which case an alternate non-deity based program will be offered and must be successfully completed. The removal of an inmate from a program for violation of program or institutional rules or for behavioral management problems constitutes an unsatisfactory removal from a program. The inmate shall remain ineligible until a comparable program is satisfactorily completed;
 8. A felony, Immigration and Customs Enforcement, or misdemeanor (for other than child support) warrant or detainer;
 9. A misdemeanor detainer for child support, unless it can be established by the inmate's classification officer that the detainer would be withdrawn upon payment of restitution, fines, or court ordered obligations and it appears that the inmate will earn sufficient funds to pay the obligation that has caused the detainer.
- (b) In order to be eligible for a community release program, an inmate must:
1. Be community custody, or have a recommendation for community custody currently under review;
 2. Be in Department custody for 60 days prior to placement;
 3. For inmates with non-advanceable dates, the inmate must be within:
 - i. 28 months of his earliest tentative release date for the transition program, or
 - ii. 19 months of his tentative release date or presumptive parole release date for CWA or a community-based residential substance abuse program, or
 - iii. 14 months of his earliest tentative release date for CWR.
 4. For inmates who do not have non-advanceable dates, the inmate must be within:

i. 36 months of his earliest tentative release date for the transition program, or

ii. 28 months of his tentative release date for CWA or a community-based residential substance abuse program, or

iii. 19 months of his tentative release date for CWR.

5. An inmate whose current commitment includes DUI-BUI Manslaughter, 4th DUI-BUI, Felony DUI-BUI, or DUI-BUI with Serious Injury must have successfully completed substance abuse treatment during the current commitment prior to being considered for CWA or CWR placement.

6. The Secretary of the Department or his designee, who for the purpose of this subparagraph shall be the Assistant Secretary for Institutions, shall have the authority to place an inmate who is in community custody at a work release center regardless of time constraints for the purpose of participating in a specialized work detail or program.

(c) If an inmate is otherwise eligible for a community release program, the Department will also consider the following factors to ensure community release placement is appropriate:

1. Arrest history, with particular attention to violent offenses or offenses in which the circumstances reflect that a sex act was intended, attempted, or completed;

2. Pending outside charges;

3. Disciplinary history, with particular attention to violence, escape risk, substance abuse, or sexual deviancy;

4. Substance abuse history;

5. Program needs, including re-entry;

6. Victim concerns;

7. The inmate's skills, physical ability, and overall compatibility with the specifically requested community release program.

(d) Community release placements will be made to ensure inmates are housed and managed correctly for public safety or the safety of specific individuals.

(3) Placement of Work Release Inmates.

(a) If an inmate is approved for community release program participation, the SCO shall approve the appropriate transfer with consideration to the requested locations and shall facilitate the inmate's transfer to the approved location.

(b) If the location requested has no bed capacity to accept the inmate, the inmate will be placed on a waiting list for the next available bed.

(c) Any change to the facility assignment or diversion to another community release program facility must be approved by the SCO. This review will determine that the inmate's needs can be served adequately at a different work release center.

(d) Inmates who are diverted to a community work release center which they did not request due to lack of bed space at the requested location must be successfully complying with work release program rules and requirements in order to be considered for transfer from one facility to another.

(4)(2) Inmate Conduct While on Community Release.

(a) During the inmate orientation process, which shall occur within three days of arrival at a community work release center, inmates will be instructed of the following conduct requirements. Upon completion of the orientation program, the inmate shall be given Form DC6-126, a Certificate of Orientation, ~~Form DC6-126~~. Form DC6-126 is incorporated in subsection (19)(16) of this rule. Inmates are required to:

1. through 9. No change.

10. Refrain from entering ~~Do not enter~~ into any contract without advance written approval of the correctional officer major or facility director of a contract facility.

(b) No change.

(c) Every inmate assigned to a community release facility shall immediately, upon arrival, sign Form DC6-102, a Letter of Notice, ~~Form DC6-102~~, or the inmate shall be terminated from the program. The inmate shall be furnished a copy of the Letter of Notice and must agree to abide by the conditions of the Letter of Notice. Form DC6-102 is incorporated by reference in subsection (19)(16) of this rule.

(d) The work release center classification officer or designated contract facility staff shall complete Form DC6-118A, a Personalized Program Plan for Work Release Centers, ~~Form DC6-118A~~, on all inmates assigned to the work release center within 14 days of receipt of the inmate at the center. Form DC6-118A is incorporated by reference in subsection (19)(16) of this rule. The completed personalized program plan shall be signed by the inmate, the inmate's classification officer, and the correctional officer major or the designated contract facility staff ~~counselor~~ and facility director at contract facilities. Once the personalized program plan is signed, it shall be given to the staff member assigned to work with the inmate. Any changes in the personalized program plan shall be discussed with the inmate and shall be documented on Form DC6-118B, Personalized Program Plan – Modification Plan. Form DC6-118B is incorporated by reference in subsection (19)(16) of this rule. The inmate's progress towards achieving the goals of the personalized program plan shall be reviewed monthly with the inmate. The outcome of each review shall be documented on Form DC6-118C, Personalized Program Plan – Monthly Progress Review, or shall be entered into WRIMS at those facilities at which the system is operational. A copy of the Personalized Program Plan shall be printed ~~on form WRIMS~~ and given to the inmate. Form DC6-118C is incorporated by reference in subsection (19)(16) of this rule. Staff are authorized to schedule subsequent progress reviews upon request of the inmate.

(e) When the inmate is ready for release, Form DC6-118D, a Transition Release Plan, Form DC6-118D, shall be completed in order to assist the inmate in his or her release plans or the plan information shall be entered into WRIMS at those facilities at which the system is operational. Form DC6-118D is incorporated by reference in subsection (19)(46) of this rule.

~~(5)(3)~~ Community Study Release.

(a) In order to be considered for community study release, an inmate shall submit a request on Form DC6-126, Inmate Request, to his classification officer, who shall forward the request to the SCO. After submitting Upon the request of an inmate, an inmate he or she shall be considered for participation in the community study release program providing:

1. The inmate meets all criteria outlined in this rule ~~and Rule 33-601.606, F.A.C.;~~

2. The conditions regarding ~~the~~ financial assistance, placement, ~~and~~ time constraints, and aptitude are satisfied;

3. If ~~there are the inmate has~~ detainers filed against ~~the inmate him or her, he is ineligible for community study release if the detaining authority has objected must not object~~ to the inmate's participation in the community study release program in writing; and

4. No change.

(b) through (c) No change.

(d) Any inmate considered for community study release shall have monies from one or more of the following sources for tuition, books, and clothing:

1. through 4. No change.

(e) Community study release programs shall not interfere with the inmate's employment schedule, CWA, center work assignment or participation in drug treatment programs. The inmate's attendance at classes and transportation time must be scheduled to occur during non-working hours only, unless class attendance is required as part of the inmate's employment.

(f) No change.

(g) The SCO state classification office shall have the authority to approve all requests for community study release Community Study Release, ensuring that the criteria specified in this rule are met.

~~(6)(4) Center Work Assignment (CWA):~~ Upon request of an the inmate, the inmate shall be considered for placement in a CWA center work assignment, a community residential substance abuse program, a transition program, or CWR, providing that the:

~~(a) The inmate meets all criteria outlined in subsection (2) of this rule and Rule 33-601.606, F.A.C.;~~

~~(b) The inmate meets criteria specified on Form DC6-127, Checklist for Transfers to Work Release Centers, sections A and B. Form DC6-127 is incorporated by reference in subsection (16) of this rule.~~

~~(5) Community Residential Substance Abuse Program: The inmate shall be considered for placement into the community residential substance abuse program providing:~~

~~(a) The inmate meets all criteria outlined in this rule;~~

~~(b) The inmate meets criteria specified on Form DC6-127, sections A and C. The inmate shall make the request on Form DC6-236, Inmate Request, to his classification officer.~~

~~(a) Providing the inmate meets all criteria in subsection (2) of this rule, the classification officer will enter a community release recommendation.~~

~~(b) The ICT shall review the classification officer's recommendation and recommend approval or disapproval.~~

~~(c) The ICT recommendation shall be forwarded to the SCO.~~

~~(d) The SCO staff member reviewing the ICT recommendation will utilize the criteria in subsection (2) of this rule to determine the appropriateness for the inmate's placement into CWA, CWR, a transition program, or a community-based residential substance abuse program. The SCO staff member shall approve or disapprove the ICT recommendation.~~

~~(e) The classification officer will ensure the inmate is notified of the final decision.~~

~~(7)(6) Status Changes of Inmates in Community Release Programs Center Work Assignment, Program Participation, or Paid Employment Status Inmates at Community Residential Facilities.~~ The SCO approving authority shall have the authority to approve all status changes for inmates in a the Community Release Program, as long as the changes are consistent with utilizing the criteria set forth in this rule and ~~in Rule 33-601.606, F.A.C., and consistent~~ with the safety and security of the public.

~~(8)(7) Employment.~~

(a) No change.

(b) The Department department will not authorize an inmate to work at paid employment if:

1. through 5. No change.

(c) No change.

(d) The types of employment that which the Department department will approve for an inmate are those which are related to the inmate's institutional training, previous experience, and skills.

(e) Employment of an inmate with a relative is not precluded if:

1. No change.

2. The Department department determines that the relative is one who would promote the goals and objectives of the community release programs; and

3. No change.

(f) If the Department department authorizes paid employment for an inmate with a given employer and subsequently receives and verifies information that the inmate

is not being treated by the employer in a manner comparable to other employees, the correctional officer major or facility director will remove the inmate from such employment with that employer.

(g) The prospective employer shall sign Form DC6-124, an Employer's Community Work Agreement, Form DC6-124. Form DC6-124 is incorporated by reference in subsection (19)(46) of this rule. Inmates engaged in paid employment are not considered employees of the state or the Department department while engaging in or traveling to and from such employment.

(h) through (i) No change.

(j) Facility personnel shall visit the inmate's place of employment for new employers within the first five days to verify employment. Documentation of on-site employment verification shall be placed in the inmate's file by utilizing Form DC6-125, Employment Contacts, or shall be entered into WRIMS at those facilities at which the system is operational. Form DC6-125 is incorporated by reference in subsection (19)(46) of this rule.

(k) through (n) No change.

(9)(40) Clothing and Equipment.

(a) No change.

(b) Inmates working at paid employment are will be authorized to obtain tools, clothing, and equipment normally required for their employment. An inmate working at paid employment shall be permitted to receive one drop-off of necessary clothing, tools, or equipment, including one bicycle, from an individual on the inmate's approved visitor list. In order to receive a drop-off, the inmate must submit Form DC6-236, Inmate Request, to the work release classification officer or designated contract facility staff listing the requested items, the approved visitor who will bring the items, and the date the inmate would like the items to be brought. The request shall be forwarded to the correctional officer major or contract facility director, who may approve some or all of the requested items based on the inmate's need as dictated by his work assignment and the security or safety risk posed by the items. An inmate may not receive a drop-off without the approval of the correctional officer major or contract facility director.

(d) It is the responsibility of the inmate to ensure that the drop-off is executed by the individual specified on the approved Form DC6-236, on the date approved by the correctional officer major or contract facility director, and to communicate to the individual making the drop-off which items were approved.(c) The correctional officer major or contract facility director may designate a time for the drop-off other than that requested by the inmate.

(e) Dropped-off items are subject to search prior to delivery to the inmate to ensure the items:

1. Were approved by the correctional officer major or contract facility director;

2. Are needed by the inmate to perform his work assignment;

3. Do not contain or conceal contraband; and

4. Do not pose a safety or security risk.

(e) An inmate may receive one additional drop-off of necessary tools, clothing, and equipment if he changes work assignments and the items are necessary due to the new assignment. The inmate must obtain approval for the drop-off as set forth in paragraph (b) above.

(f) Work release centers are authorized to coordinate with local charitable and nonprofit organizations to obtain clothing, tools, and equipment needed for use by inmates working at paid employment.

(g) Clothing, tools, and or equipment required by inmates working at paid employment will not be purchased by the Department department.

(10)(9) Transportation.

(a) No change.

(b) Contract Work Release Facilities:

1. Contract work release facilities are Are authorized to assess a transportation fee from community release inmates not to exceed \$3.00 each way for transportation provided by the contract work release center except as provided in subparagraph (b)3. below.

2. Inmates will utilize transportation authorized in paragraph (10)(a) of this rule 33-601.602(9)(a), F.A.C., unless the warden over the work release center determines for public safety reasons another means of transportation is necessary.

3. Such facilities shall Will provide, at no cost to the Department department or the inmate, transportation within the community for medical or mental health services, religious services (if not provided at the work release center), attendance at substance abuse group meetings, or for shopping.

(c) No change.

(11)(40) Disbursement of Earnings.

(a) An inmate working at paid employment shall agree to deposit his total earnings less legally required payroll deductions, or other payroll deductions authorized by the Department department, into his account in the Inmate Trust Fund. The Department department shall have the authority to hold, disburse, or supervise the disbursement of these funds according to a prearranged plan of disbursement.

(b) No change.

(c) The inmate's plan for the disbursement of earnings shall include a provision that no less than 10% of his their net income will be placed in savings for disbursement upon his their release. The plan shall also include a provision that no less than 10% of their net income will go toward the support of any dependents the inmate may have.

(d) ~~All inmates participating in community work release programs shall be required to pay 55% subsistence, which shall be computed by factoring .55 (55%) times the inmate's net earnings. The inmate shall be required to disburse such funds to pay the facility for subsistence at the following rates:~~

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

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

(e) Subsistence deductions will not exceed the state's actual cost to incarcerate the inmate, as computed on a per diem basis. ~~The computation of maximum subsistence deductions will be made and publicized annually by the department.~~

(f) Subsistence deductions against individual inmate's earnings will commence with the first labor compensation payment received by the inmate during his incarceration and will terminate with the last earnings deposited to the Inmate Trust Fund, regardless of the frequency of the employer's payroll cycle. However, if an inmate fails to deposit his final earnings into his Inmate Trust Fund account, a 55% subsistence deduction will be made from the Inmate Trust Fund Account for the days owed by the inmate, based on the inmate's release date, for which the State or the contract facility has not already been compensated. The assessment will be made based on the inmate's last earnings deposited.

(g) through (h) No change.

(i) While in paid employment status, the inmate shall be responsible for reimbursing the Department for costs associated with the following:

1. through 3. No change.

~~4. Tools, equipment, and clothing needed for employment.~~

(j) through (l) No change.

~~(12)(H) Restitution.~~

(a) Unless there ~~exist~~ exists reasons not to order restitution, the ~~Department department~~ shall require inmates working at paid employment, under the provision of Section 945.091, F.S., to provide restitution to an aggrieved party for the damage or loss caused as a result of a prior or current offense of the inmate. For purposes of this rule, fines, court costs and court ordered payments shall be treated in the same manner as restitution.

(b) In those cases where the committing court orders restitution to the victim in a specific amount, the ~~Department department~~ shall require inmates working at paid employment to pay restitution to the aggrieved party in the ordered amount.

(c) In the event that the committing court fails to order restitution or orders restitution but fails to state a specific amount, the ~~Department department~~ shall require the inmate, as a condition of working in a paid employment program, to

pay restitution to the aggrieved party in an amount to be determined by the Bureau Chief of Classification and Central Records pursuant to Section 945.091, F.S. Restitution which is imposed by the ~~Department department~~ under this provision shall not be less than 10% of the inmate's net earnings.

(d) If reasons exist not to order restitution, the ~~Department department~~ shall state such reasons in writing. Reasons include:

1. through 3. No change.

4. There is insufficient information available to the ~~Department department~~ in order to make a determination as to restitution;

5. No change.

6. There are no funds remaining after all Department of Corrections obligations have been paid.

(e) Restitution requirements shall be recorded on Form DC6-123, Monetary Reimbursement Agreement. Form DC6-123 is incorporated by reference in subsection ~~(19)(16)~~ of this rule.

~~(16) Advance of Funds. The facility director at contract work release centers is authorized by contract to advance monies up to \$75.00 to an inmate who needs money for clothing, equipment, tools, transportation or incidental expenses in order to begin working at paid employment. The financial plan for the disbursement of the inmate's earnings prepared, as provided in subsection 33-601.602(14), F.A.C., shall provide for the repayment of any such advancement of monies from the inmate's earnings. If the inmate's employment is terminated or if for any other reason the advancement of monies is not repaid from the inmate's earnings, the advancement of monies remains a personal obligation of the inmate. Disciplinary action pursuant to Rule 33-601.314, F.A.C., shall be initiated to ensure due process for the collection of any unpaid portion of the advancement. All or part of the discharge gratuity as provided in Rule 33-601.502, F.A.C., shall be taken, but only if the Department of Corrections finds that such action will not jeopardize the inmate's ability to transition himself into the community.~~

(13) Reasons for Removal from a Community Release Program. An inmate may be removed from a CWA, a community-based residential substance abuse program, a transition program, or from CWR for any of the following reasons:

(a) The inmate violates any laws, rules, or procedures or tests positive for drugs or alcohol;

(b) Information is received concerning the inmate that is determined will adversely impact on the safety and security of the inmate, Department, or the community; or

(c) There is reason to believe that the inmate will not honor the trust bestowed upon him.

(14) Process for Removal from a Community Release Program.

(a) When an inmate is removed from a CWA, a community-based residential substance abuse program, a transition program, or from CWR for negative behavior or unsuccessful participation in the program and placed in a secure facility, the inmate shall be recommended for termination from the program by his classification officer.

(b) The ICT shall review the classification officer's recommendation and recommend approval or disapproval of the inmate's termination.

(c) The ICT recommendation shall be forwarded to the SCO, who shall approve or disapprove the termination.

(d) If the SCO disapproves the termination, the SCO shall ensure that the inmate is returned to his previous community release status.

(15) Escape from a Community Release Program.

(a) Any time an inmate cannot be located at his authorized location, a BOLO (Be On the Lookout For)/Warrant shall be requested and the inmate shall be recommended for termination from the community release program in the interest of public safety.

(b) Once located, the inmate shall be transferred to a secure facility.

(c) If, following investigation, it is determined that the inmate did not escape, as defined in Section 945.091(4), F.S., the procedures outlined in subsection (15) of this rule shall be followed in order to reinstate the inmate to a community release program.

~~(16)(13)~~ Citizen Committees. The correctional officer major of a work release center or facility director of a contract facility shall establish committees of volunteer citizens in the various communities of the state to assist the Department of Corrections by:

(a) through (e) No change.

~~(17)(14)~~ Program Facilities.

(a) The ~~Department~~ department is authorized to utilize any facility, including a contract facility, under its jurisdiction to provide community work release programs to inmates.

(b) Inmates participating in the community release programs will be housed in a work release center or contract facility.

(c) When funding is available, the ~~Department~~ department is authorized to enter into written agreements with any city, county, federal agency or authorized private organization for the housing of inmates on community release status in a place of confinement under the jurisdiction of such entity and for the participation of these inmates in community release.

~~(18)(15)~~ Records Required. The ~~Department~~ department shall keep a record of the following:

(a) through (d) No change.

~~(19)(16)~~ Forms. The following forms are hereby incorporated by reference. Copies of these forms are available from the Forms Control Administrator, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) through (h) No change.

~~(i) DC6-127, Checklist for Transfers to Work Release Centers, effective 4-10-08.~~

~~(j)~~ DC6-102, Letter of Notice, effective 9-2-01.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mark Redd, Assistant Secretary for Institutions

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Richard Davison, Deputy Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 24, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 4, 2009

DEPARTMENT OF CORRECTIONS

RULE NOS.:	RULE TITLES:
33-601.713	Inmate Visiting – Definitions
33-601.714	Inmate Visiting – General
33-601.715	Visiting Application Initiation Process
33-601.716	Visiting Record Management
33-601.717	Visiting Denial
33-601.725	Permissible Items for Visitors
33-601.731	Suspension of Visiting Privileges
33-601.732	Reinstatement of Suspended Visiting Privileges
33-601.733	Visiting – Special Status Inmates
33-601.735	Non-Contact Visiting
33-601.737	Visiting – Forms

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to amend Rule 33-601.713, F.A.C., to clarify language and add a definition of “major rule violation” for the purpose of visiting privileges suspension; to amend Rule 33-601.714, F.A.C., to clarify the warden’s authority to deny or terminate a visit; to amend Rule 33-601.715, F.A.C., to correct language referring to the wrong form; to amend Rule 33-601.716, F.A.C., to clarify the circumstances under which an individual may be on the visiting list of more than one non-family inmate; to substantially reword Rule 33-601.717, F.A.C., to clarify the circumstances under which an individual may be denied visiting privileges; to amend Rule 33-601.725, F.A.C., to include a photo ID and a copy of a notarized authorization to supervise a minor as permissible items for visitors to possess; to amend Rule 33-601.731, F.A.C., to clarify the circumstances under which an individual’s visiting

privileges may be suspended and to incorporate by reference the Visiting Privileges Suspension Matrix, which specifies the time period of suspensions in relation to their underlying infractions; to amend Rule 33-601.732, F.A.C., to clarify the procedure for reinstatement of suspended visiting privileges; to amend Rule 33-601.733, F.A.C., to include language being moved from Rule 33-601.734, F.A.C., concerning the visiting privileges of inmates in confinement and protective management statuses; to amend Rule 33-601.735, F.A.C., to clarify that noncontact visits for confinement and protective management status inmates must be pre-approved by the warden or designee; and to amend Rule 33-601.737, F.A.C., to clarify form language.

SUMMARY: The proposed rules are amended as follows: the language of Rule 33-601.713, F.A.C., is clarified and a definition of "major rule violation" for the purpose of visiting privileges suspension is added; Rule 33-601.714, F.A.C., clarifies the warden's authority to deny or terminate a visit; Rule 33-601.715, F.A.C., corrects language referring to the wrong form; Rule 33-601.716, F.A.C., clarifies the circumstances under which an individual may be on the visiting list of more than one non-family inmate; Rule 33-601.717, F.A.C., is substantially reworded to clarify the circumstances under which an individual may be denied visiting privileges; Rule 33-601.725, F.A.C., adds a photo ID and a copy of a notarized authorization to supervise a minor to the list of permissible items for visitors to possess; Rule 33-601.731, F.A.C., clarifies the circumstances under which an individual's visiting privileges may be suspended and incorporates by reference the Visiting Privileges Suspension Matrix, which specifies the time period of suspensions in relation to their underlying infractions; Rule 33-601.732, F.A.C., clarifies the procedure for reinstatement of suspended visiting privileges; Rule 33-601.733, F.A.C., adds language being moved from Rule 33-601.734, F.A.C., concerning the visiting privileges of inmates in confinement and protective management statuses; Rule 33-601.735, F.A.C., clarifies that noncontact visits for confinement and protective management status inmates must be pre-approved by the warden or designee; and Rule 33-601.737, F.A.C., clarifies language on Forms DC6-111B and DC6-111D.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that these rules will not have an impact on small business. A SERC has not been prepared by the agency.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 944.09, 944.23 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.23, 944.47, 944.8031 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULES IS:

33-601.713 Inmate Visiting – Definitions.

(1) No change.

(2) "Automated Visiting Record (AVR)" refers to a computer subsystem of the Department's electronic offender database ~~Offender Based Information System (OBIS)~~ that automates visitor facility entry and exit and records visiting information.

(3) "Emancipated Minor" refers to a visitor seventeen years of age or younger who furnishes written proof of emancipation and attaches a copy to the ~~Request for Visiting Privileges~~, Form DC6-111A, Request for Visiting Privileges. Form DC6-111A is incorporated by reference in Rule 33-601.737, F.A.C.

(4) No change.

(5) "~~Immediate~~ Family" for the purposes of Rules 33-601.713 through 33-601.737, F.A.C. refers to an inmate's spouse, children, parents, brothers, sisters, grandparents, great-grandparents, grandchildren, step-brothers, step-sisters, step-parents, step-grandparents, aunts, uncles, nieces, nephews, foster parents, step-children, half brothers, half sisters, brothers-in-law, sisters-in-law, mothers-in-law, fathers-in-law, and sons and daughters-in-law.

(6) through (7) No change.

(8) "Suspension" refers to the withdrawal or voiding suspension of visiting privileges for a specified period of time for an inmate or visitor.

(9) through (12) No change.

(13) "Special Status Inmate" refers to an inmate who is not in the general population but is in a special classification status as outlined in Rule 33-601.733, F.A.C., who that shall be prohibited or restricted from ~~prohibit or restrict~~ visiting based upon the status.

(14) No change.

(15) "Indefinite Suspension" ~~"Revoked"~~ refers to the withdrawal withdrawing or voiding of visiting privileges of a visitor for an unspecified period of time.

(16) No change.

(17) "Major Rule Violation" for the purpose of Rules 33-601.713 through 33-601.737, F.A.C. refers to any assault, battery, or attempted assault or battery; any intentional lewd or lascivious exhibition in the presence of staff or visitors; any spoken or written threat towards any person; inciting, attempting to incite, or participating in any riot, strike,

~~mutinous act or disturbance; fighting; possession of weapons, ammunition, explosives, or escape paraphernalia; and any escape or escape attempt.~~

~~(18) Lewd or Lascivious Exhibition – An inmate commits a lewd or lascivious exhibition when the inmate:~~

~~(a) Intentionally masturbates;~~

~~(b) Intentionally exposes the genitals without authorization; or~~

~~(c) Intentionally commits any other sexual act that does not involve actual physical or sexual contact with the victim, including, but not limited to, sadomasochistic abuse, sexual bestiality, or the simulation of any act involving sexual activity in the presence of a staff member or volunteer.~~

~~Rulemaking Specific Authority 944.09, 944.23 FS. Law Implemented 20.315, 944.09, 944.23 FS. History–New 11-18-01, Amended 5-27-02, 9-29-03, 3-7-04, 12-6-04,_____.~~

33-601.714 Inmate Visiting – General.

(1) through (2) No change.

~~(3) The warden, assistant warden, or duty warden is authorized to deny or terminate a visit pursuant to Rule 33-601.729, F.A.C if any of its aspects are disruptive or violate rules, procedures, instructions, restrictions, orders, or directions. Any disruption or violation shall be entered on the AVR and may shall subject the visitor to revocation or suspension of visiting privileges by the warden or designee and the inmate to disciplinary action.~~

(4) Posting of Policies.

(a) No change.

(b) The warden or designee shall display the visiting rules, procedures, and any technical instructions that do not impede the maintenance of the security of the institution in a manner that allows visitors to read them before they begin the institutional visiting entry process.

(5) No change.

~~Rulemaking Specific Authority 944.09, 944.23 FS. Law Implemented 20.315, 944.09, 944.23, 944.8031 FS. History–New 11-18-01, Amended 5-27-02, 9-29-03,_____.~~

33-601.715 Visiting Application Initiation Process.

(1) No change.

(2) The inmate shall be given up to fifteen copies of Form DC6-111A, the Request for Visiting Privileges, ~~Form DC6-111A~~, and Form DC6-111B, Visitor Information Summary, ~~Form DC6-111B~~, within 24 hours after arrival at his or her permanent facility. Forms DC6-111A and DC6-111B are incorporated by reference in Rule 33-601.737, F.A.C. The inmate shall be responsible for sending the forms to each family member or friend twelve years of age or older, whom the inmate wishes to be placed in his or her approved visiting record. Minors eleven years of age and younger are not required to submit Form DC6-111A, a Request for Visiting Privileges, ~~DC6-111B~~, until they reach 12 years of age.

(a) Only visitors who have not been denied approved pursuant to Rule 33-601.717 ~~33-601.718~~, F.A.C., shall be allowed to visit.

(b) The prospective visitor shall be required to complete a Form DC6-111A, Request for Visiting Privileges, by filling in each line or inserting “NA” (not applicable) where appropriate.

(3) through (4) No change.

~~Rulemaking Specific Authority 944.09, 944.23 FS. Law Implemented 20.315, 944.09, 944.23 FS. History–New 11-18-01, Amended 5-27-02, 9-29-03,_____.~~

33-601.716 Visiting Record Management.

(1) The Bureau of Classification and Central Records shall develop and maintain computerized inmate – visiting records.

(2) Department staff shall document all requests for visits, ~~and~~ decisions made with regard to visiting, and pertinent comments on the automated visiting record.

(3) No change.

(4) Inmates shall be permitted to remove or request to add visitors to their inmate visiting records by completing Form DC6-111C, a Remove/Add Visitor Request, ~~Form DC6-111C~~, provided by institutional classification staff. Form DC6-111C is incorporated by reference in Rule 33-601.737, F.A.C. Additions to the visiting record shall be allowed at any time, up to the limit of fifteen approved visitors. Removals shall only be permitted every six months. Visitors whose visiting privileges are suspended ~~or revoked~~ shall not be removed from an inmate’s approved visiting list, ~~while in the respective status~~ and the inmate shall not be allowed to replace the visitor with another approved visitor.

(5) No change.

(6) A visitor shall ~~not~~ be permitted to be on ~~the more than one inmate’s~~ approved visiting record ~~of all inmates who are unless they are immediate family as well as one non-family inmate members~~ except as provided in subsection (7) 33-601.716(7), F.A.C.

(7) A visitor who is approved as ~~immediate~~ family on an inmate’s visiting record shall not be considered for visitation with a non-~~immediate~~ family ~~member~~ inmate if both inmates are housed at the same institution unless:

(a) The ~~immediate~~ family member inmate is transferred to another institution or is released from incarceration.

(b) The visitor is already approved to visit a non-~~immediate~~ family inmate prior to the immediate family member inmate being received at the same institution. Visitation shall be allowed, but not on the same day.

(c) The visitor is already approved to visit a non-~~immediate~~ family ~~member~~ inmate prior to being transferred to the same institution housing ~~a an immediate~~ family member inmate. Visitation shall be allowed, but not on the same day.

(8) An approved visitor who is on the visiting list of two or more ~~immediate family member~~ inmates who are at the same institution may visit the inmates at the same time.

(9) A visitor approved to visit as a non-~~immediate family inmate member~~ shall not be removed from the visiting list of the inmate for purposes of visiting another non-~~immediate family member~~ inmate at the same institution.

Rulemaking Specific Authority 944.09, 944.23 FS. Law Implemented 20.315, 944.09, 944.23 FS. History—New 11-18-01, Amended 9-29-03, _____.

(Substantial Rewording of Rule 33-601.717 follows. See Florida Administrative Code for present text.)

33-601.717 Visiting Denial.

(1) Visitors shall not be denied visiting because of disability, race, creed, color, or national origin of the inmate or visitor. Visits shall not be denied based on the ideas or opinions held or expressed by the inmate or visitor or for any reason unrelated to security, good order, or rehabilitative objectives of the institution.

(2) Initial Denial of Visiting Privileges.

(a) In approving or disapproving visiting privileges, the assigned institutional classification officer shall review Form DC6-111A, Request for Visiting Privileges, and shall consider all factors related to the security, order, and effective management of the institution. Form DC6-111A is incorporated by reference in Rule 33-601.737, F.A.C.

(b) Prior criminal records shall not automatically result in disapproval of visiting; the nature, extent, and recentness of criminal convictions and adjudications withheld as well as the applicant's relationship to the inmate shall be considered when approving or disapproving an application for visiting privileges. The assigned institutional classification officer shall evaluate an applicant's criminal history and visiting background using Form DC6-111D, Visitor Screening Matrix. Form DC6-111D is incorporated by reference in Rule 33-601.737, F.A.C. An application shall be denied if applicant's criminal history includes:

1. Release from incarceration in any jurisdiction for a felony conviction within the last two years unless the applicant was incarcerated at any time in the facility in which visitation is requested;

2. Release from incarceration for a felony conviction within the last five years if the applicant was incarcerated at any time in the facility in which visitation is requested. If an inmate transfer results in visitation in a facility in which an approved visitor was previously incarcerated and released within the last five years, the warden shall, on a case by case basis, determine if the approved visitor shall be allowed to visit. Factors to be considered shall include, but are not limited to, the visitor's adjustment during incarceration, the relationship of the inmate to the visitor, institutional security, and public safety;

3. Release from incarceration in any jurisdiction for a misdemeanor conviction within the last year;

4. Current community supervision status or termination from community supervision in any jurisdiction within the past year; and

5. The disposition of arrests. If the disposition of an arrest is not reflected, the disposition shall be ascertained prior to approval of the application. If additional documentation of the charge is necessary, the prospective visitor shall be responsible for providing official documentation of the disposition or circumstances of the offense in question.

(c) An application for visiting privileges shall be denied if the applicant:

1. Has possessed, introduced, or attempted to introduce contraband as defined in Section 944.47, F.S., into any facility;

2. Has committed serious or repeated violations of departmental rules or procedures during a previous visit within the past five years;

3. Is a former department employee, contract employee, or volunteer with a documented work history that raises security concerns;

4. Is a victim of an inmate's current or prior offense with consideration of the nature of the inmate's offense, the extent of the victimization, and the relationship of the victim to the inmate;

5. Is a co-defendant of the inmate in a current or prior offense;

6. Provided testimony, documentation, or physical evidence that assisted the prosecution in the inmate's conviction or incarceration;

7. Has an active protection order or injunction against the inmate to be visited or the inmate has an active protection order or injunction against the prospective visitor;

8. Is an illegal alien;

9. Is a department volunteer or intern at the institution in which visitation is requested or was a volunteer or intern at the institution at any time in the previous five years; or

10. Escaped, attempted to escape, or assisted or attempted to assist an escape or escape attempt from any facility. If visitation is denied based on this paragraph, the denial shall be permanent.

(d) Visiting privileges shall be denied if the inmate or the prospective visitor gave false or misleading information to obtain visiting privileges within the past six months, unless it is reasonably determinable that the incorrect information was provided as a result of an inadvertent or good faith mistake, omission, or clerical error. Discovery of intentional falsification of visitor information after the visitor has been approved for visitation shall result in the visitor being considered for suspension of visiting privileges pursuant to Rule 33-601.731, F.A.C.

(e) In approving or denying an application for visiting privileges, the institutional classification officer shall consider all other factors related to the security, order, or effective management of the institution.

(f) The Secretary or designee, who for the purpose of this rule shall be the Assistant Secretary of Institutions, has the authority to review and modify the classification officer's approval or denial of visiting privileges.

(3) Denial of Visitation after Initial Approval of Visiting Privileges.

(a) Visiting shall be denied during a declared emergency.

(b) Upon review of Form DC6-111A, the institutional classification officer may deny visiting for individuals approved to visit who subsequently become subject to denial pursuant to any of the criteria set forth in subsection (2) of this rule prior to any official suspension pursuant to Rule 33-601.731, F.A.C.

Rulemaking Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.23 FS. History—New 11-18-01, Amended 5-27-02, 9-29-03, 6-15-06, 1-7-07,_____.

Editorial Note: Formerly 33-601.706 and 33-601.707, F.A.C.

33-601.725 Permissible Items for Visitors

(1) Visitors shall be allowed to bring only authorized items listed into any department facility. Entry shall be denied if the visitor attempts to enter the institution or facility while possessing any unauthorized item or any authorized item in more than the approved amounts. Authorized items shall be removed by the visitor at the end of the visit. Authorized items include:

(a) through (d) No change.

(e) One (1) photographic identification card.

(f)(e) Prescription medications. The department reserves the right to prohibit individuals from bringing any medication into the facility that may pose a threat to the inmate population or institutional security. Visitor requiring medical injections must leave such items secured in their vehicles and will be allowed to depart the visiting area if an injection is required. Reentry into the visiting area shall be allowed in accordance with Rule 33-601.723 subsection 33-601.723(6), F.A.C. The visitor shall not be allowed to bring needles or syringes into any department institution or facility under any circumstances.

1. through 3. No change.

(g)(f) Feminine hygiene items enclosed in the original individual wrapping may be carried into the visiting park in a small pouch or bag.

(h)(g) Hairbrush and comb.

(i) If applicable, one (1) copy of a notarized authorization to supervise a minor.

(j)(h) Visitors with authorized infants and small children shall be allowed to bring in:

1. through 4. No change.

(k)(i) Sunglasses.

(l)(j) Small unopened package of facial tissues in clear plastic.

(2) No change.

Rulemaking Specific Authority 944.09, 944.23 FS. Law Implemented 944.09, 944.23, 944.47, 944.8031 FS. History—New 11-18-01, Amended 5-27-02, 7-1-03, 12-30-03, 11-25-04, 3-29-07, 10-8-07,_____.

33-601.731 ~~Revocation~~ or Suspension of Visiting Privileges.

(1) Suspension of Inmate Visiting Privileges.

(a)(4) Suspension, including indefinite suspension, of an inmate's visiting privileges shall be considered by the ICT as a management tool independent of any disciplinary action taken pursuant to Rules 33-601.301 through 33-601.314, F.A.C.

(b)(2) Indefinite suspension of an inmate's visiting privileges shall be considered by the ICT Institutional Classification Team (ICT) as a management tool only when an inmate is found guilty of the following offenses:

1. Any major rule violation as defined in Rule 33-601.713, F.A.C.

(a) Possessing any firearms, dangerous weapons, explosives or explosive devices;

(b) Criminal activity, serious rule violations, repeated visiting rule or procedure infractions or security breach. A serious rule violation is a violation that subjects the violator to suspension of privileges for a minimum of two years or to revocation of visiting privileges;

2.(e) Possessing or using: a cellular telephone or other portable communication device as defined in Section 944.47(1)(a)6., F.S.; any components or peripherals to such devices, including but not limited to SIM cards, Bluetooth items, batteries, and charging devices; any other technology that is found to be in furtherance of possessing or using a communication device prohibited under the statute.

(c)(3) An inmate shall be subject to suspension of visiting privileges for up to two years by the ICT as a management tool when the inmate is found guilty of the following disciplinary offenses; in paragraphs (a) through (d) below. In determining the length of suspension, the ICT shall consider the extent of the sexual misconduct, the amount and type of drugs, the amount of money, the type of article or instrument, the inmate's prior disciplinary history, and the inmate's prior visiting record.

1.(a) Committing or engaging in sexual misconduct (i.e., nudity, sexual acts with or without others, willful exposure of private body parts, or soliciting sexual acts from others).

2.(b) Possessing or passing money.

3.(c) Possessing or using drugs.

4. Possessing or using intoxicating beverages.

5. Refusing to participate in a mandatory program or being removed from a mandatory program due to negative behavior.

6. Possessing a recording device.

7. Violation of visiting rules.

~~(d) Possessing any article or instrument that aids in escape or attempted escape.~~

~~(4) An inmate shall be subject to suspension of visiting privileges for three months for a first offense, six months for a second offense and two years for a third or subsequent offense, by the ICT as a management tool when an inmate is found guilty of possessing any of the following contraband or illegal items:~~

~~(a) Intoxicating beverages,~~

~~(b) Recording devices.~~

~~(5) An inmate shall be subject to suspension of visiting privileges for three months by the ICT as a management tool when an inmate is rated "unsatisfactory" for the work or program performance rating, including part time assignment or security assessment. Such three month suspension shall begin with the month the rating was entered and run consecutively for each unsatisfactory rating.~~

~~(6) Inmates shall be suspended from receiving visits for three months beginning with the next visiting period for refusing to participate or being removed from a mandatory program due to negative behavior.~~

~~(7) The ICT shall consider suspending the inmate's visiting privileges for each subsequent offense described in subsections 33-601.731(1) through (5), F.A.C.~~

(d) The ICT shall suspend the visiting privileges of any inmate subject to a pending investigation for escape, attempted escape, or possession of escape paraphernalia until the investigation is complete. If the inmate is found guilty, the ICT shall consider indefinite suspension of the inmate's visiting privileges pursuant to paragraph (1)(b) of this Rule. If the inmate is not found guilty, the ICT shall immediately reinstate the inmate's visiting privileges.

(e) If an inmate is found guilty of an offense listed in paragraph (1)(c), the ICT shall suspend the inmate's visiting privileges for the length of time specified on Form NII-102, Visiting Privileges Suspension Matrix. Form NII-102 is hereby incorporated by reference. A copy of any of is available from the Forms Control Administrator, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If an inmate's visiting privileges are suspended pursuant to this Rule and the inmate receives a subsequent guilty finding for one of the offenses listed in paragraph (1)(c), the inmate is subject to an increased period of suspension as follows:

1. If the subsequent offense occurs within two years of a guilty finding for the same offense, the inmate's visiting privileges shall be suspended for the length of time specified on Form NII-102 for subsequent offenses. This period of

suspension shall be concurrent with any period of suspension remaining as a result of the previous offense, not to exceed a total of two years from the time of the subsequent offense.

2. If the subsequent offense is different from the previous offense, the inmate's visiting privileges shall be suspended for the length of time specified on Form NII-102 for an initial violation. However, this period of suspension shall be concurrent with any period of suspension remaining as a result of the previous offense, not to exceed a total of two years from the time of the subsequent offense.

~~(e)(8) In lieu of suspending an inmate's visiting privileges, the ICT is authorized to consider placement of an inmate in non-contact visitation status as provided in Rule 33-601.735 paragraph 33-601.735(2)(e), F.A.C., for offenses listed in paragraph (1)(c) subsections 33-601.731(1) through (6), F.A.C.~~

~~(2)(9) Suspension of Visitor's Visiting Privileges.~~

~~(a) A visitor's visiting privileges shall be indefinitely suspended revoked by the warden or designee when the visitor:~~

~~1. through 2. No change.~~

~~3. Assists, facilitates, aids or abets an inmate to escape or attempt to escape or is found in possession of or passing or attempting to pass to an inmate any item or instrument that is capable of being used to aid in effecting or attempting an escape. Local law enforcement shall be called in this instance.~~

~~a. All visiting privileges of the escapee shall be suspended upon his or her return to department's custody.~~

~~b. Visiting privileges shall be suspended pending completion of the Inspector General's investigation if an attempted escape is alleged.~~

~~4. through 7. No change.~~

~~(b) A visitor's visiting Visiting privileges shall be suspended by the warden or designee for up to two years when the visitor:~~

~~1. Attempts to pass or passes money to an inmate,;~~

~~2. Is intoxicated or has consumed intoxicating beverages or is found in possession of intoxicating beverages on the grounds of any department facility, or is found passing or attempting to pass such items to an inmate,;~~

~~3. Violates visitor conduct standards in Rule subsection 33-601.727(1)(i) through (k), F.A.C.~~

~~4. Commits criminal activity, serious rule violations or infractions or any security breach.~~

~~5. Falsifies As a former employee, contract employee, or vendor falsifies information to obtain visiting privileges, including falsification of guardianship documents, unless it is reasonably determinable that the incorrect information was provided as a result of an inadvertant or good faith mistake, omission, or clerical error.~~

(c) If a visitor is found guilty of an offense listed in paragraph (2)(b), the warden or designee shall suspend the visitor's visiting privileges for the period of time specified on Form NII-102, Visiting Privileges Suspension Matrix. If a

visitor's visiting privileges are suspended pursuant to this Rule and the visitor subsequently commits one of the offenses listed in paragraph (2)(b), the visitor is subject to an increased period of suspension as follows:

1. If the subsequent offense occurs within two years of the commission of the same offense, the visitor's visiting privileges shall be suspended for the length of time specified on Form NII-102 for subsequent offenses. This period of suspension shall be concurrent with any period of suspension remaining as a result of the previous offense, not to exceed a total of two years from the time of the subsequent offense.

2. If the subsequent offense is different from the previous offense, the visitor's visiting privileges shall be suspended for the length of time specified on Form NII-102 for an initial violation. However, this period of suspension shall be concurrent with any period of suspension remaining as a result of the previous offense, not to exceed a total of two years from the time of the subsequent offense. ~~Visitors found in violation of paragraph 33-601.717(5)(f), F.A.C. — falsifying information to obtain visiting privileges, subsections 33-601.723(3) and (5), F.A.C., falsifying information at visitor registration and falsifying documents of guardianship, subsection 33-601.724(2), F.A.C. — visitor attire, Rule 33-601.726, F.A.C. — visitor searches, or visitor conduct standards as outlined in paragraphs 33-601.727(1)(a) through (h), F.A.C., shall have visiting privileges suspended by the warden or designee supervisor for up to one year.~~

~~(3)(4)~~ The warden or designee shall have the discretion to impose a length of suspension less than the maximum allowed by rule by considering the type of violation, the impact of the violation on the overall security or safety of the institution, and prior visits without incident.

(4) Temporary suspensions. The Inspector General's Office is authorized to temporarily suspend the visiting privileges of an approved visitor who is involved in or is the subject of an ongoing investigation pending the outcome of the investigation.

Rulemaking Specific Authority 944.09, 944.23 FS. Law Implemented 944.09, 944.23, 944.47, 944.8031 FS. History—New 11-18-01, Amended 5-27-02, 9-29-03, 10-4-07, 1-8-09, _____.

Editorial Note: Formerly 33-601.707 and 33-601.708, F.A.C.

33-601.732 Reinstatement of ~~Revoked or~~ Suspended Visiting Privileges.

(1) Reinstatement of Inmate Visiting Privileges. The warden or designee shall approve or deny requests for reinstatement of an inmate's suspended visiting privileges. The inmate shall submit a written request for reinstatement to the warden on Form DC6-236, Inmate Request. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

(a) Reinstatement of indefinitely suspended ~~suspended for more than two years~~ privileges shall only be considered after two years from imposition of the indefinite suspension.

1. The warden or designee shall review the request, render a final decision and notify the inmate concerned.

2. Should the inmate be denied reinstatement, the inmate may not make another request for six months ~~one year~~ from the last decision requesting reinstatement.

(b) Reinstatement of suspended ~~suspended for two years or less~~ privileges shall not be considered for reinstatement for a period of one year from the imposition of the most recent suspension. Should the inmate be denied, the inmate may not make another request for six months ~~from the last decision requesting reinstatement.~~

~~(e) Early reinstatement of suspensions of one year or less shall not be considered for reinstatement until at least six months from the date of suspension. Should the inmate be denied reinstatement, the inmate may not make another request.~~

(2) Reinstatement of Visitor Visiting Privileges. The warden or designee shall approve or deny requests for reinstatement of a visitor's ~~revoked or~~ suspended visiting privileges privilege. The visitor, or inmate on behalf of the affected visitor, shall submit a written request for reinstatement of privileges to the assigned institutional classification officer. The visitor for whom the reinstatement is being considered shall submit Form DC6-111A, a Request for Visiting Privileges, ~~Form DC6-111A,~~ if the suspension has been for longer than six months. Form DC6-111A is incorporated by reference in Rule 33-601.737, F.A.C.

(a) Reinstatement of indefinitely suspended ~~revoked~~ privileges shall only be considered after two years from imposition of the indefinite suspension.

1. No change.

2. Should the visitor be denied reinstatement, the inmate or suspended visitor may not make another request for six months ~~one year~~ from the last decision requesting reinstatement.

(b) Reinstatement of suspended ~~suspended for two years or less~~ privileges shall not be considered for reinstatement for a period of one year from the imposition of the most recent suspension. Should the visitor be denied reinstatement, the inmate or suspended visitor may not make another request for six months ~~from the last decision requesting reinstatement.~~

~~(e) Early reinstatement of suspensions of one year and under shall not be considered for reinstatement until at least six months from the date of suspension. Should the visitor be denied reinstatement, the inmate or suspended visitor may not make another request.~~

Rulemaking Specific Authority 944.09, 944.23 FS. Law Implemented 944.09, 944.23, 944.8031 FS. History—New 11-18-01, Amended 5-27-02, 9-29-03, _____.

33-601.733 Visiting – Special Status Inmates.

(1) Inmates in special statuses, except for medical reasons, are not considered inmates with regular visiting privileges and must have special approval to visit. Inmates in special statuses shall be prohibited or restricted from regular visiting due to adverse impacts on security and orderly institutional operation.

(a) No change.

(b) Inmates in administrative confinement, protective management, or disciplinary confinement status shall have visiting privileges as outlined in Rules 33-602.220, 33-602.221, and 33-602.222, F.A.C., respectively. The warden or designee shall determine whether an approved visit for inmates in one of the above statuses will be non-contact pursuant to Rule 33-601.735, F.A.C. In disciplinary confinement, administrative confinement, or protective management status, inmates shall have visiting privileges as outlined in Rules 33-602.222, 33-602.220, and 33-602.221. Rule 33-601.734, F.A.C.

(c) through (2) No change.

(3) Visitation for inmates in prolonged hospitalization or with serious medical conditions or terminal illnesses shall be allowed visits unless security or medical issues as determined by the warden and chief health officer preclude visitation. A decision shall be made on a case-by-case basis. If visitation is authorized, the warden, in consultation with the chief health officer, shall determine the visitation schedule and shall inform at least three members of the inmate’s immediate family. The regional director shall be informed in high notoriety cases before allowing visiting.

(4) through (6) No change.

Rulemaking Specific Authority 944.09, 944.23 FS. Law Implemented 20.315, 944.09, 944.23, 944.8031 FS. History–New 11-18-01, Amended 5-27-02, 12-25-08,_____.

Editorial Note: Formerly 33-601.704, F.A.C.

33-601.735 Non-Contact Visiting.

(1) through (4) No change.

(5) For inmates in Administrative Confinement, Protective Management, or Disciplinary Confinement, the warden or designee shall determine whether a pre-approved visit will be contact or non-contact based on one or all of the criteria set forth in subsection (2).

Rulemaking Specific Authority 944.09, 944.23 FS. Law Implemented 20.315, 944.09, 944.23, 944.8031 FS. History–New 11-18-01,_____.

33-601.737 Visiting – Forms.

The following forms are hereby incorporated by reference. A copy of any of these forms is available from the Forms Control Administrator, ~~Office of Research, Planning and Support Services~~, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(1) through (3) No change.

(4) DC6-111B, Visitor Information Summary, effective 8-23-07.

(5) DC6-111C, Remove/Add Visitor Request, effective 11-18-01.

(6) DC6-111D, Visitor Screening Matrix, effective 8-23-07.

Rulemaking Specific Authority 944.09, 944.23 FS. Law Implemented 944.09, 944.23, 944.8031 FS. History–New 11-18-01, Amended 4-29-02, 9-29-03, 3-31-05, 7-17-05, 3-21-06, 3-29-07, 8-23-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Wendell Whitehurst, Assistant Secretary for Institutions
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Richard Davison, Deputy Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 6, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 23, 2009

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.718
 RULE TITLE: Review of Request for Visiting Privileges

PURPOSE AND EFFECT: The purpose and effect is to repeal the rule.

SUMMARY: Rule 33-601.718, F.A.C., will be repealed, as the subject matter in the rule is being moved to other rules within Chapter 33-601, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 944.09, 944.23 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.23 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: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.718 Review of Request for Visiting Privileges.

Rulemaking Specific Authority 944.09, 944.23 FS. Law Implemented 20.315, 944.09, 944.23 FS. History–New 11-18-01, Amended 9-29-03, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John Hancock, Deputy Assistant Secretary of Institutions
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Walter McNeil, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 13, 2009

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.734
RULE TITLE: Visiting – Disciplinary Confinement, Protective Management, and Administrative Confinement Inmates

PURPOSE AND EFFECT: The purpose and effect is to repeal the rule.

SUMMARY: Rule 33-601.734, F.A.C., will be repealed as language in the rule is moved to Rules 33-602.220, 33-602.221, 33-602.222, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 944.09, 944.23 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.23, 944.8031 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: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.734 Visiting – Disciplinary Confinement, Protective Management, and Administrative Confinement Inmates.

Rulemaking Specific Authority 944.09, 944.23 FS. Law Implemented 20.315, 944.09, 944.23, 944.8031 FS. History–New 11-18-01, Amended 5-27-02, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
George Sapp, Deputy Secretary of Institutions
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Walter McNeil, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 13, 2009

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NOS.:	RULE TITLES:
59A-4.103	Licensure, Administration and Fiscal Management
59A-4.106	Facility Policies
59A-4.107	Physician Services
59A-4.1075	Medical Director
59A-4.108	Nursing Services
59A-4.109	Resident Assessment and Care Plan
59A-4.110	Dietary Services
59A-4.112	Pharmacy Services
59A-4.118	Medical Records
59A-4.122	Physical Environment and Physical Plant Maintenance
59A-4.123	Risk Management and Quality Assurance
59A-4.1235	Liability Claims
59A-4.126	Disaster Preparedness
59A-4.128	Evaluation of Nursing Homes and Licensure Status
59A-4.1285	Respite Care
59A-4.1288	Exception
59A-4.1295	Additional Standards for Homes That Admit Children 0 Through 20 Years of Age
59A-4.130	Fire Protection, Life Safety, Systems Failure and External Emergency Communications
59A-4.133	Physical Plant Codes and Standards for Nursing Homes
59A-4.134	Plans Submission and Fee Requirements
59A-4.150	Geriatric Outpatient Nurse Clinic
59A-4.165	Nursing Home Guide
59A-4.166	Nursing Home Consumer Satisfaction Survey

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate changes in the authorizing statute and revise technical errors and update references.

SUMMARY: The Agency proposes to amend Rule 59A-4.103, F.A.C., to include provisions for initial and change of ownership applications or suspension of a current license when licensure fees are returned to the Agency due to insufficient funds. This section also includes specifications regarding the issuance of partial inactive licenses for alternative uses pursuant to Section 400.0712, Florida Statutes (F.S.). Other changes to this section include the incorporation of modifications to the licensure application, technical changes clarifying the submission process for required reports to the Agency and defining days as “calendar” days. Proposed amendments to Rule 59A-4.106, F.A.C., include providing a web address for obtaining transfer and discharge forms,

deleting a reference to services provided by the Department of Children and Families, presenting criteria for a Do Not Resuscitate Order (DNRO), incorporating references to federal guidelines and providing a specific address to obtain copies of "Health Care Advance Directives." Rule 59A-4.108, F.A.C., updates statutory references for facility staffing in accordance with state law, and establishes requirements for requesting the use of licensed nurses to perform licensed nursing and certified nursing assistant duties.

Proposed amendments to Rule 59A-4.110, F.A.C., include a technical change to the position title of director of food service and replace the outdated references to the Dietary Managers training and certification process. Amendments to Rule 59A-4.112, F.A.C., include technical changes for the terminology of the Emergency Drug Kit. A proposed amendment to Rule 59A-4.122, F.A.C., includes details for the placement of a resident's bed and further defines the requirement for a closet and comfortable room temperatures. Changes to Rule 59A-4.123, F.A.C., incorporate revisions to the 1-day Adverse Incident Reporting Form, provide for electronic submission of this form and clarify when events reported to law enforcement are considered adverse incidents.

Rule 59A-4.1235, F.A.C., is amended to incorporate revisions to the Liability Claims form and provides for the electronic submission of this form. A proposed amendment to Rule 59A-4.126, F.A.C., provides language regarding the submission of the emergency management plan, testing of this plan, and procedures and notifications for evacuation, overcapacity and re-occupancy of the nursing home structure during a disaster. An amendment to Rule 59A-4.128, F.A.C., removes the measurement of deficiencies in terms of scope and severity for state licensure. The establishment of Rule 59A-4.1285, F.A.C., provides requirements for developing and implementing a respite care program for nursing home licensees that choose to provide such a service. A proposed change to Rule 59A-4.1288, F.A.C., incorporates reference to federal regulations established since 1991. Amendments to Rule 59A-4.1295, F.A.C., include technical changes, clarification of requirements for the approval to initiate, expand or suspend pediatric services, repeal staffing requirements that are in conflict with Ch. 400, F.S., and provides reference to the Florida Building Code 2004 Edition, including all supplements in effect as of December 2006 and removal of language as required by statutory changes. Proposed amendments to Rule 59A-4.130, F.A.C., provide revised language to conform to code edition changes and retain language not included in the Florida Building Code. A proposed amendment to Rule 59A-4.133, F.A.C., provides language to reference the Florida Building Code to conform to statutory changes, and deletes all other requirements. Proposed new Rule 59A-4.134, F.A.C., revises the requirements for construction plans submission to conform to codes and statutory changes. Amendments to Rule 59A-4.150, F.A.C., delete or correct several recurring or obsolete definitions and

references throughout the section. Proposed changes to Rule 59A-4.165, F.A.C., replace the reference to a 45-month reporting period in the Nursing Home Guide with language that cites the time period defined in Section 400.191, F.S. Rule 59A-4.166, F.A.C., regarding the Nursing Home Consumer Satisfaction Survey is abolished due to repeal of the statutory authority. Other revisions are made throughout the Chapter to correct technical errors and update references.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost has been 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: 400.23 FS.

LAW IMPLEMENTED: 400.011, 400.022, 400.141, 400.142, 400.23 FS.

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

DATE AND TIME: Friday, September 24, 2010, 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room B, Tallahassee, FL 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Terrosa Buie, Agency for Health Care Administration, 2727 Mahan Drive, M.S. #33, Tallahassee, FL 32308

THE FULL TEXT OF THE PROPOSED RULES IS:

59A-4.103 Licensure, Administration and Fiscal Management.

(1) The licensee or applicant must ~~prospective licensee shall~~ make application for an initial, renewal or change of ownership license to operate a nursing home facility and must ~~shall~~ provide:

(a) ~~All~~ of the information required by this rule and Chapter 400, Part II, F.S. and Part II of Chapter 408, on AHCA Form 3110-6001, July 2009, "Health Care Licensing Application – Nursing Homes" incorporated by reference. These forms may be obtained from the Agency for Health Care Administration, Long Term Care Unit, 2727 Mahan Drive MS 33, Tallahassee, FL 32308 or at the web address: <http://ahca.myflorida.com/>, January 2002, "Application for Nursing Home Licensure." and ~~AHCA Form 3001-6001, January 2002, Instructions for Completing Application for Nursing Home Licensure, which is incorporated by reference; and AHCA Forms 3110-0011, 3110-0011A, 3110-0011B, and 3110-0011C, and 3110-0011D, August 2001, "Controlling Interest Affidavit for Nursing Homes," which are incorporated by reference; and~~

~~(b) AHCA Form 3100-0009, October 2009 1332-0001, January 2002, "Proof of Financial Ability to Operate Schedule," which is incorporated by reference, available from the Agency for Health Care Administration, Long Term Care Unit, 2727 Mahan Drive, MS 33, Tallahassee, FL 32308 or online at: <http://ahca.myflorida.com/>.~~

(2) The licensure fee must shall be included with the application. ~~A biennial An annual~~ fee of \$100 ~~is \$50~~ per bed is required as described in Section 400.062(3), Florida Statutes (F.S.), plus the resident protection fee of ~~\$.50 \$-.25~~ per bed and the Data Collection and Analysis Assessment of ~~\$12.00 \$6.00~~ per bed as authorized by Section 408.20(1)(b), F.S., ~~Assessments; Health Care Trust Fund Costs of Nursing Home Statistical Unit, March 9, 1994.~~ The Data Collection and Analysis Assessment is waived for facilities having a certificate of authority under ~~C~~chapter 651, F.S. A license for an initial or change of ownership application will be denied if the check for the application fee is dishonored. If a check for the renewal licensure fee is dishonored and returned to the Agency, the licensee will have ten business days to pay the full amount plus any applicable fees as provided by law. This payment must be received in the form of a money order or cashier's check. In the event that the fees are not paid the license may be subject to suspension.

(3) Single copies of AHCA forms incorporated by reference within this chapter may be obtained from the Agency for Health Care Administration, Long Term Care Section, 2727 Mahan Drive, MS 33, Tallahassee, FL 32308 or web address: <http://ahca.myflorida.com/>. Information regarding the electronic submission of reports to the Agency may be found at: <http://ahca.myflorida.com/reporting/index.shtml>.

(4) A nursing home licensee may request an inactive license for part of a facility as specified in Section 400.0712, F.S., to use an unoccupied contiguous portion of the facility for an alternative use to meet the needs of elderly persons. Prior to providing alternative services, the facility must submit a written request to the Agency. A request may be submitted at any time during the licensure period and must include the intended use of the inactive portion; a schematic drawing of the floor plan of the building identifying the inactive area; the total number of inactive beds and the prospective date the beds will become inactive.

(a) Upon receipt of written approval by the Agency to continue with the plan for the partial inactive license, the licensee must submit to the Agency AHCA Form 3110-6001, July 2009, "Health Care Licensing Application – Nursing Homes" within 60 days of the approval and a bed change request form for beds certified through the Centers for Medicare and Medicaid Services. The appropriate licensure application for the alternative use must accompany this application, unless the space will be utilized for services authorized under the existing nursing home license.

(b) If the alternative service license is approved, a partial inactive license will be issued concurrently with the issuance of the license for the alternative use. The expiration date of the partial inactive license will coincide with the licensee's nursing home renewal. The licensee must indicate the intent to continue the partial inactive license at each nursing home licensure renewal. Licensure fees will remain at the standard rate for nursing home beds, whether active or inactive, at the time of renewal and will not be assessed for another Agency license requested for the alternative use of the inactive beds.

(c) Notification to reactivate the inactive portion of the building must be submitted to the Agency at least 30 days prior to the planned date to admit residents to the previously inactive beds. The inactive portion will be reactivated upon agency approval.

~~(5)(4)~~ Administration.

(a) The nursing home licensee shall have full legal authority and responsibility for the operation of the facility.

(b) The licensee of each facility must shall designate one person, who is licensed by the ~~Department of Health Agency for Health Care Administration,~~ Board of Nursing Home Administrators under ~~C~~chapter 468, Part II, F.S., as administrator who oversees the day-to-day administration and operation of the facility.

(c) Each nursing home must shall be organized according to a written Table of Organization.

~~(d) The licensee shall submit a monthly vacant bed report which is incorporated by reference by using AHCA Form 3110-0013, January 2002 October 2008, "Nursing Home Monthly Bed Vacancy Report," as authorized by Section 400.141, F.S. This form is available from the Agency for Health Care Administration, Long Term Care Unit, 2727 Mahan Drive, MS 33, Tallahassee, FL 32308 or online at: <http://ahca.myflorida.com/>.~~

~~(d)(e)~~ Each nursing home licensee must submit to the Agency each quarter, no later than the 15th of the month following the end of the quarter, the ~~Submit~~ Nursing Home Staffing Report which is incorporated by reference as ~~by using~~ AHCA Form 3110-0012, October 2008, "Nursing Home Staffing Report" as authorized by Section 400.141, F.S. This form is available from the Agency for Health Care Administration, Long Term Care Unit, 2727 Mahan Drive, MS 33, Tallahassee, FL 32308 or online at: <http://ahca.myflorida.com/>.

(e) Information required in subsections (d) may be submitted electronically to the Agency at: ahca.myflorida.com/reporting/index.shtml.

~~(6)(5)~~ Fiscal Management.

(a) The licensee must shall maintain fiscal records for each nursing home it operates in accordance with the requirements of ~~C~~chapter 400, Part II, F.S., and ~~this rule these Rules~~.

(b) An accrual or cash system of accounting ~~must shall~~ be used to reflect transactions of the business. Records and accounts of transactions, such as general ledgers and disbursement journals, ~~must shall~~ be brought current no less than quarterly and ~~must shall~~ be available for review by authorized representatives of appropriate ~~s~~State and ~~f~~Federal agencies.

(c) A licensee ~~must shall~~ obtain a surety bond as required by ~~C~~Chapter 400, Part II, F.S. It ~~must shall~~ be based on twice the average monthly balance in the resident trust fund during the prior fiscal year or \$5,000, whichever is greater. A licensee who owns more than one nursing home may purchase a single surety bond to cover the residents' funds held in nursing homes located within the same Agency geographic region as defined in the AHCA "Nursing Home Guide Performance Measures Algorithm" dated July 2000, which is incorporated by reference, AHCA service district. A surety bond ~~must shall~~ contain substantially the same language as is found in AHCA Form 3110-6002, May 2008 July 2004, Nursing Home Patient Trust Surety Bond, which is incorporated by reference, may be obtained from the Agency or online at: <http://ahca.myflorida.com/>. The surety bond, ~~AHCA 3110-6002, July 2004, must may be obtained from and shall~~ be filed with the Agency for Health Care Administration, 2727 Mahan Drive, MS 33, Tallahassee, FL 32308.

(d) A self-insurance pool, which may be an interest bearing account, may be established to provide compensation to any resident suffering financial loss in accordance with the provisions of Section 400.162(5)(c), F.S., as the result of one or more of the member licensees violating any of the provisions of Section 400.162, F.S.

1. Such self-insurance pool ~~must shall~~ be administered under the direction of an elected board of trustees. The membership of the board of trustees ~~must shall~~ be composed of one representative from each participating licensee.

2. An application for establishing a self-insurance pool ~~must shall~~ be made by the trustees to the Agency AHCA. Such application ~~must shall~~ contain the following information: the names, complete addresses, and affiliation of the trustees; the name and complete address of each licensee participating in the pool; the total dollar amount of the pool; and the name and complete address of the bank in which the account is maintained, including the account number. The application ~~must shall~~ be accompanied by:

a. An individual application from each licensee applying for membership in the self-insurance pool. Such application ~~must shall~~ contain the following information: the name, telephone number, and complete address of the facility; the name, telephone number, and complete address of the licensee; the name of the facility's administrator, manager or supervisor; his or her license and renewal number; the names of all employees involved in the administration of the resident trust fund account; the average monthly balance in the resident trust

fund account during the prior year; the total dollar amount the licensee has deposited in the self-insurance pool; and the name and complete address of the bank in which the account is maintained, including the account number.

b. Prima facie evidence showing that each individual member of the pool has deposited an amount equal to twice the average monthly balance of the trust fund account or \$5,000.00 dollars, whichever is greater, in a separate account maintained by the board of trustees in the name of the self-insurance pool in a ~~chartered commercial~~ bank authorized under Chapter 658, F.S., that is a member of the Federal Reserve System, in the State of Florida to secure performance of payment of all lawful awards made against any member or members of the self-insurance pool, Section 400.162(5), F.S., and this rule ~~these Rules.~~

3. After the inception date of the pool, prospective new members of the pool ~~must shall~~ submit an application for membership to the board of trustees. Such application ~~must shall~~ contain the information specified in subparagraph ~~(5)(b)2-~~ (6)(d). The trustees may approve the application for membership in accordance with this rule ~~these Rules.~~ If so approved, the application for membership in accordance with this rule must ~~these Rules shall~~ be filed with the Agency AHCA. Participation in a pool by a particular licensee ~~must shall~~ be approved by the Agency if the licensee indicates in its application that it does meet the requirements of Section 400.162(5), F.S., and this rule ~~these Rules~~ and verification is provided to document the financial status indicated on the application.

4. The amount deposited in such an account ~~must shall~~ be maintained at all times.

(e) If, at any time during the period for which a license is issued, a licensee who has not purchased a surety bond or entered into a self-insurance agreement is requested to hold funds in trust as provided in Section 400.162(5), F.S., the licensee ~~must shall~~ notify the Agency AHCA in writing ~~of the request~~ and make application for a surety bond or for participation in a self-insurance agreement within seven business days of the request; ~~exclusive of weekends and holidays.~~ Copies of the application, along with written documentation of related correspondence with an insurance agency or group ~~must shall~~ be maintained and ~~must shall~~ be available for review. All notices required by this ~~R~~rule provision ~~must shall~~ be sent to the Agency for Health Care Administration AHCA, 2727 Mahan Drive, MS 33, Tallahassee, FL 32308.

Rulemaking Specific Authority 400.062, 400.23 FS. Law Implemented 400.022, 400.062, 400.071, 400.0712071, 400.102, 400.111, 400.1183, 400.121, 400.141, 400.147, 400.151, 400.162, 400.179, 400.18, 400.20, 400.232, 408.20 FS. History—New 4-1-82, Amended 4-1-84, 8-1-85, 1-1-86, 11-12-89, 12-25-90, 10-6-91, Formerly 10D-29.103, Amended 4-18-94, 2-6-97, 5-5-02,_____.

59A-4.106 Facility Policies.

(1) Admission, retention, transfer, and discharge policies:

(a) Upon request and in a language the resident or his/~~her~~ or her representative understands, at the time of admission and as changes are being made, each resident must will receive:

1. A copy of the residents' bill of rights conforming to the requirements in Section 400.022, F.S.;

2. A copy of the facility's admission and discharge policies; and

3. Information regarding advance directives.

(b) Each resident admitted to the facility must shall have a contract in accordance with Section 400.151, F.S., which covers:

1. A list of services and supplies, complete with a list of standard charges, which are available to the resident but not covered by the facility's per diem or by Title XVIII and Title XIX of the Social Security Act, and the bed reservation and refund policies of the facility.

2. When a resident is in a facility offering continuing care and is transferred from independent living or assisted living to the nursing home section, a new contract need not be executed; an addendum must shall be attached to describe any additional services, supplies or costs not included in the most recent contract that is in effect.

(c) No resident who is suffering from a communicable disease shall be admitted or retained unless the medical director or attending physician certifies that adequate or appropriate isolation measures are available to control transmission of the disease.

(d) Residents must may not be retained in the facility if they that require services beyond those for which the facility is licensed or has the functional ability to provide as determined by the medical director and the director of nursing in consultation with the facility administrator.

(e) Residents must shall be assigned to a bedroom area and must shall not be assigned bedroom space in common areas except in an emergency. Emergencies must shall be documented and shall be for a limited, specified period of time.

(f) All resident transfers and discharges must shall be in accordance with the facility's policies and procedures, provisions of Sections 400.022 and 400.0255, F.S., this rule, and other applicable ~~s~~State and ~~f~~Federal laws and will include notices provided to residents which are incorporated by reference by using AHCA Form 3120-0002, 3120-0002A, ~~Revised~~, May 2001, "Nursing Home Transfer and Discharge Notice," and 3120-0003, ~~Revised~~, May 2001, "Fair Hearing Request For Transfer or Discharge From a Nursing Home," and 3120-0004, ~~December 2007 Revised, May, 2001~~, "Long-Term Care Ombudsman Council Request for Review of Nursing Home Discharge and Transfer." These forms may be obtained from the Agency for Health Care Administration, Long Term Care Unit, 2727 Mahan Drive, MS 33, Tallahassee, FL 32308 or at the web address: <http://ahca.myflorida.com/>.

~~The Department of Children and Family Services will assist in the arrangement for appropriate continued care, when requested.~~

(2) Each nursing home licensee must ~~facility shall~~ adopt, implement, and maintain written policies and procedures governing all services provided in the facility.

(3) All policies and procedures must shall be reviewed at least annually and revised, as needed with input from, at minimum, the facility administrator, medical director, and director of nursing.

(4) Each licensee must ~~facility shall~~ maintain policies and procedures in the following areas:

(a) Activities;

(b) Advance directives;

(c) Consultant services;

(d) Death of residents in the facility;

(e) Dental services;

(f) Staff education, including HIV/AIDS training in accordance with Section 381.0035, F.S.;

(g) Diagnostic services;

(h) Dietary services;

(i) Disaster preparedness;

(j) Fire prevention and control;

(k) Housekeeping;

(l) Infection control;

(m) Laundry service;

(n) Loss of power, water, air conditioning or heating;

(o) Medical director/consultant services;

(p) Medical records;

(q) Mental health;

(r) Nursing services;

(s) Pastoral services;

(t) Pharmacy services;

(u) Podiatry services;

(v) Resident care planning;

(w) Resident identification;

(x) Resident's rights;

(y) Safety awareness;

(z) Social services;

(aa) Specialized rehabilitative and restorative services;

(bb) Volunteer services; and

(cc) The reporting of accidents or unusual incidents involving any resident, staff member, volunteer or visitor. This policy must shall include reporting within the facility and to the Agency AHCA.

(5) Staff Education.

(a) Each nursing home licensee must shall develop, implement, and maintain a written staff education plan, which ensures a coordinated program for staff education for all

facility employees. The staff education plan ~~must shall~~ be reviewed at least annually by the risk management and quality assurance committee and revised as needed.

(b) The staff education plan ~~must shall~~ include both pre-service and in-service programs.

(c) The staff education plan ~~must shall~~ ensure that education is conducted annually for all facility employees, at a minimum, in the following areas:

1. Prevention and control of infection;
2. Fire prevention, life safety, and disaster preparedness;
3. Accident prevention and safety awareness program;
4. Resident's rights;

5. Federal law, 42 CFR 483, Requirements for States and Long Term Care Facilities, October 1, 2006, which is incorporated by reference and can be found at <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl> and State Rules and Regulations, Chapter 400, Part II, F.S., and subsection 59A-4.106(5), F.A.C., effective May 5, 2002; and this rule;

~~6. The Florida "Right to Know" Hazardous Materials, Chapter 442, F.S.;~~

(d) The staff education plan ~~must shall~~ ensure that all ~~non-licensed~~ employees of the nursing home complete an ~~initial~~ educational course on HIV/AIDS in accordance with Section 381.0035, F.S. If the employee does not have a certificate of completion at the time they are hired, they must complete the course have two hours within six months of employment or before the staff provides care for an HIV/AIDS diagnosed resident. ~~All employees shall have a minimum of one hour biennially.~~

(6) Advance Directives.

(a) Each nursing home licensee must shall have written policies and procedures, which delineate the nursing home's position with respect to the state law and rules relative to advance directives. The policies ~~must shall~~ not condition treatment or admission upon whether or not the individual has executed or waived an advance directive. In the event of conflict between the facility's policies and procedures and the individual's advance directive, provision should be made in accordance with Section ~~765.1105 765.308~~, F.S.

~~(b)(7)~~ The facility's policy ~~must shall~~ include:

~~1.(a)~~ Providing each adult individual, at the time of the admission as a resident, with a copy of "Health Care Advance Directives – The Patient's Right to Decide," as prepared by the Agency for Health Care Administration, Florida Center for Health Information and Policy Analysis, April 2006, effective 1-1-93, which is hereby incorporated by reference, or with a copy of some other substantially similar document which is a written description of Florida's state law regarding advance directives. A copy of the "Health Care Advance Directives – The Patient's Right to Decide," may be obtained from the Florida Center for Health Information and Policy Analysis at

2727 Mahan Drive, MS 16, Tallahassee, FL 32308, or electronically at ahca.myflorida.com/MCHQ/Health_Facility_Regulation/HC_Advance_Directives/.

~~2.(b)~~ Providing each adult individual, at the time of the admission as a resident, with written information concerning the nursing home's policies respecting advance directives; and

~~3.(c)~~ The requirement that documentation of the existence of an advance directive be contained in the medical record. A nursing home licensee that which is provided with the individual's advance directive ~~must shall~~ make the advance directive or a copy thereof a part of the individual's medical record.

Rulemaking Specific Authority 400.141, 400.141(7), 400.142(3), 400.23, 765.110 FS. Law Implemented 400.022, 400.0255, 400.102, 400.141, 400.141(7), 400.151, 400.23, 765.110 FS. History—New 4-1-82, Amended 4-1-84, Formerly 10D-29.106, Amended 4-18-94, 1-10-95, 2-6-97, 5-5-02.

59A-4.107 Physician Services.

(1) Each nursing home licensee must facility shall retain, pursuant to a written agreement, a physician licensed under Chapter 458 or 459, F.S., to serve as Medical Director. In facilities with a licensed capacity of 60 beds or less, pursuant to written agreement, a physician licensed under Chapter 458 or 459, F.S., may serve as Medical Consultant in lieu of a Medical Director.

(2) Each resident or legal representative, ~~must shall~~ be allowed to select his or her own private physician.

(3) Verbal orders, including telephone orders, ~~must shall~~ be immediately recorded, dated, and signed by the person receiving the order. All verbal treatment orders ~~must shall~~ be countersigned by the physician or other health care professional on the next visit to the facility.

(4) Physician orders may be transmitted by facsimile machine. It is not necessary for a physician to re-sign a facsimile order when he visits a facility.

(5) All physician orders ~~must shall~~ be followed as prescribed, and if not followed, the reason ~~must shall~~ be recorded on the resident's medical record during that shift.

(6) Each resident ~~must shall~~ be seen by a physician or another licensed health professional acting within their scope of practice at least once every 30 days for the first 90 days after admission, and at least once every 60 days thereafter. A physician visit is considered timely if it occurs not later than 10 days after the date the visit was required. If a physician documents that a resident does not need to be seen on this schedule and there is no other requirement for physician's services that must be met due to Title XVIII or XIX, the resident's physician may document an alternate visitation schedule.

(7) If the physician chooses to designate another health care professional to fulfill the physician's component of resident care, they may do so after the required visit. All

responsibilities of a physician, except for the position of medical director, may be carried out by other health care professionals acting within their scope of practice.

(8) Each nursing home licensee must maintain facility ~~shall have~~ a list of physicians designated to provide emergency services to residents when the resident's attending physician, or designated alternate is not available.

Rulemaking Specific Authority 400.23 FS. Law Implemented 400.022, ~~400.102~~, 400.141, 400.23, ~~464.012~~ FS. History—New 4-1-82, Amended 4-1-84, Formerly 10D-29.107, Amended 10-5-92, 4-18-94, 1-10-95, _____.

59A-4.1075 Medical Director.

(1) Each nursing home licensee must facility will have only one physician who is designated as Medical Director.

(2)(a) The Medical Director must be a physician licensed under Chapter 458 or 459, F.S., the nursing home administrator may require that the Medical Director be certified or credentialed through a recognized certifying or credentialing organization.

(b) A Medical Director who does not have hospital privileges must shall be certified or credentialed through a recognized certifying or credentialing body, such as the Joint Commission on Accreditation of Healthcare Organizations, the American Medical Directors Association, the Healthcare Facilities Accreditation Program of the American Osteopathic Association, the Bureau of Osteopathic Specialists of the American Osteopathic Association, the Florida Medical Directors Association or a health Health maintenance organization licensed in Florida.

(c) A physician must have his or her principal office within 60 miles of all facilities for which he/she serves as Medical Director. The pPrincipal office is the office maintained by a physician pursuant to Section 458.351 or 459.026, F.S., and where the physician delivers the majority of medical services. The physician must specify the address of his/her or her principal office at the time of becoming Medical Director. The Agency may approve a request to waive this requirement for rural facilities that exceed this distance requirement. A rural facility is a facility located in a county with a population density of no greater than 100 persons per square mile, which is at least 30 minutes of travel time, on normally traveled roads under normal traffic conditions, from any other nursing home facility within the same county.

(d) The nursing home licensee must facility shall appoint a Medical Director who must shall visit the facility at least once a month. The Medical Director must shall review all new policies and procedures; review all new incident and new accident reports from the facility to identify clinical risk and safety hazards. The Medical Director must shall review the most recent grievance logs for any complaints or concerns related to clinical issues. Each visit must be documented in writing by the Medical Director.

(3) A physician may be Medical Director of a maximum of ten nursing homes at any one time. The Medical Director, in an emergency where the health of a resident is in jeopardy and the attending physician or covering physician cannot be located, may assume temporary responsibility of the care of the resident and provide the care deemed necessary.

(4) The Medical Director must appointed by the facility shall meet at least quarterly with the quality assessment and assurance committee of the facility.

(5) The Medical Director must appointed by the facility shall participate in the development of the comprehensive care plan for the resident when he/ or she is also the attending physician of the resident.

Rulemaking Specific Authority 400.141 FS. Law Implemented 400.141(2) FS. History—New 8-2-01, Amended _____.

59A-4.108 Nursing Services.

(1) The administrator of each nursing home must will designate one full-time registered nurse as a director of nursing (DON) who shall be responsible and accountable for the supervision and administration of the total nursing services program. When a director of nursing is delegated institutional responsibilities, a full-time qualified registered nurse (RN) as defined in Chapter 464, F.S., shall be designated to serve as assistant director of nursing. In a facility with a census of 121 or more residents, a registered nurse an-registered nursing must be designated as an assistant director of nursing.

(2) Persons designated as director of nursing or assistant director of nursing must shall serve only one nursing home facility in this capacity, and shall not serve as the administrator of the nursing home facility.

(3) The director of nursing must shall designate one licensed nurse on each shift to be responsible for the delivery of nursing services during that shift.

(4) In addition to the requirements outlined in subsection 400.23(3)(a), F.S., the nursing home licensee must facility shall have sufficient nursing staff, on a 24-hour basis to provide nursing and related services to residents in order to maintain the highest practicable physical, mental, and psychosocial well-being of each resident, as determined by resident assessments and individual plans of care. The facility will staff, at a minimum,

1. An average of 1.7 hours of certified nursing assistant and 6 hours of licensed nursing staff time for each resident during a 24 hour period.

(5) In multi-story, multi-wing, or multi-station nursing home facilities, there must shall be a minimum of one nursing services staff person who is capable of providing direct care on duty at all times on each floor, wing, or station.

(6) No nursing services staff person shall be scheduled for more than 16 hours within a 24 hour period, for three consecutive days, except in an emergency. Emergencies must shall be documented and must shall be for a limited, specified period of time.

(7) Upon approval by the Agency, a nursing home licensee may allow a licensed nurse that performs both licensed nurse and certified nursing assistant duties during the same shift to divide the hours of patient care provided between the licensed nurse and certified nursing assistant staffing ratio requirements consistent with services provided as referenced. Approval to utilize licensed nurses to perform certified nursing assistant duties must be requested in writing. This request can be done upon license renewal on AHCA Form #3110-6001, December 2008, "Health Care Licensing Application – Nursing Homes," incorporated by reference in paragraph 59A-4.103(1)(a), F.A.C., or by letter from the facility's administrator. The licensee must document daily the time the licensed nurse performed personal care services to comply with minimum staffing requirements.

Rulemaking Specific Authority ~~400.022~~, 400.23 FS. Law Implemented ~~400.011~~, 400.022, 400.141, 400.23 FS. History–New 4-1-82, Amended 4-1-84, 8-1-85, 7-1-88, 7-10-91, Formerly 10D-29.108, Amended 4-18-94,_____.

59A-4.109 Resident Assessment and Care Plan.

(1) Each resident admitted to the nursing home facility must shall have a plan of care. The plan of care must shall consist of:

(a) Physician's orders, diagnosis, medical history, physical exam and rehabilitative or restorative potential.

(b) A preliminary nursing evaluation with physician's orders for immediate care, completed upon on admission.

(c) A complete, comprehensive, accurate and reproducible assessment of each resident's functional capacity which is standardized in the facility, and is completed within 14 days of the resident's admission to the facility and every 12 twelve months, thereafter. The assessment must shall be:

1. Reviewed no less than once every three 3 months,

2. Reviewed promptly after a significant change in the resident's physical or mental condition,

3. Revised as appropriate to assure the continued accuracy of the assessment.

(2) The nursing home licensee must develop facility is responsible to develop a comprehensive care plan for each resident that includes measurable objectives and timetables to meet a resident's medical, nursing, mental and psychosocial needs that are identified in the comprehensive assessment. The care plan must describe the services that are to be furnished to attain or maintain the resident's highest practicable physical, mental and social well-being. The care plan must be completed within seven 7 days after completion of the resident's assessment.

(3) At the resident's option, every effort must shall be made to include the resident and family or responsible party, including private duty nurse or nursing assistant, in the development, implementation, maintenance and evaluation of the resident's plan of care.

(4) All staff personnel who provide care, and at the resident's option, private duty nurses or persons who are not non employees of the facility, must shall be knowledgeable of, and have access to, the resident's plan of care.

(5) A summary of the resident's plan of care and a copy of any advanced directives must shall accompany each resident discharged or transferred to another health care facility, licensed under Chapter 400, Part II, F.S., or must shall be forwarded to the receiving facility as soon as possible consistent with good medical practice.

Rulemaking Specific Authority 400.23 FS. Law Implemented 400.022, ~~400.102~~, 400.141, 400.23 FS. History–New 4-1-82, Amended 4-1-84, Formerly 10D-29.109, Amended 4-18-94, 1-10-95,_____.

(Substantial rewording of Rule 59A-4.110 follows. See Florida Administrative Code for present text.)

59A-4.110 Dietary Services.

(1) The licensee must have a qualified dietitian on staff or through consultation services. A qualified dietitian is one who:

(a) Is a registered dietitian as defined in subsection 468.503(11), F.S. and is currently registered with the American Dietetic Association as found online at <http://www.cdrnet.org/certifications/index.htm>, which is incorporated by reference; or

(b) Has a baccalaureate degree with major studies in food and nutrition, dietetics, or food service management, in a program accredited by Commission on Accreditation for Dietetics Education (CADE), of the American Dietetic Association as found on www.eatright.org/cps/rde/xchg/ada/hs.xsl/CADE.html, which is incorporated by reference; has one year of supervisory experience in the dietetic service of a health care facility, and participates annually in continuing dietetic education.

(2) The administrator must designate one full-time person as a director of food services. In a facility with a census of 61 or more residents, the duties of the director of food services must not include food preparation or service on a regular basis.

(3) The director of food services must be a qualified dietitian or he/she must meet one of the following requirements set forth in paragraphs 59A-4.110(3)(a) through (d), F.A.C. Effective January 1, 2011, the director of food services must be a qualified dietitian or have successfully completed an associate degree program that meets the education standard established by the American Dietetic Association, or must be a Certified Dietary Manager through the Dietary Managers Association and maintain continuing education as set forth by the certifying board.

(a) Successfully complete a dietetic assistant correspondence or class room training program, approved by the American Dietetic Association. This training program is the dietary managers' course formerly administered by the Dietary Managers Association; or

(b) Successfully complete a course offered by an accredited college or university that provided 90 or more hours of correspondence or classroom instruction in food service supervision, and has prior work experience as a dietary supervisor in a health care institution with consultation from a qualified dietitian; or

(c) Have training and experience in food service supervision and management in the military service equivalent in content to the programs described in this subsection; or

(d) Successfully complete an associate degree program that meets the education standard established by the American Dietetic Association as referenced in paragraph 59A-4.110(1)(b), F.A.C.

(4) A one-week supply of a variety of non-perishable food and supplies, which represents a nourishing diet based on generally accepted standards of proper nutrition, must be maintained in the facility.

Rulemaking Specific Authority 400.022(1)(a), (f), (g), 400.141(5), 400.23 FS. Law Implemented 400.022, 400.102, 400.141, 400.23 FS. History—New 4-1-82, Amended 4-1-84, 7-1-88, 7-10-91, Formerly 10D-29.110, Amended 4-18-94, 2-6-97, _____.

59A-4.112 Pharmacy Services.

(1) The nursing home licensee must facility shall adopt procedures that assure the accurate acquiring, receiving, dispensing, and administering of all drugs and biologicals, to meet the needs of each resident.

(2) The nursing home licensee must facility shall employ, or obtain, the services of a state licensed consultant pharmacist. A consultant pharmacist is a pharmacist who is licensed by the Department of Business and Professional Regulation Department of Health, Board of Pharmacy and registered as a consultant pharmacist by the Board of Pharmacy in accordance with Rules 64B16-26.300 and 64B16-28.501 Chapter 64B16, F.A.C., and who provides consultation on all aspects of the provision of pharmacy services in the facility.

(3) The consultant pharmacist must shall establish a system to accurately record the receipt and disposition of all controlled drugs in sufficient detail to enable an accurate reconciliation.

(4) The consultant pharmacist must shall determine that drug records are in order and that an account of all controlled drugs is maintained and periodically reconciled.

(5) Drugs and biologicals used in the facility must shall be labeled in accordance with currently accepted professional principles, Chapter 499, F.S., and Rules 64B16-28.108 and 64B16-28.502, F.A.C.

(6) Prescription Drugs and non-prescription medications requiring refrigeration must shall be stored in a refrigerator. The refrigerator must be locked or located within a locked medication room and accessible only to licensed staff in accordance with state and federal laws. When stored in a general-use refrigerator, they shall be stored in a separate, covered, waterproof, and labeled receptacle.

(7) All controlled substances must shall be disposed of in accordance with state and federal laws. All non-controlled substances may be destroyed in accordance with the facility's policies and procedures. Records of the disposition of all substances must shall be maintained in sufficient detail to enable an accurate reconciliation and a copy of the disposition must be filed in the resident's record or maintained electronically in a readily accessible format.

(8) Non-controlled substances in unit dose containers may be returned to the dispensing pharmacy for credit.

(9) If ordered by the resident's physician, the resident or his or her representative may, upon discharge, take all current prescription drugs with him or her. An inventory of the drugs released must shall be completed, shall be dated, and signed by both the person releasing the drugs and the person receiving the drugs, and must shall be placed in the resident's record.

(10) The licensee must facility shall maintain an Emergency Medication Kit, also known as the Emergency Drug Kit (EDK), the contents of which shall be determined in consultation with the medical director, director of nursing and pharmacist, and it shall be in accordance with facility policies and procedures. The kit must shall be readily available and must shall be kept sealed. All items in the kit must shall be properly labeled. The licensee must facility shall maintain an accurate log of receipt and disposition of each item in the EDK Emergency Medication Kit. An inventory of the contents of the EDK must Emergency Medication Kit shall be attached to the outside of the kit, which must include the earliest expiration date of the EDK drugs. If the seal is broken, the kit must be restocked and resealed by the next business day after use.

Rulemaking Specific Authority 400.142, 400.23 FS. Law Implemented 400.022, 400.102, 400.141, 400.142, 400.23 FS. History—New 4-1-82, Amended 4-1-84, 7-10-91, Formerly 10D-29.112, Amended 4-18-94, _____.

59A-4.118 Medical Records.

(1) The licensee must facility shall designate a full-time employee as being responsible and accountable for the facility's medical records. If this employee is not a qualified Medical Record Practitioner, then the licensee must retain facility shall have the services of a qualified Medical Record Practitioner on a consultant basis. A qualified Medical Record Practitioner is one who is certified eligible for a certification as a Registered Record Administrator or an Accredited Record Technician by the American Health Information Management Association or a graduate of a School of Medical Record

Science that is accredited jointly by the Council on Medical Education of the American Medical Association and the American Health Information Management Association.

(2) Each medical record ~~must shall~~ contain sufficient information to clearly identify the resident, his or her diagnosis and treatment, and results. Medical records ~~must shall~~ be complete, accurate, accessible and systematically organized.

(3) Medical records ~~must shall~~ be retained for a period of five years from the date of discharge. In the case of a minor, the record ~~must shall~~ be retained for three 3 years after a resident reaches legal age under state law.

(4) In the event of a change of ownership, the transferee must maintain all records concerning the care and treatment of the resident, including those originated by the transferor, as required in this subsection.

Rulemaking Specific Authority 400.23 FS. Law Implemented ~~400.022, 400.102, 400.141, 400.145, 400.23~~ FS. History–New 4-1-82, Amended 4-1-84, 3-2-88, Formerly 10D-29.118, Amended 4-18-94, _____.

59A-4.122 Physical Environment and Physical Plant Maintenance.

(1) The ~~licensee must facility shall~~ provide a safe, clean, comfortable, and homelike environment, which allows the resident to use his or her personal belongings to the extent possible.

(2) The ~~licensee must facility shall~~ provide:

(a) Housekeeping and maintenance services necessary to maintain a sanitary, orderly, and comfortable interior;

(b) Clean bed and bath linens that are in good condition;

~~(c) Private closet space for each resident;~~

~~(d) Furniture, such as a bedside cabinet, drawer space;~~

~~(e) Adequate and comfortable lighting levels in all areas;~~

~~(c)(f)~~ Comfortable and safe room temperature levels in conformance with 42 C.F.R. Section 483.15(h)(6), which is incorporated by reference and;

~~(d)(g)~~ The maintenance of comfortable sound levels. Individual radios, TVs and other such transmitters belonging to the resident will be tuned to stations of the resident's choice.

(3) Each nursing home licensee must establish written policies designed to maintain the physical plant and overall nursing home environment to assure the safety and well-being of residents.

(4) The building and mechanical maintenance programs must be supervised by a person who has knowledge in the areas of building and mechanical maintenance.

(5) All mechanical and electrical equipment must be maintained in working order, and must be accessible for cleaning and inspection.

(6) All Heating Ventilation Air Conditioning (HVAC) systems must be maintained to ensure they are operating within specified parameters to meet manufacturers' specifications. Permanent records must be maintained.

Rulemaking Specific Authority 400.23 FS. Law Implemented ~~400.102, 400.141, 400.232~~ FS. History–New 4-1-82, Amended 4-1-84, Formerly 10D-29.122, Amended 4-18-94, _____.

59A-4.123 Risk Management and Quality Assurance.

(1) The ~~licensee must facility shall~~ maintain a risk management and quality assurance committee as required in Section 400.147, F.S.

(2) The licensee must submit a report to the Agency on each incident determined to be adverse as specified in Section 400.147(5), F.S. on facility shall use AHCA Form 3110-0009, Revised, January, 2002, October, 2001, October 2008, "Confidential Nursing Home Initial Adverse Incident Report – 1 Day," and AHCA Form 3110-0010, 3110-0010A, and 3110-0010B, Revised, January, 2002, "Confidential Nursing Home Complete Adverse Incident Report – 15 Day," which is incorporated by reference when reporting events as stated in Section 400.147, F.S. This These forms may be obtained from the Agency for Health Care Administration, Long Term Care Unit, 2727 Mahan Drive, MS 33, Tallahassee, FL 32308 or on the web site at: <http://ahca.myflorida.com/>. Each licensee must comply with reporting timeframes and transmission requirements specified in Section 400.147, F.S. These forms may be submitted through the Agency's web site in accordance with subsection 59A-4.103(3), F.A.C.

(3) Each licensee that has submitted a "Confidential Nursing Home Initial Adverse Incident Report – 1 Day," report must submit a full report of each event by completing "Confidential Nursing Home Complete Adverse Incident Report – 15 Day," AHCA Form 3110-0010, October 2008, which is incorporated by reference. This form may be obtained from the Agency for Health Care Administration, Long Term Care Unit, 2727 Mahan Drive, MS 33, Tallahassee, FL 32308 or on the web site at: <http://ahca.myflorida.com/>. If a thorough investigation has revealed that the event does not meet the definition of adverse incident, a statement of corrective action on "Confidential Nursing Home Complete Adverse Incident Report – 15 Day," AHCA Form 3110-0010, October 2008, is not required. Each licensee must comply with report timeframe and transmission requirements specified in Section 400.147, F.S. These forms may be submitted through the Agency's web site in accordance with subsection 59A-4.103(3), F.A.C. Each facility shall use AHCA Form 3110-0008, and AHCA Form 3110-0008A, Revised, January 2002, "Nursing Home Monthly Liability Claim Information," which are incorporated by reference when reporting liability claims filed against it as required by Section 400.147(9), F.S. These forms may be obtained from the Agency for Health Care Administration, Long Term Care Unit, 2727 Mahan Drive, MS 33, Tallahassee, FL 32308.

(4) Events reported to law enforcement or its personnel for investigation; or resident elopement, if the elopement places the resident at risk of harm or injury are considered adverse incidents.

Rulemaking Specific Authority 400.147, 400.23 FS. Law Implemented 400.022, 400.102, 400.141, 400.147, 400.23 FS. History--New 4-1-82, Amended 9-5-82, 4-1-84, 8-1-85, 7-10-91, Formerly 10D-29.123, Amended 4-18-94, 5-5-02, _____.

59A-4.1235 Liability Claims.

Each nursing home licensee must use AHCA Form 3110-0008, October 2008, "Nursing Home Monthly Liability Claim Information," which is incorporated by reference, when reporting notices of intent to litigate and complaints filed with the Clerks of the Courts received by the licensee during the prior month as required by Section 400.147(10), F.S. If a liability claim has not been filed against the licensee in a given month, no report is required. These forms must be submitted by the tenth calendar day following the month of receipt and may be obtained from the Agency for Health Care Administration, Long Term Care Unit, 2727 Mahan Drive, MS 33, Tallahassee, FL 32308 or on the web site at: <http://ahca.myflorida.com/>. These forms may be submitted through the Agency's web site in accordance with subsection 59A-4.103(3), F.A.C.

Rulemaking Authority 400.147, 400.23 FS. Law Implemented 400.147, 400.23 FS. History--New _____.

59A-4.126 Disaster Preparedness.

(1) Each nursing home licensee must facility shall have a written plan with procedures to be followed in the event of an internal or externally caused disaster. The initiation, development, and maintenance of this plan is shall be the responsibility of the facility administrator, and must shall be accomplished in consultation with the Department of Community Affairs', cCounty cEmergency mManagement aAgency.

(2) The plan must shall include, at a minimum, the following:

(a) Criteria, as shown, in Section 400.23(2)(g), F.S.; and

(b) The Emergency Management Planning Criteria for Nursing Home Facilities, AHCA 3110-6006, March 1994, which is incorporated herein by reference and obtainable available from the Agency for Health Care Administration, 2727 Mahan Drive, MS #24, Tallahassee, Florida 32308 or on the web site at <http://ahca.myflorida.com/MCHQ/Plans/index.shtml#forms>.

(3) The plan, including the "Emergency Management Planning Criteria for Nursing Homes," must be submitted annually, at the time of a change of ownership of the facility and after significant modification of the plan, to the county emergency management agency for review and approval.

(4) If the licensee is advised by the county emergency management agency of necessary revisions to the plan, those revisions must be made and the plan resubmitted to the county emergency management agency within 30 days of notification.

(5) The county emergency management agency shall be the final administrative authority for emergency plans developed by the nursing home licensee.

(6) The nursing home licensee must test the implementation of the emergency management plan annually, either in response to a disaster, an emergency, or in a planned drill. The outcome must be evaluated and documented and appropriate modifications to the plan to address deficiencies must be made within 30 days.

(7) The emergency management plan must be located in a designated area of the facility for immediate access by nursing home staff.

(8) If residents must be evacuated from the premises due to emergency conditions or a disaster, the licensee must report the location and number of residents evacuated to the Agency's Long Term Care Unit in Tallahassee by phone at (850)412-4303, by fax at (850)410-1512 or through the Emergency Status System (ESS) at: <http://ess.myflorida.com/> within 24 hours after the evacuation is completed. If the Long Term Care Unit or ESS system is unavailable to receive such information, the licensee must contact the appropriate Agency field office or designated Agency mutual aid office. The administrator or designee is responsible for knowing the location of each resident until the resident has been discharged from the facility. The licensee must inform the appropriate Agency field office of a contact person(s) who will be available 24 hours a day, seven days a week, until the facility is reoccupied.

(9) A licensee may exceed its licensed capacity to act as a receiving facility in accordance with an emergency operations plan for residents of evacuating providers from a geographic area where an evacuation order has been issued by a local authority having jurisdiction. While in an overcapacity status, each licensee must furnish or arrange for appropriate care and services including Fire/Life Safety Safeguards for all residents.

(10) The Agency must approve requests for overcapacity which last in excess of 15 days. Approvals shall be based upon approved justification, need and resident safety as provided by the receiving and sending facilities.

(11) If residents are evacuated from a nursing home during or after an emergency situation or disaster and there is no damage to the facility and all utilities and services are operating within normal parameters, the facility may be reoccupied and notice provided to the Agency within 24 hours of return to the facility. This notification may be sent to the Agency by telephone or fax. However, if there has been water intrusion, interior damage, structural damage or if the facility is unable to operate under normal electrical power a determination whether or not the facility can be reoccupied must be made by the Agency. A determination may also require the review and approval from the local authority having jurisdiction. In those cases, the facility may not be occupied until all approvals are obtained.

(12) A facility with significant structural or systems damage must relocate residents out of the damaged facility until approval is received from the Agency's Office of Plans and Construction to reoccupy the facility.

Rulemaking Specific Authority 400.23 FS. Law Implemented 400.102, 400.141, 400.23 FS. History--New 4-1-82, Amended 4-1-84, Formerly 10D-29.126, Amended 8-15-94, 6-1-06,_____.

59A-4.128 Evaluation of Nursing Homes and Licensure Status.

(1) The Agency shall, at least every 15 months, evaluate and assign a licensure status to every nursing home facility. The evaluation and licensure status shall be based on the facility's compliance with the requirements contained in Chapter 400, Part II, F.S and this rule.

(2) The evaluation shall be based on the most recent licensure survey report and investigations conducted by the Agency and those persons authorized to inspect nursing homes under chapter 400, Part II, F.S.

(3) The licensure status assigned to the nursing home facility will be either conditional or standard. The licensure status is based on ~~the~~ compliance with the standards contained in ~~C~~chapter 400, Part II, F.S. and this rule. ~~Non-compliance will be stated as deficiencies measured in terms of scope and severity.~~

Rulemaking Specific Authority 400.23 FS. Law Implemented 400.102, 400.19, 400.23 FS. History--New 4-1-82, Amended 4-1-84, 9-26-85, 7-21-87, Formerly 10D-29.128, Amended 8-15-94, 2-28-95, 10-13-96, 5-5-02,_____.

(Substantial rewording of Rule 59A-4.1285 follows. See Florida Administrative Code for present text.)

59A-4.1285 Respite Care.

(1) Each nursing home licensee that meets the standards provided in Section 400.141(f), F.S., may develop and implement a respite care program.

(2) All sections in this rule and Chapter 400, Part II, F.S., shall apply to a nursing home licensee offering a respite care program. For each person admitted under the respite care program, the nursing home licensee must:

(a) Consider respite residents as nursing home residents to determine the nursing home minimum staffing required by Section 400.23(3)(a), F.S.

(b) Have an abbreviated plan of care developed with those items specified in paragraph 59A-4.109(1)(a), F.A.C. At a minimum, the modified plan of care must include nutritional requirements, medication orders, physicians' orders, nursing assessments and dietary preferences. The nursing or physician assessments may take the place of all other assessments required for full time residents.

(c) Have a contract which, at a minimum, must include the services to be provided to the resident including: charges for services, activities, equipment, emergency medical services

and the administration and provision of medications. If multiple respite admissions for a single person are anticipated, the original contract may be good for one year from the date of execution.

(3) Persons admitted under the respite care program are:

(a) Exempt from the requirements specified in subsection 59A-4.106(1)(f), F.A.C., for a discharge plan, discharge summary, and discharge diagnosis; however, each nursing home licensee must ensure a resident is released to his or her caregiver or an individual designated in writing by the caregiver;

(b) Entitled to resident's rights specified under Section 400.022, F.S., with the following exceptions:

1. Funds or property of the respite resident shall not be considered trust funds subject to the requirements of Section 400.022(1)(h), F.S., until the resident has been in the facility for more than 14 consecutive days. Each nursing home licensee must develop policies and procedures for handling respite care residents' funds or property, which must include access to personal funds as needed and release of all property and funds upon discharge.

2. The rights of residents as specified in Sections 400.022(1)(i) and (l), F.S., for respite residents must be addressed in the resident contract.

3. The rights of residents as specified in Sections 400.022(1)(p), (q), (u) and (v), F.S., will not apply.

(c) Allowed to use their personal medications for the respite stays if permitted under facility policy. Prescription medications brought in with the respite resident must be in a properly labeled container. Over-the-counter medications must be in the original container. The nursing home licensee must obtain physician's orders for the medications. The caregiver may provide information regarding the medications as part of the nursing assessment, which must agree with the physician's orders. Medications should be released with the resident upon discharge and in accordance with current orders. The nursing home policy may include acceptance of:

1. An attestation by the caregiver that the medications have been under his or her control prior to bringing it to the nursing home;

2. Verification by the Director of Nursing (DON), the consultant pharmacist, or provider pharmacy that the medications as packaged are the same as labeled and ordered by the physician.

(4) A person receiving respite care shall be entitled to a total of 60 days in the nursing home within a contract year or a calendar year if the contract is for less than 12 months. However, each single stay shall be limited to not more than 14 days. If a stay exceeds 14 days, the nursing home licensee must comply with all assessment and care planning requirements applicable to nursing home residents.

(5) Persons receiving respite care shall reside in a licensed nursing home bed.

(6) A prospective respite resident must provide such relevant medical information from a physician, a physician assistant, or nurse practitioner and other information from the primary caregiver as may be required by the nursing home, prior to or at the time of admission to the nursing home to receive respite care. The medical information must include a physician's order for respite care and proof of a physical examination by a licensed physician, physician assistant or nurse practitioner. The physician's order and physical examination may be used to provide intermittent respite care for up to 12 months from the date the order is written.

(7) The nursing home licensee must assume the duties of the primary care giver. To ensure continuity of care and services, the respite resident shall be entitled to retain his or her personal physician and must have access to medically necessary services such as physical therapy, occupational therapy or speech therapy as needed. The nursing home licensee must arrange for transportation to these services if necessary.

Rulemaking Specific Authority 400.141(1)(f) 400.011 FS. Law Implemented 400.141(6), 400.151 FS. History--New 7-21-87, Formerly 10D-29.1285, Amended _____.

59A-4.1288 Exception.

Nursing homes licensees that participate in Title XVIII or XIX must follow certification rules and regulations found in 42 C.F.R. 483, Requirements for States and Long Term Care Facilities, October 1, 2006, which are incorporated by reference September 26, 1991, and State Rules and Regulations, Chapter 400, Part II, F.S., and this rule. Non-certified facility licensees facilities must follow the contents of this rule and the standards contained in the Conditions of Participation found in 42 C.F.R. 483, Requirements for States and Long Term Care Facilities, September 23, 1992 September 26, 1991, which is incorporated by reference with respect to social services, dental services, infection control, dietary and ~~the~~ therapies.

Rulemaking Specific Authority 400.23 FS. Law Implemented 400.102, 400.141, 400.23 FS. History--New 4-18-94, Amended _____.

59A-4.1295 Additional Standards for Homes That Admit Children 0 Through 20 Years of Age.

(1) Nursing homes licensees who accept children with a level of care of Intermediate I or II, skilled or fragile, must meet the following standards as indicated. Intermediate I and II are defined in Chapter 59G-4, F.A.C. Children considered skilled have a chronic debilitating disease or condition of one or more physiological or organ systems that generally make the child dependent upon 24-hour per day medical, nursing, or health supervision or intervention. Fragile children are medically complex and the medical condition is such that they are technologically dependent upon through medical

equipment apparatus or procedure(s) to sustain life and who can expire, without warning unless continually under observation.

(2) Each child must shall have an assessment upon admission by licensed physical, occupational, and speech therapists ~~that are~~ experienced in working with children. Therapies must will be administered based upon the outcome of these assessments and the orders of the child's physician.

(3) Admission criteria:

(a) The child must require intermediate, skilled or fragile nursing care and be medically stable, as documented by the physician determining level of care.

(b) For nursing facility placement, a recommendation must shall be made in the form of a written order by the child's attending physician in consultation with the parent(s) or legal guardian(s). For Medicaid certified nursing facilities, the recommendations for placement of a Medicaid applicant or recipient in the nursing facility must shall be made by the Department of Health's Children's Medical Services Children's Multi-disciplinary Assessment Team. Consideration must be given to relevant medical, emotional, psychosocial, and environmental factors.

(c) Each child admitted to the nursing home facility must shall have a plan of care developed by the interdisciplinary care plan team. The plan of care must shall consist of those items listed below.

1. Physician's orders, diagnosis, medical history, physical examination and rehabilitative or restorative needs.

2. A preliminary nursing evaluation with physician orders for immediate care, completed on admission.

3. A comprehensive, accurate, reproducible, and standardized assessment of each child's functional capability which is completed within 14 days of the child's admission to the facility and every twelve months thereafter. The assessment must shall be:

a. Reviewed no less than once every 120 days;

b. Reviewed promptly after a significant change in the child's physical or mental condition which includes the need to stop a form of treatment because of adverse consequences (e.g., adverse drug reaction) or commence a new form of treatment to deal with a problem;

c. Revised as appropriate to assure the continued usefulness of the assessment.

4. The plan of care must shall also include measurable objectives and timetables to meet the child's medical, nursing, mental and psychosocial needs identified in the comprehensive assessment. The care plan must describe the services that are to be furnished to attain or maintain the child's highest practicable physical, mental, social and educational well-being. The care plan must be completed within seven 7 days after completion of the child's assessments ~~required in subsection (3) above.~~

5. ~~To In order to~~ enhance the quality of life of each child ages 3 years through 15 years, the facility administration must notify by certified mail the school board in the county in which the facility is located that there is a school-age child residing in the facility. Children ages 16 through 20 years must be enrolled in an education program according to their ability to participate. Program participation for each child regardless of age is predicated on his or her ~~their~~ intellectual function, physical limitations, and medical stability. Collaborative planning with the public school system and community at-large is necessary to produce integrated and inclusive settings which meet each child's needs. The failure or inability on the part of city City, county County, state State, or federal Federal school systems to provide an educational program according to the child's ability to participate shall not obligate the licensee facility to supply or furnish an educational program or bring suit against any city City, county County, state State, or federal Federal organizations for their failure or inability to provide an educational program. Nothing contained herein is intended to prohibit, restrict or prevent the parents or legal guardian of the child from providing a private educational program that meets applicable ~~s~~State laws.

6. At the child's guardian's option, every effort must shall be made to include the child and his or her family or responsible party, including private duty nurse or nursing assistant, in the development, implementation, maintenance and evaluation of the child's plan of care.

7. All employees of the facility who provide hands on care, must shall be knowledgeable of, and have access to, the child's plan of care.

8. A summary of the child's plan of care must shall accompany each child discharged or transferred to another health care facility or must shall be forwarded to the facility receiving the child as soon as possible consistent with good medical practice.

(4) The child's attending physician, licensed under Chapter 458 or 459, F.S., must shall maintain responsibility for the overall medical management and therapeutic plan of care and must will be available for face-to-face consultation and collaboration with the nursing facility medical and nursing director. At a minimum, the physician or his or her designee must shall:

(a) Evaluate and document the status of the child's condition at least monthly;

(b) Review and update the plan of care every 60 days;

(c) Prepare orders as needed and accompany them by a signed progress note in the child's medical record; and

(d) Co-sign verbal orders no more than 72 hours after the order is given. Physicians' orders may be transmitted by facsimile machine. It is not necessary for a physician to re-sign a facsimile order when he or she visits a facility. Orders transmitted via computer mail are not acceptable. Verbal orders

not co-signed within ~~seventy-two (72)~~ hours shall not be held against the licensee facility if it has documented timely, good-faith efforts to obtain such said co-signed orders.

(5) The following must be completed for each child. A ~~registered nurse must RN shall~~ be responsible for ensuring these tasks are accomplished:

(a) Informing the attending physician and medical director of beneficial and untoward effects of the therapeutic interventions;

(b) Maintaining the child's record in accordance with facility policies and procedures; and

(c) Instructing ~~instructing~~ or arranging for the instruction of the parent(s), legal guardian(s), or other caretaker(s) giver(s) on how to provide the necessary interventions, how to interpret responses to therapies, and how to manage unexpected responses ~~in order~~ to facilitate a smooth transition from the nursing facility to the home or other placement. This instruction must will cover care coordination and must will gradually pass the role of care coordinator to the parent or legal guardian, as appropriate.

(6) The licensee must facility shall provide the following:

~~(a) A minimum of 100 square feet in a single bedroom and 80 square feet per child in multiple bedrooms;~~

~~(a)(b)~~ Bathroom and bathing facilities appropriate to the child's needs to allow for:

1. Toileting functions with privacy ~~(a door to the bathroom must will be provided); and~~

2. Stall showers and tubs.

~~(b)(c)~~ There must shall be an indoor activities area that:

1. Encourages exploration and maximizes the child's capabilities;

2. Accommodates mobile and non-mobile children; and

3. Supports a range of activities for children and adolescents of varying ages and abilities.

~~(c)(d)~~ There must shall be an outdoor activity area that is:

1. Secure with areas of sun and shade;

2. Free of safety hazards; and

3. Equipped with age appropriate recreational equipment for developmental level of children and has storage space for same.

~~(d)(e)~~ All furniture and adaptive equipment must be physically appropriate to the developmental and medical needs of the children;

~~(e)(f)~~ Other equipment and supplies must shall be made available to meet the needs of the children as prescribed or recommended by the attending physician or medical director and in accordance with professional standards of care.

(7) For ~~those nursing homes that facilities who~~ admit children age 0 through 15 years of age, the following standards apply in addition to those above and throughout Chapter 59A-4, F.A.C.

(a) Each child ~~must shall~~ have an assessment upon admission by licensed physical, occupational, and speech therapists who are experienced in working with children. Therapies ~~must will~~ be administered based upon the outcome of these assessments and the orders of ~~each the~~ child's physician.

(b) The nursing home licensee must facility shall have a contract with a board certified pediatrician who serves as a consultant and liaison between the nursing facility and the medical community for quality and appropriateness of services to children.

(c) The nursing home licensee facility must assure that pediatric physicians are available for routine and emergency consultation to meet the children's child's needs.

(d) The nursing home licensee facility must ensure that children reside in distinct and separate units from adults.

~~(e) The facility shall be equipped and staffed to accommodate no more than sixty (60) children at any given time, of which there shall be no more than 40 children of ages 0 through 15 at any given time, nor more than 40 children of ages 16 through 20 at any given time.~~

~~(e)(f)~~ The nursing home licensee facility must provide access to emergency and other forms of transportation for children.

~~(f)(g)~~ At least one licensed health care staff person with current Pediatric Advanced Life Support (PALS) Life Support certification must for children shall be on the unit where children are residing at all times ~~where children are residing~~.

~~(g)(h)~~ The nursing home licensee must facility shall maintain an Emergency Medication Kit, also known as an Emergency Drug Kit (EDK) of pediatric medications, as well as adult dosages for those children who require adult doses. The contents ~~of in~~ the EDK Emergency Medication Kit shall be determined in consultation with the Medical Director, Director of Nursing, a registered nurse who has current experience working with children, and a Pharmacist who has pediatric expertise. The kit ~~must shall~~ be readily available and ~~must shall~~ be kept sealed. All items in the kit ~~must shall~~ be properly labeled. The nursing home licensee must facility shall maintain an accurate log of receipt and disposition of each item in the EDK Emergency Medication Kit. An inventory to include expiration dates of the contents of the EDK must Emergency Medication Kit shall be attached to the outside of the kit. If the seal is broken, the kit must be restocked and resealed the next business day after use.

~~(h)(i)~~ Each nursing home licensee must facility shall develop, implement, and maintain a written staff education plan ~~that which~~ ensures a coordinated program for staff education for all facility employees who work with children. The plan ~~must shall~~:

1. Be reviewed at least annually by the quality assurance committee and revised as needed.

2. Include both pre-service and in-service programs. In-service for each department must include pediatric-specific requirements as relevant to its discipline.

3. ~~Include Ensure that~~ education ~~that~~ is conducted annually for all facility employees who work with children, at a minimum, in the following areas:

a. Childhood diseases to include prevention and control of infection;

b. Childhood accident prevention and safety awareness programs;

4. ~~Require Ensure that~~ all ~~non-licensed~~ employees of the nursing home to complete an ~~initial~~ educational course on HIV and AIDS, preferably pediatric HIV and AIDS, in accordance with Section 381.0035, F.S. If the employee does not have a certificate of completion at the time ~~he or she is they are~~ hired, ~~the employee they~~ must have completed the course two hours within six months of employment. ~~All employees shall have a minimum of one hour biennially.~~

~~(i)(j)~~ All facility staff ~~must shall~~ receive in-service training in and demonstrate awareness of issues particular to pediatric residents annually.

~~(8)(a)~~ For the purposes of this rule, nursing care ~~must shall~~ consist of the following:

~~(a) For residents who are skilled: registered nurses, licensed practical nurses, respiratory therapists, respiratory care practitioners, and certified nursing assistants (CNAs). The child's nursing care shall be as follows:~~

~~1. There shall be one registered nurse on duty, on-site 24 hours per day on the unit where children reside. There shall be an average of 3.5 hours of nursing care per patient day.~~

~~2. In determining the minimum hours of nursing care required above, there shall be no more than 1.5 hours per patient day of certified nursing assistant (CNA) care and no less than 1.0 hours per patient day of licensed nursing care.~~

~~(b) For residents who are fragile: Registered nurses, licensed practical nurses, respiratory therapists, respiratory care practitioners, and certified nursing assistants and must. The child's nursing care shall be as follows:~~

~~1. One include one~~ registered nurse on duty, on-site 24 hours per day on the unit where children reside. ~~There shall be an average of 5 hours of nursing care per patient day.~~

~~2. In determining the minimum hours per patient day required above, there shall be no more than 1.5 hours per patient day of CNA care, and no less than 1.7 hours per patient day of licensed nursing care.~~

~~(b)(c)~~ In the event that there are more than ~~forty two (42)~~ children in the facility, there ~~must shall~~ be no fewer than ~~two (2)~~ registered nurses on duty, on-site, 24 hours per day on the unit where the children reside.

(9) A qualified dietitian with knowledge, expertise and experience in the nutritional management of medically involved children ~~must shall~~ evaluate the needs and special diet of each child at least every 60 days.

(10) The pharmacist ~~must will~~ have access to appropriate knowledge concerning pediatric pharmaceutical procedures, i.e., total parenteral nutrition (TPN) infusion regime and be familiar with pediatric medications and dosages.

(11) The nursing home licensee must ~~facility shall~~ maintain or contract as needed for pediatric dental services.

(12) Safety equipment, such as childproof safety latches on closets; and cabinets, straps on all seating services, locks on specific storage cabinets, bumper pads on cribs, and car seats for transporting must be used whenever appropriate to ensure the safety of the child.

(13) Pediatric equipment and supplies must shall be available as follows:

(a) Suction machines, one per child requiring suction, plus one suction machine for emergency use;

(b) Oxygen, in portable tanks with age appropriate supplies;

(c) Thermometers;

(d) Sphygmomanometers ~~Sphygmomanometers~~, stethoscopes, otoscopes; and

(e) Apnea monitors and pulse oximeters.

(14) Other equipment and supplies must shall be made available to meet the needs of the children as prescribed or recommended by the attending physician or medical director and in accordance with professional standards of care.

(15) Prior to initiating or expanding services to pediatric residents, the licensee or applicant must receive written approval from the Agency. Nursing home licensees that wish to convert existing nursing home beds to pediatric beds must:

(a) Have a standard license pursuant to Section 400.062, F.S.:

(b) Submit approval from the Office of Plans and Construction based upon submission of plans and specifications of the building for approval as outlined in Rule 59A-4.133, F.A.C.

(c) Submit a revised licensure application no less than 30 days prior to the anticipated date that services will be provided. The application must include the number and configuration of beds to be used to serve pediatric residents and a listing of services that will be provided and all the information required by Chapter 400, Part II, F.S. and this rule on AHCA Form 3110-6001, July 2009, "Health Care Licensing Application – Nursing Homes" incorporated by reference in paragraph 59A-4.103(1)(a), F.A.C.

(16) Approval to provide pediatric services shall be based upon demonstration of compliance with this rule and Chapter 400, Part II, F.S.

(17) Any changes in pediatric services, including cessation of services, must be reported to the Agency in writing at least 30 days prior to the change.

Rulemaking Specific Authority 400.23(5)(2), ~~(4)~~ FS. Law Implemented 400.23(5)(4) FS. History—New 11-5-96, Amended 9-7-97, _____.

(Substantial rewording of Rule 59A-4.130 follows. See Florida Administrative Code for present text.)

59A-4.130 ~~Fire Prevention~~, Fire Protection, and Life Safety, Systems Failure and External Emergency Communications.

(1) Each nursing home licensee must provide fire protection through the elimination of fire hazards. All portions of the facility must comply with the requirements of Chapter 633.022 of the Florida Statutes for an Existing Health Care Occupancy.

(2) All fires or explosions must be reported immediately to the local fire inspection authority and the Agency's Office of Plans and Construction at (850)412-4477 or by fax at (850)922-6483. Upon notification, the Agency may investigate the cause, origin, and circumstances of the fire or explosion. To facilitate this investigation, the nursing home licensee must complete the form "Fire Incident Report," AHCA Form 3500-0031, September 2006, incorporated herein by reference and available by mail from the Agency's Office of Plans and Construction or accessible from the Agency's web site at: ahca.myflorida.com/MCHQ/Plans/index.shtml#forms. This written report must be sent to the Agency's Office of Plans and Construction at 2727 Mahan Drive, MS #24, Tallahassee, Florida 32308, within seven days of the occurrence.

(3) If a system failure of the fire alarm system, smoke detection system, or sprinkler system occurs, the following actions must be taken by the licensee:

(a) Notify the local fire department and document instructions.

(b) Notify the Agency's Office of Plans and Construction or the appropriate Agency field office.

(c) Assess the extent of the condition and effect corrective action, with a documented correction period. If the corrective action will take more than four hours, the following must be completed:

1. Implement a contingency plan to the facility fire plan containing a description of the problem, a specific description of the system failure, and the projected correction period. All staff on the shifts involved must have documented in-service training for the emergency contingency.

2. Begin a documented fire watch until the system is restored. Staff performing the fire watch must be trained in appropriate observations and actions, as well as be able to expeditiously contact the fire department. To maintain a fire watch, the licensee must utilize only certified public fire safety personnel, a security guard service, or facility staff. If facility staff are used for this function, they must meet the following criteria:

a. Be off duty from their regular facility position or assigned only to fire watch duty. The licensee must maintain compliance with direct care staffing requirements at all times;

b. Be trained and competent as determined by the licensee in the duties and responsibilities of a fire watch;

c. Have immediate access to two-way electronic communication.

3. If the projected correction period changes or upon restoration of the system to normal operation, the licensee must notify the appropriate Agency's field office and local fire authorities.

(4) External Emergency Communication. Each newly constructed facility that has not received a Preliminary Stage II Plan Approval from the Office of Plans and Construction on the effective date of this rule, shall provide for external electronic communication not dependent on terrestrial telephone lines, cellular, radio, or microwave towers, such as an on-site radio transmitter, satellite communication systems or a written agreement with an amateur radio operator volunteer group. This agreement must provide for a volunteer operator and communication equipment to be relocated into the facility in the event of a disaster until communications are restored. Other methods that can be shown to maintain uninterrupted electronic communications not dependent on land-based transmission must be approved by the Agency's Office of Plans and Construction.

Rulemaking Specific Authority ~~381.031(1)(g)7-, 400.23, 400.232, 633.022, 400.191(2)~~ FS. Law Implemented ~~633.022, 381.031, 400.102, 400.141, 400.23, 633.05(8), 633.051~~ FS. History—New 4-1-82, Amended 4-1-84, 8-1-85, Formerly 10D-29.119, 59A-4.119, Amended _____.

(Substantial rewording of Rule 59A-4.133 follows. See Florida Administrative Code for present text.)

59A-4.133 Physical Plant Codes and Standards for Nursing Homes Plans Submission and Review and Construction Standards.

(1) All construction of new nursing homes and all additions, modifications, alterations, renovations, and refurbishing to the site, facility, equipment or systems of existing facilities must be in compliance with Chapter 553.73 of the Florida Statutes.

(2) No building shall be converted to a licensed nursing home unless it complies with the standards and codes set forth herein and with licensure requirements set forth in this Chapter.

(3) Alternative approaches to life safety may only be used for an existing licensed nursing home facility.

(4) Where additions, modifications, alterations, refurbishing, renovations or reconstruction are undertaken within an existing facility, all such additions, modifications alterations, refurbishing, renovations or reconstruction must comply with applicable sections of the codes for new facilities.

Where existing major structural elements make total compliance impractical or impossible, the licensee or potential licensee must submit to the Office of Plans and Construction a request to utilize alternate materials and methods in accordance with the Florida Building Code.

(5) In additions, modifications, alterations, refurbishing, renovations or reconstruction projects and those projects that are making additions to existing facilities, only that portion of the total facility affected by the project must comply with applicable sections of the referenced codes for new construction.

(6) A licensed nursing home and any portion of a licensed nursing home that was reviewed and approved under a previous edition of Chapter 59A-4, Florida Administrative Code and the state or local building code must remain in compliance with the rule or building code in effect at the date of licensure.

(7) All existing facilities must be maintained in a safe condition free of hazards and all existing architectural, mechanical, electrical and structural systems and appurtenances must be maintained in good working order. No architectural, mechanical, electrical, or structural system or appurtenance may be deleted or discontinued without first obtaining approval from the Agency.

(8) When a building or portion of a building is converted to a new licensed nursing home, it must comply with the requirements for a new nursing home as required by Sections 553.73 and 633.022 of the Florida Statutes. A change of ownership shall not constitute a change of occupancy.

(9) Other facilities or providers not owned or operated by the licensee of a nursing home may be fully integrated with the nursing home's physical plant only after it has been successfully demonstrated to the Agency that all areas of the facility's physical plant are designed and maintained in a manner that will ensure continued licensure compliance of the nursing home.

(10) The Agency shall conduct annual life safety inspections of nursing homes to ensure compliance with all licensing and fire safety requirements. Inspections may also be conducted by the Agency as it deems necessary to carry out the functions of the Agency for the following reasons:

(a) To ensure compliance with the licensing and life safety requirements of this Chapter;

(b) To respond to licensing, life safety, and other physical plant complaints; or

(c) To protect the public health and safety.

(11) Nothing in these standards shall be construed as restrictive to a facility that chooses to do work or alterations as part of a long-range, phased safety improvement plan. All hazards to life and safety and all areas of noncompliance with applicable codes and regulations must be corrected in accordance with a plan of correction approved in advance by the Agency's Office of Plans and Construction.

(12) Projects that have not received at least a Stage II Preliminary Plan approval from the Office of Plans and Construction on the effective date of this rule must conform to the requirements as set forth in these rules.

Rulemaking Specific Authority 381.031(4)(g)7., 400.23 FS. Law Implemented 381.031, 400.011(2), 400.021(1)-(17), 400.022(1)-(4), 400.102, 400.141, 400.23, 400.232, 553.79, 553.80, 633.022 FS. History—New 4-1-82, Amended 4-1-84, 4-29-92, Formerly 10D-29.120, 59A-4.120, Amended 2-6-97, 10-21-99,_____.

59A-4.134 Plans Submission and Fee Requirements.

(1) No construction work, including demolition, shall be started until prior written approval has been given by the Office of Plans and Construction. This includes all construction of new facilities and all additions, modifications, alterations, renovations, and refurbishing to the site, facility, equipment or systems of all existing facilities.

(2) Approval to start construction only for demolition, site work, foundation, and building structural frame may be obtained prior to construction document approval when the following is submitted for review and approval:

(a) Preliminary Stage II approval letter from the Office of Plans and Construction.

(b) Construction documents, specifications and construction details for all work to be undertaken.

(c) A letter from the nursing home licensee holding the Agency harmless for any changes that may occur to the project as a result of the final construction document review.

(d) A life safety plan indicating temporary egress and detailed phasing plans indicating how the areas to be demolished or constructed are to be separated from all occupied areas must be submitted for review and approval when demolition or construction in and around occupied buildings is to be undertaken.

(3) Projects that have been submitted to the Agency for review will be considered abandoned and will be terminated after any of the following has occurred:

(a) Construction has not begun within one year after written approval of the construction documents from the Office of Plans and Construction;

(b) No further plans have been submitted for Agency review within one year after a project has been initiated with the Office of Plans and Construction;

(c) Construction has been halted for more than one year. After this termination, resubmission as a new project will be required.

(4) When construction is planned, either for new buildings, additions, alterations or renovations to existing buildings, the plans and specifications must be prepared and submitted to the Office of Plans and Construction for approval by a Florida registered architect and a Florida registered professional engineer. An architecture or engineering firm not

practicing as a sole proprietor must also provide proof of registration as an architecture or engineering firm with the Florida Department of Business and Professional Regulation.

(5) The initial submission of plans to the Office of Plans and Construction for any new project must include a completed Plan Review Application Form, ACHA Form 3500-0011, November 2006, revised April 2009, incorporated by reference and obtainable from the Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308 and a valid Certificate of Need or exemption as required by Sections 408.031-408.045 of the Florida Statutes. This information must accompany the initial submission. Approval will not be granted for any project without a Certificate of Need if required by the Agency.

(6) Plans and specifications submitted for review shall be subject to a plan review fee. This fee is prescribed by Section 400.232, F.S. All fees must be paid by check made payable to the Treasurer, State of Florida, with the check noted with the Office of Plans and Construction facility log number. Fees will be accepted only from the licensee or prospective licensee.

(7) Plans and specifications shall be submitted in three stages. These stages are as follows:

(a) Stage I, schematic plans.

(b) Stage II, preliminary plans or design development drawings.

(c) Stage III, construction documents, including specifications, addenda and change orders.

(8) For each stage of submission, a program or scope of work must be submitted. It must consist of a detailed word description of all contemplated work and any required phasing to be provided in the proposed construction.

(9) For projects involving only equipment changes or system renovations, only Stage III, construction documents need be submitted. These documents must include the following:

(a) Life safety plans showing the fire/smoke compartments in the area of renovation.

(b) Detailed phasing plans indicating how the new work will be separated from all occupied areas.

(c) Engineering plans and specifications for all of the required work.

(10) Stage I, Schematic Plans.

(a) At a minimum, the following must be incorporated into the schematic plans:

1. Single-line drawings of each floor that must show the relationship of the various activities or services to each other and each room arrangement. The function of each room or space must be noted in or near the room or space. The proposed roads and walkways, service and entrance courts, parking, and orientation must be shown on either a small plot plan or on the first floor plan. Provide a simple cross-section diagram showing the anticipated construction. Provide a schematic life safety plan showing smoke and fire

compartments, exits, exit passageways and gross areas of smoke and fire compartments. Provide information as to which areas have sprinklers, both new and existing.

2. If the proposed construction is an addition or is otherwise related to existing buildings on the site, the schematic plans must show the facility and general arrangement of those other buildings.

3. A schedule showing the total number of beds, types of bedrooms and types of ancillary spaces.

(11) Stage II, Preliminary Plans.

(a) At a minimum, to gain a Stage II approval, the following must be incorporated into the preliminary plans”.

1. A vicinity map showing the major local highway intersections for new nursing home construction.

2. Site development plans that:

a. Show existing grades and proposed improvements as required by the schematic submission.

b. Provide building locating dimensions.

c. Provide site elevations for both the 100 year flood elevations and hurricane category 3 surge inundation elevations if the project involves the construction of a new facility or is a new addition of a wing or floor to an existing facility.

d. Provide the location of the fire protection services water source to the building.

3. Architectural plans that include:

a. Floor plans, 1/8-inch scale minimum, showing door swings, windows, casework and millwork, fixed equipment and plumbing fixtures. Indicate the function of each space.

b. A large-scale plan of typical new bedrooms with a tabulation of gross and net square footage of each bedroom. Tabulate the size of the bedroom window glass.

c. Typical large-scale interior and exterior wall sections to include typical rated fire and fire/smoke partitions and a typical corridor partition.

d. All exterior building elevations.

e. Equipment that is not included in the construction contract but that requires mechanical or electrical service connections or construction modifications must be identified to assure its coordination with the architectural, mechanical and electrical phases of construction.

f. If the project is located in an occupied facility, preliminary phasing plans indicating how the project is to be separated from all occupied areas.

4. Life safety plans that include:

a. Single-sheet floor plans showing fire and smoke compartmentation, all means of egress and all exit signs. Additionally, dimension the longest path of travel in each smoke compartment to the door(s) to the adjoining compartment, calculate the total area of the smoke compartment in square feet, and tabulate exit inches.

b. All sprinklered areas, fire extinguishers, fire alarm devices and pull station locations.

c. If the project is an addition or conversion of an existing building, fully developed life safety plans.

d. If the project is a renovation in an existing building, life safety plans of the floor being renovated and the required exit egress floor(s).

e. When demolition or construction in and around occupied buildings is to be undertaken, a life safety plan indicating temporary egress and detailed phasing plans indicating how the areas to be demolished or constructed are to be separated from all occupied areas.

5. Mechanical engineering plans that include:

a. Single-sheet floor plans with a one-line diagram of the ventilating system with relative pressures of each space. Provide a written description and drawings of the anticipated smoke control system, passive or active, and a sequence of operation correlated with the life safety plans.

b. The general location of all fire and smoke dampers, all duct smoke detectors and firestats.

c. If the building is equipped with fire sprinklers, the location of the sprinkler system risers and the point of connection for the fire sprinkler system. State the method of design for the existing and new fire sprinkler systems.

d. The locations of all plumbing fixtures and other items of equipment requiring plumbing services and/or gas services.

e. The locations of any fume, radiological or chemical hoods.

f. The locations of all medical gas outlets, piping distribution risers, terminals, alarm panels, low pressure emergency oxygen connection, isolation/zone valves, and gas source locations.

g. The locations and relative size of major items of mechanical equipment such as chillers, air handling units, fire pumps, medical gas storage, boilers, vacuum pumps, air compressors and fuel storage vessels.

h. The locations of hazardous areas and the volume of products to be contained therein.

i. The location of fire pump, stand pipes, and sprinkler risers.

6. Electrical Engineering Drawings that include:

a. A one-line diagram of normal and essential electrical power systems showing service transformers and entrances, switchboards, transfer switches, distribution feeders and over-current devices, panel boards and step-down transformers. The diagram must include a preliminary listing and description of new and existing, normal and emergency loads, preliminary estimates of available short-circuit current at all new equipment and existing equipment serving any new equipment, short-circuit and withstand ratings of existing equipment serving new loads and any new or revised grounding requirements.

b. Fire alarm zones and correlate with the life safety plan.

7. Outline specifications are to include a general description of the construction, including construction classification and ratings of components, interior finishes, general types and locations of acoustical material, floor coverings, electrical equipment, ventilating equipment and plumbing fixtures, fire protection equipment, and medical gas equipment.

8. Whenever an existing building is to be converted to a health care facility, the general layout of spaces of the existing structure must be submitted with the preliminary plans for the proposed facility.

9. Whenever additions, modifications, alterations, renovations, and refurbishing to an existing building is proposed, the general layout of spaces of the existing facility must be submitted with the preliminary plans.

(12) Stage III. Construction Documents.

(a) The Stage III construction documents must be an extension of the Stage II preliminary plan submission and must provide a complete description of the contemplated construction. Construction documents must be signed, sealed, dated and submitted for written approval to the Office of Plans and Construction by a Florida registered architect and Florida registered professional engineer. These documents must consist of work related to civil, structural, mechanical, and electrical engineering, fire protection, lightning protection, landscape architecture and all architectural work. At a minimum, and in addition to the requirements for Stage II submission, the following must be incorporated into the construction documents:

1. Site and civil engineering plans that indicate building and site elevations, site utilities, paving plans, grading and drainage plans and details, locations of the two fire hydrants utilized to perform the water supply flow test, and landscaping plans.

2. Life safety plans for the entire project.

3. Architectural plans.

a. Typical large-scale details of all typical interior and exterior walls and smoke walls, horizontal exits and exit passageways.

b. Comprehensive ceiling plans that show all utilities, lighting fixtures, smoke detectors, ventilation devices, sprinkler head locations and fire-rated ceiling suspension member locations where applicable.

c. Floor/ceiling and roof/ceiling assembly descriptions for all conditions.

d. Details and other instructions to the contractor on the construction documents describing the techniques to be used to seal floor construction penetrations to the extent necessary to prevent smoke migration from floor to floor during a fire.

4. Structural engineering plans, schedules and details.

5. Mechanical engineering plans to include fire and smoke control plans. Show all items of owner furnished equipment requiring mechanical services. Provide a clear and concise narrative control sequence of operations for each item of mechanical equipment including but not limited to air conditioning, heating, ventilation, medical gas, plumbing, and fire protection and any interconnection of the equipment of the systems. Mechanical engineering drawings must depict completely the systems to be utilized, whether new or existing, from the point of system origination to its termination. Provide a tabular schedule giving the required air flow (as computed from the information contained on the ventilation rate table) in cubic feet per minute (cfm) for supply, return, exhaust, outdoor, and ventilation air for each space listed or referenced by note on the ventilation rate table as shown on the architectural documents. The schedule must also contain the Heating Ventilation and Air Conditioning (HVAC) system design air flow rates and the resulting space relative pressures. The schedule or portion of the schedule, as applicable, must be placed in the specifications or in the drawing set containing the spaces depicted.

6. Fire protection plans, where applicable, that must include the existing system as necessary to define the new work.

7. Electrical engineering plans that must describe complete power, lighting, alarm, communications and lightning protection systems and power system study.

8. A power study that must include a fault study complete with calculations to demonstrate that over-current devices, transfer switches, switchboards, panel boards, motor controls, transformers and feeders are adequately sized to safely withstand available phase-to-phase and phase-to-ground faults. The study must also include an analysis of generator performance under fault conditions and a coordination study resulting in the tabulation of settings for all over-current device adjustable trips, time delays, relays and ground fault coordination. This must be provided for all new equipment and existing equipment serving any new equipment. Power studies for renovations of existing distribution systems must include only new equipment and existing equipment upstream to the normal and emergency sources of the new equipment. Renovations involving only branch circuit panel boards without modifications to the feeder will not require a full power study; instead, the power study will be limited to the calculation of new and existing loads of the branch circuit panel.

9. A complete set of specifications for all work to be undertaken.

a. All project required contractor supplied testing and/or certification reports must be submitted in type written format, on standard forms, reviewed and accepted by the Engineer of Record prior to presenting to the Agency for review.

b. The specifications must require a performance verification test and balance air quantity values report for a minimum of two operating conditions for each air handling unit system. One operating condition must be with the specified air filters installed in the minimum pressure drop or clean state. The second operating condition must be at the maximum pressure drop and/or dirty state. The air quantities reported are acceptable if they are within ten percent of the design value and the space relative pressures are maintained. This requirement applies to any air-handling unit affected by the construction to be performed.

10. Well coordinated construction documents. In the case of additions to existing institutions, the mechanical and electrical, especially existing essential electrical systems and all other pertinent conditions must be a part of this submission.

11. Signed, sealed and dated subsequent addenda, change orders, field orders and other documents altering the above must be submitted for advance written approval from the Office of Plans and Construction.

(13) Initial submissions will be acted upon by the Agency within 60 days of the receipt of the initial payment of the plan review fee. The Agency will either approve or disapprove the submission and will provide a listing of deficiencies in writing. Each subsequent resubmission of documents for review on the project will initiate another 60-day response period. If the Agency does not act within 60 days of receipt of a submission, the submission will be considered approved. However, all deficiencies noted by the Agency must be satisfactorily corrected before final construction approval can be obtained for the project from the Agency.

(14) Additions or revisions that substantially change the original scope of the project or are submitted by different design professionals will be required to be submitted as a new project.

(15) The Agency is required to archive all public record documents for a period of five years. These documents are electronically stored. Therefore, within 60 days after final approval of the project has been obtained from the Agency, the licensee and the Office of Plans and Construction must be provided with a complete set of record drawings electronically submitted as Portable Document Format (.pdf) files showing all of the construction, fixed equipment and the mechanical and electrical systems as installed. These electronically submitted .pdf files must include the life safety plans of the facility.

Rulemaking Authority 400.23, 400.232 FS. Law Implemented 400.011(2), 400.141 FS. History—New _____.

59A-4.150 Geriatric Outpatient Nurse Clinic.

(1) Definitions:

~~(a) Advanced Registered Nurse Practitioner — a person who holds a current active license to practice professional nursing and a current Advanced Registered Nurse Practitioner certificate issued by the Florida State Board of Nursing.~~

~~(a)(b) Appropriate Resources – those service providers who provide most effectively and efficiently the specific services needed by the geriatric patient.~~

~~(e) Agency for Health Care Administration — AHCA.~~

~~(b)(d) Geriatric Outpatient Nurse Clinic – a treatment room or rooms site in a nursing home used to provide treatment room for the provision of health care to geriatric patients on an outpatient basis, which is staffed by a registered nurse, advanced registered nurse practitioner (ARNP), or by a physician's assistant.~~

~~(c)(e) Geriatric Patient – any patient who is 60 years of age or older.~~

~~(f) Nursing Facility — a facility licensed under Part I of Chapter 400, F.S.~~

~~(g) Physician's Assistant — a person who holds a current certificate issued by the Florida State Board of Medical Examiners of Florida State Board of Osteopathic Medical Examiners, to serve as a physician's assistant to function in the dependent relationship with the supervising physician. (Sections 458.135(2)(d); 459.151(2)(d), F.S.).~~

~~(d)(h) Pre-established Protocols – a statement prepared by or with the responsible or attending physician and/or physician assistant defining the extent and limits of the medical services provided by the registered nurse. Such protocols must ~~are to~~ be reviewed at periods not to exceed one year, ~~to~~ be dated and signed by the physician, and ~~to~~ be kept readily available.~~

~~(i) Professional Standards of Practice those measurements or guides for practice developed and/or endorsed by the respective professional disciplines.~~

~~(j) Registered Dietitian — one who meets the standards and qualifications established by the Committee on Professional Registration of the American Dietetic Association and is currently registered with the American Dietetic Association.~~

~~(k) Registered Nurse — a person who holds a current active license to practice professional nursing issued by the Florida State Board of Nursing. (Section 464.071, F.S.).~~

~~(e)(h) Responsible Physician – the licensed physician delegated by the supervising physician as responsible for the services rendered by the registered nurse, physician's assistant or ARNP in the absence of the supervising physician.~~

~~(f)(m) Routine Health Care – ~~the provision of~~ preventive care, detection of health problems, referral for medical care, and management of chronic illness within medical prescriptions.~~

~~(g)(n) Substantive Change – a change in ~~when~~ the patient's condition indicating need for changes to such an extent that a change in treatment and/or medication orders ~~is indicated or non-applicability of~~ when pre-established protocols ~~are not applicable.~~~~

~~(h)(e)~~ Supervising Physician – the licensed physician assuming responsibility and legal liability for the services rendered by the registered nurse, physician's assistant or ARNP. (Sections 458.135(2)(e); 459.151(2), (3), F.S.)

~~(i)(p)~~ Treatment Room – the room or suite of rooms set aside for the examination and care of patients.

(2) Applications.

(a) ~~The nursing home licensee must submit a A letter to shall be sent through the local County Public Health Department and unit to the Agency's Long Term Care Unit AHCA by the operator of a currently licensed nursing home stating intent to establish a geriatric outpatient nurse clinic in compliance with Chapter 400, F.S., Chapter 77-401, Laws of Florida, and applicable the rules pertaining to these chapters. A copy of the said letter must shall be sent to the Health Program Office of the Department of Health and Rehabilitative Services by the local County Public Health Department unit. This letter must shall be sent at least sixty (60) days prior to the anticipated date of establishment of the clinic. The director, of the County Public Health Department Unit shall provide specific recommendations for operation of the clinic when transmitting the letter.~~

(b) ~~The Agency must AHCA shall ascertain compliance with all applicable laws, rules, regulations, and codes during the inspection and by letter notify the operator of compliance or non-compliance.~~

(c) ~~Receipt of the letter of notification stating compliance shall constitutes authority to operate a geriatric outpatient nurse clinic within the nursing home facility.~~

(d) ~~Application for renewal of authority to operate a geriatric outpatient nurse clinic must shall be submitted in the manner described above at the same time the application for the nursing home relicensure is submitted.~~

(e) ~~Suspension or revocation of the nursing home license automatically suspends or revokes authority to operate the geriatric outpatient nurse clinic.~~

~~(f) A Certificate of Need issued by the Agency required by Sections 381.493 through 381.497, F.S., is a pre-requisite to establish a geriatric outpatient nurse clinic.~~

(3) Treatment Rooms and Access Areas.

(a) ~~Plant maintenance and housekeeping must shall be in accordance with Rule 59A-4.122 59A-4.049, F.A.C.~~

(b) ~~Every nursing home licensee facility conducting a geriatric outpatient nurse clinic must shall:~~

1. Use an existing treatment room exclusively for the examination and treatment of patients.
2. Store supplies and equipment in such a manner that safeguards patients and staff from hazards.
3. Have a waiting area that does not interfere with regular in-patient functions.
4. Provide clinic patients with the most direct route to and from the treatment room.

(4) Administration.

(a) ~~The business and administrative management of the geriatric outpatient nurse clinic must shall be under the management control of the nursing home facility administrator. This must shall include, but not be limited to, maintenance of the following written records.~~

1. ~~Clinic financial records must be prepared by a recognized system of accounting used to accurately reflect details of the business and include adequate documentation of all transactions identifying all income by source and describe all expenditures by category in such a manner as to be suitable by community recognized procedure.~~

2. ~~An accident and incident record, containing a clear description of each accident and any other incident or hazardous or deviant behavior of a patient or staff member with names of individuals involved, description of medical and other services provided, by whom such services were provided and the steps taken to prevent recurrence.~~

3. ~~Personnel records for each clinic employee and/or contractual provider. These records must will be kept updated and include current Florida license and certificate numbers. Original application for the position, references furnished and an annual performance evaluation must shall be included.~~

4. ~~A record of personnel policies, including statement of policies affecting personnel and a job description for each person providing clinic services.~~

5. ~~Clinic Schedule.~~

6. ~~Compliance with requirements of Title VI of the Civil Rights Act of 1964, Section 2000d, effective date July 2, 1964, is incorporated by reference. A copy of this statute may be obtained at <http://www.justice.gov/crt/cor/coord/titlevistat.php>.~~

~~(b) The provision of health services through geriatric outpatient nurse clinics must shall be under the direct management control of the registered nurse, ARNP or physician's assistant providing those services. Management must control the provision of health services to shall contain the following:~~

1. ~~Assurance that all health services are provided according to legal, ethical and professional practice standards to protect the health, safety and well-being of the patients.~~

2. ~~Maintainance and ensure confidentiality of clinical records for each patient as required in this rule, Section 400.022(1)(m), F.S., Title 42 Code of Federal Regulation section 483.10(e), effective date October 1, 2003, Title 45 Code of Federal Regulation chapters 160, 162 and 164 with an effective date of August 14, 2002, which is found at <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl> which is incorporated by reference.~~

3. ~~Assure Responsibility for development and periodic review of written policies and protocols governing patient care, including emergency procedures.~~

4. ~~Assure Responsibility~~ for development and periodic review of the patient referral system.

5. ~~Assure Responsibility~~ for the administration and handling of drugs and biologicals as required in this rule, Chapter 400, Part II, F.S., Title 42 CFR 483.25(1), Title 42 CFR 483.25 (m), effective October 7, 2005 and 42 CFR 483.60, effective September 23, 1992 which is incorporated by reference and can be found at <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl> these Rules.

6. ~~Maintainance~~ of an individual and cumulative clinic census record.

7. ~~Coordination~~ of patient care with the attending physician and other community health and social agencies and/or facilities.

8. ~~Maintainance~~ of a safe, sanitary clinic environment.

(5) Fiscal Management.

(a) There ~~must shall~~ be a recognized system of accounting used to accurately reflect business details of the clinic operation and services kept separate from the nursing home's facility fiscal records.

(b) A reasonable fee, based on cost of operation and services, may be charged for clinic services rendered.

(c) Personnel involved in operating and/or providing clinic services ~~must shall~~ not:

1. Pay any commission, bonus, rebate or gratuity to any organization, agency, physician, employee or other person for referral of any patients to the clinic.

2. Request or accept any remuneration, rebate, gift, benefit, or advantage of any form from any vendor or other supplier because of the purchase, rental, or loan, of equipment, supplies or services for the resident, client and/or patient.

(6) Personnel Policies.

(a) Staff in the geriatric outpatient nurse clinic ~~will must~~ be governed by the personnel standards in this rule, Chapter 400.141(1)(o), Title 42 Code of Federal Regulation 483.75, effective May 5, 2002, 42 CFR 483.75, effective August 11, 2009, 42 CFR 483.30, effective October 28, 2005, which is incorporated by reference and can be found at: <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl> their Personnel Standards in Rules and Regulations governing Nursing Homes and Related Health Care Facilities Rule 59A 4.157, F.A.C.

(b) Staff in the geriatric outpatient nurse clinic ~~must shall~~ be qualified and sufficient in numbers to perform the necessary services.

(c) Services of this clinic ~~must not will in no way~~ reduce the minimum staffing standards for in-patient care.

(d) Staff in the geriatric outpatient clinic may be regularly employed or serve on a contractual basis.

(7) Personnel Functions and Responsibilities.

(a) ~~The registered nurse, ARNP or physician assistant staffing the geriatric outpatient clinic must: Registered Nurse (Sections 464.021(2)(a)1., 2., F.S.)~~

1. ~~Be responsible~~ ~~The nurse shall have the responsibility~~ for eliciting and recording a health history, observation and assessment nursing diagnosis, counseling and health teaching of patients and the maintenance of health and prevention of illness.

2. ~~Provide~~ ~~The nurse shall provide~~ treatment for the medical aspects of care according to pre-established protocols or physician's orders.

3.2- ~~Note~~ ~~The nurse shall note~~ findings and activities on the clinical record.

4.3- ~~Provide~~ ~~The nurse shall provide~~ progress reports to the attending physicians about patients under the physician's care when there is a substantive change in the patient's condition, there are deviations from the plan of care, or at least every sixty (60) days.

(b) ~~The Advanced Registered Nurse Practitioner (Section 464.003(3)(c), F.S.)~~

1. ~~The Advanced Registered Nurse Practitioner shall perform the functions outlined for the Registered Nurse, and in addition: Provide additional services dependent upon the certification authority of the Advanced Registered Nurse Practitioner by the Florida State Board of Nursing.~~

2. ~~The Advanced Registered Nurse Practitioner shall note findings and activities on the clinical record.~~

(c) ~~The Physician's Assistant (Sections 458.347(3); 459.022, F.S.)~~

1. ~~The physician's assistant shall perform health care tasks delegated by the supervising or responsible physician.~~

2. ~~The physician's assistant shall note findings and activities on the clinical record.~~

(8) Patient Eligibility Criteria.

(a) Acceptance of patients and discharge policies ~~must shall~~ include but not be limited to the following:

1.(b) Patients ~~must shall~~ be accepted for clinic services on self-referral for nursing care, or upon a plan of treatment established by the patient's attending physician.

2.(c) ~~Patients~~ ~~The patients~~ with an attending physician will be held responsible for providing the clinic with a written medical plan of treatment reviewed and signed by their physician ~~at least sixty (60) days.~~

3.(d) ~~When services are to be terminated, the patient must is to~~ be notified of the date of termination and the reason for termination that ~~must shall~~ be documented in the patient's clinical record. ~~A plan shall be developed for a Referrals must be~~ made for any continuing care required indicated.

(9) Patient's Rights.

(a) The nursing home licensee must facility shall adopt, implement and make public a statement of the rights and responsibilities of the clinic patients and must shall treat such

patients in accordance with the provisions of ~~the said~~ statement. This statement ~~must shall~~ be conspicuously posted and available to clinic patients in pamphlet form. The statement ~~must ensure shall insure~~ each patient the following:

~~1.(b)~~ The right to have private communication with any person of his or her choice.

~~2.(e)~~ The right to present grievances on behalf of himself, herself, or others to the facility's staff or administrator, to government officials, or to any person without fear of reprisal, and to join with other patients or individuals to work for improvements in patient care.

~~3.(d)~~ The right to be fully informed in writing, prior to ~~or~~ at the time of admission and during his or her attendance, of fees and services not covered under Title XVIII or Title XIX of the Social Security Act or other third party reimbursement ~~options agents~~.

~~4.(e)~~ The right to be adequately informed of his or her medical condition and proposed treatment unless otherwise indicated in the written medical plan of treatment by the physician, and to participate in the planning of all medical treatment, including the right to refuse medication and treatment, unless otherwise indicated in the written medical plan of treatment by the physician, and to know the consequences of such actions.

~~5.(f)~~ The right to receive adequate and appropriate health care consistent with established and recognized practice standards within the community and with rules as promulgated by the Agency AHCA.

~~6.(g)~~ The right to have privacy in treatment and in caring for personal needs, confidentiality in the treatment of personal and medical records.

~~7.(h)~~ The right to be treated courteously, fairly, and with the fullest measure of dignity and to receive a written statement of the services provided by the nursing home licensee facility.

~~(i) The right to freedom of choice in selecting a nursing home.~~

~~1. Each nursing home shall post a copy of the statement required by subsection (1) so that it is clearly evident.~~

~~(b)2.~~ Any violation of the patient's rights set forth in this section shall constitute grounds for action by the Agency under the provisions of Section 400.102, F.S.

(10) ~~The scope~~ Scope of services ~~Services of the geriatric outpatient nurse clinic must include: Geriatric Outpatient Nurse Clinic~~

(a) Observation of signs and symptoms.

(b) Assessment of health status/progress.

(c) Nursing diagnosis and plan of care.

(d) Nursing care of patients and counseling to maintain health and prevent disease, including diet counseling.

(e) Health instruction to control progression of disease and/or disability and self care measures.

(f) Administration of medication and treatment as prescribed by a person licensed in this state to prescribe such medications and treatment.

(g) Provision of progress reports to the attending physician.

(h) Referral for additional services as needed.

(i) Follow-up on a regular basis by communication with the patient, the patient's physician, and other agencies or persons to which referrals were made.

(j) When staffed by an ~~ARNP Advanced Registered Nurse Practitioner advanced registered nurse~~ or physician's assistant ~~Physician's Assistant~~, additional services may be provided dependent upon their respective certification authority. (Sections 458.347, 459.022, ~~464.003(3)(e)~~, F.S.).

(11) Clinical Records.

(a) The clinic ~~must shall~~ maintain a clinical record for every patient receiving health services that contain the following:

1. Identification data including name, address, telephone number, date of birth, sex, social security number, clinic case number if used, next of kin or guardian and telephone number, name and telephone number of patient's attending physician.

2. Assessment of problems.

3. ~~A h~~Health c~~e~~Care p~~l~~an including diagnosis ~~diagnose~~, type, and frequency of services and when receiving medications and medical treatments, the medical treatment plan and dated signature of the physician or designee health professional licensed in this state to prescribe such medications and treatments.

4. Clinical notes, signed and dated by staff providing service.

a. Progress notes with changes in the patient's condition.

b. Services rendered with progress reports.

c. Observations.

d. Instructions to the patient and family.

e. Referrals made.

f. Consultation reports.

g. Case conferences.

h. Reports to physicians.

i. Termination summary which must include:

(I) Date of first and last visit.

(II) Total number of visits by discipline.

(III) Reason for termination of service.

(IV) Evaluation of achievements of previously established goals at time of termination.

(V) Condition of patient on discharge.

j. Clinical records ~~must shall~~ be confidential. Information may be released by the nurse, ARNP or physician's assistant responsible for clinical services only in accordance with state and federal regulations related to patient records and confidentiality.

~~(I) When permission is granted in writing by the patient or guardian.~~

~~(II) To those persons or agencies with a legitimate professional need or regulatory authority pursuant to Section 455.241, F.S.~~

~~(III) When so ordered by the courts.~~

(12) Medications. The clinic ~~must shall~~ have policies and procedures for the administration of medications by health care professionals acting within the scope of practice defined by laws and rules of the Department of Health ~~and the Department of Professional Regulation~~ which ~~must shall~~ include, for example, the following:

(a) All prescriptions for medications ~~must shall~~ be noted on the patient's record, and include the date, drug, dosage, frequency, method or site of administration, and the authorized health care professional's signature.

(b) All verbal orders for medication or medication changes ~~must shall~~ be taken by the clinic registered nurse, ARNP or physician's assistant. Such orders must be in writing and signed by the authorized health care professional within eight (8) days and added to the patient's record.

(c) The clinic registered nurse, ARNP or physician's assistant ~~must shall~~ record and sign for each medication administered, by drug, dosage, method, time and site on patient's record.

(d) An emergency plan for reversal of drug reaction to include the nursing home licensee's pro re nata (P.R.N. or "as needed") facility's PRN standing orders for medications available in the Emergency Drug medication Kit.

(e) If there is not a separate Emergency Drug medication Kit in the clinic, the nursing home licensee's facility's Emergency Drug medication Kit ~~must shall~~ be immediately accessible for use in the outpatient clinic.

(f) A drug storage system that includes:

1. Prescribed medications for individual outpatients may be retained in the clinic. These medications ~~must shall~~ be stored separately from those of the nursing home in-patients for preventive measures and treatment of minor illnesses.

2. Multi-dose containers ~~must shall~~ be limited to medications or biologicals commonly prescribed for preventive measures and treatment of minor illnesses.

3. A list ~~must shall~~ be kept of patients receiving medication from multi-dose medication containers.

~~Rulemaking Specific Authority 381.493-381.497, 400.141(3), 400.23(2) FS. Law Implemented 400.33, 400.141, 400.333 FS. History--New 4-27-78, Formerly 10D-29.71, 10D-29.071, 59A-4.071, Amended 2-6-97, _____.~~

59A-4.165 Nursing Home Guide.

(1) Pursuant to Section 400.191 F.S., the Agency shall publish the Nursing Home guide quarterly in electronic form provide information to the public in consumer-friendly printed and electronic formats (hereafter collectively the "Guide") to

assist consumers and their families in comparing and evaluating nursing home facilities. The Nursing Home guide is located on the web at <http://ahcaxnet.fdhc.state.fl.us/nhcguide/GuideIntro.aspx>.

(2) The format of the ~~printed published~~ Guide is shown in the "Nursing Home Guide Performance Measures Algorithm 2000" document, dated July 2000, which is incorporated by reference incorporated by reference herein.

(3) The format of the electronic Guide will provide the be the same as the ~~printed Guide~~, but with the ~~addition of~~ the following:

(a) The ability to search for a nursing home facility electronically.

(b) Details of each deficiency ~~which deficiencies~~ the nursing home facility has been cited for over the time period specified in Section 400.191, F.S. past 45 months

(4) The data provided in the Guide shall include the following:

(a) General guidance about when a nursing home is the appropriate choice of care.

(b) General guidance about selecting a nursing home.

(c) Contact information such as phone numbers and web sites where questions can be answered, and further information obtained.

(d) A listing of all nursing home facilities in the State of Florida, including hospital based skilled nursing units. This listing shall include for each nursing home facility the following:

1. Name;

2. Address;

3. Voice and fax phone numbers;

4. Web address of facility;

5. A recognition if the nursing home licensee facility has been awarded a Gold Seal;

6. The current licensee;

7. Which calendar year the current licensee became the licensee;

8. Whether the licensee is a for-profit, or non-profit entity, and whether or not the nursing home facility is part of a retirement community;

9. Any corporate or religious affiliations;

10. The number of private, semi-private, and total beds at the nursing home facility;

11. The lowest daily charge for a semi-private room;

12. The payment forms accepted;

13. Any special services or amenities, or recreational programs provided;

14. Any non-English languages spoken by the administrator or staff of the nursing home facility; and

15. A summary of the deficiencies found at the facility over a 45 month period prior to the publication of the Guide. The summarization procedure is discussed in detail below.

(5) The Guide will employ a procedure for summarizing the deficiencies as follows:

(a) All deficiencies cited over the most recently available time period as specified in Section 400.191, F.S., 45-month period prior to the publication of the Guide will be collected.

(b) Each citation will be assigned points based on the type of deficiency and its assigned severity and scope. For those nursing homes facilities that are not federally certified, each citation will be assigned points based on the type of deficiency and its assigned class. Nursing homes Facilities that are federally certified have their deficiencies recorded as F-Tags and K-Tags. Nursing homes Facilities that are not federally certified receive N-Tags instead of F-Tags and K-Tags. For the non-federally certified nursing homes facilities the findings supporting each N-Tag shall be read by the Agency to determine which F-Tag or K-Tag each of the cited N-Tags is equivalent to. The points assigned to an N-Tag shall be those that would be assigned to the equivalent F-Tag or K-Tag, if the nursing home facility were federally certified.

(c) A score for a nursing home facility will be computed by summing the points of all of its citations, and then dividing this sum by the number of annual recertification surveys conducted at the facility in the same 45-month period as in paragraph (a) above. For those nursing homes facilities that are not federally certified, the number of annual licensure surveys will be used in place of the number of annual recertification surveys.

(d) For federally certified nursing homes facilities, the above computations will reflect any changes resulting from the Informal Dispute Resolution process, or administrative or appellate proceedings; inasmuch as the federal Centers for Medicare and Medicaid Services Health Care Financing Administration concurs with such changes.

(e) The scores for the freestanding nursing facilities will be ranked within each region. The regions are defined in the "Nursing Home Guide Performance Measures Algorithm," document, dated July 2000, incorporated by reference herein.

(f) Ranks for the hospital based skilled nursing units will be assigned the same rank as the freestanding nursing home facility in the same region with an equal or next lower score.

(g) These ranks shall be presented numerically and/or symbolically in the Guide.

(h) (b) through (g) shall be repeated for subsets of the citations. These subsets are discussed in the "Nursing Home Guide Performance Measures Algorithm," document, dated July 2000, incorporated by reference herein.

(i) Nursing homes Facilities that are federally certified have their deficiencies recorded as F-Tags and K-Tags. Nursing homes Facilities that are not federally certified receive N-Tags instead of F-Tags and K-Tags. For the non-federally certified nursing homes facilities the findings supporting each N-Tag shall be read by the Agency to determine which F-Tag

or K-Tag each of the cited N-Tags is equivalent to. The sub-setting of the tags in (h) for non-certified facilities shall be accomplished by using these equivalent F-Tags and K-Tags.

(j) The documents incorporated by reference may be obtained from the Agency for Health Care Administration, Managed Care and Health Quality Division, 2727 Mahan Dr., MS 33, Tallahassee, FL 32308.

(6) The ~~electronic internet~~ version of the guide will be available at <http://ahcaxnet.fdhc.state.fl.us/nhcguide/> ~~www.fdhc.state.fl.us~~ and www.floridahealthstat.com.

Rulemaking Specific Authority 400.191(6) FS. Law Implemented 400.191 FS. History--New 2-15-01, Amended _____.

59A-4.166 Nursing Home Consumer Satisfaction Survey.

~~(1) Pursuant to Section 400.0225, F.S., the Agency or its contractor shall conduct consumer satisfaction surveys of all nursing homes and skilled nursing units of hospitals in the state. These nursing homes and skilled nursing units shall hereafter be referred to as "nursing facilities".~~

~~(2) The Agency or its contractor will survey family members and guardians of residents of these nursing facilities by way of mail surveys. This will require each nursing facility to provide to the Agency or its contractor, upon request, the names and addresses of at least one family member or guardian for each resident.~~

~~(3) The Agency or its contractor will interview residents of these facilities in person. This will require each nursing facility to provide to the Agency or its contractor, upon request, a list of all residents, along with each resident's room number, and each resident's birth date.~~

~~(4) The Agency or its contractor shall conduct these surveys and interviews at each nursing facility at least annually.~~

~~(5) The specific protocol for conducting these surveys and interviews is shown in the "Nursing Home and Skilled Nursing Unit Resident and Family Member Survey Project" document, dated July 2000, incorporated by reference herein.~~

~~(6) Only data summarized to the level of the facility may be released.~~

~~(7) The documents incorporated by reference may be obtained from the Agency for Health Care Administration, Managed Care and Health Quality Division, 2727 Mahan Dr., Tallahassee, FL 32308.~~

Rulemaking Specific Authority 400.0225 FS. Law Implemented 400.0225 FS. History--New 2-15-01, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Molly McKinstry, Chief, Bureau of Long-Term Care Services
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Thomas W. Arnold, Secretary, Agency for Health Care Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 9, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: August 22, 2008

DEPARTMENT OF MANAGEMENT SERVICES

Technology Program

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

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and add new language to clarify procedures for rural county grants and to update W Form 1A, E911 Rural County Grant Program Application.

SUMMARY: The rule amendment will delete unnecessary language and add new language to clarify procedures for rural county grants and to update W Form 1A, E911 Rural County Grant Program Application.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost has been prepared and is available by contacting John C. Ford, Chair, at the address listed below. The following is a summary of the SERC:

- The number of individuals and entities likely to be required to comply with the rule is 30.
- No cost to the department in implementing the proposed rule.
- No increased reporting, staffing, legal or fee requirements are anticipated.
- The proposed change is not expected to impact 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: 365.172(6)(a)11. FS.

LAW IMPLEMENTED: 365.173(2)(g), 365.172(9)(a), (b), (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: John C. Ford, Chair, E911 Board, 4030 Esplanade Way, Suite 160Q, Tallahassee, Florida 32399-0950

THE FULL TEXT OF THE PROPOSED RULE IS:

60FF-5.002 Rural County Grants.

The E911 Rural County Grant program is a semi-annual grant program provided for the purpose of assisting rural counties, as defined by Section 365.172(3)(y), F.S., with the installation and maintenance of an Enhanced 911 (E911) system.

- (1) No change.
- (2) General conditions.

(a) Each rural county applying for rural county grant funds shall complete and submit W Form 1A, "Application for the E911 Rural County Grant Program," effective 7/1/2010 ~~12/1/2009~~, which is incorporated herein by reference and which may be obtained from the E911 Board office at the following address:

State of Florida E911 Board
 ATTN: Administrative Assistant
 4050 Esplanade Way
 Building 4030 – Suite 160
 Tallahassee, Florida 32399-0950

The applicant must provide one the original of the pages for Application Form items 1 through 10 and the associated quotes for the grant application and seven copies ~~and seven copies~~ postmarked or delivered to ~~the Board's Office~~ on or before March 1 or October 1 of each year, dependent on the fall or spring application period.

(b) through (c) No change.

(d) Grant applications totaling \$25,000. Or more must be accompanied by at least three written substantiated competitive quotes from different vendors. The E911 Board will compare the three quotes to any existing state contract in order to determine appropriate funding. Any county that has made a good faith effort to obtain three competitive quotes and has not been able to obtain the quotes can request E911 Board review based on substantiated proof of request for quotes or posting of the request with documentation of the limited responses.

(e) Sole source funding will be considered on a case-by-case basis. Justification for sole source funding shall ~~should~~ be provided with the this application. Sole source funding will be approved if provided in accordance with Chapter 287, F.S., or with provision of a letter from the county's purchasing department that the project is a sole source procurement based on the county's purchasing requirements. The letter should be provided with this application.

(f) No change.

(g) Equipment maintenance and warranty costs will not be funded on more than an annual basis. The E911 Board may approve funding salary requests on an annual basis.

(h) through (i) No change.

(j) Grant funds shall be deposited in a bank account maintained by the grantee county, and each grant shall be assigned a unique accounting code designation for deposits, disbursements, and expenditures. All E911 Rural County Grant funds in the account shall be accounted for separately from other grantee funds. Utilization of the earned interest funds shall be authorized through an approved Request for Change Form and expenditure documentation shall be included in the final report. Grant funds including accrued interest may be used only between the beginning and ending dates of the grant, unless an extension is requested and authorized by the E911 Board. Extension of time will not be granted unless the county has executed a contract for the grant equipment and/or

services, or demonstrates good cause for failure to execute a contract within twelve months of award. Grant extensions shall be limited to a maximum of one additional year when approved by the Board.

(k) Grantee counties must submit quarterly reports to the E911 Board, summarizing the expenditures and activities of the grant funds. The reports are due 30 days after the end of the reporting period, which ends ~~March 31, June 30, September 30, December 31, March 31, and June 30~~. In lieu of submitting a signed quarterly Grant Budget/Expenditure Report form, the updated form can be e-mailed to the Board's administrative/technical staff. The quarterly and final reports will be considered late if not received by the Board Staff prior to the next scheduled Board Meeting after the due date.

(l) through (n) No change.

(o) Grant awards will be withheld for any county that has a grant with a past-due quarterly report or past-due final documentation and closeout, failure to submit final documentation and closeout of previous rural county grants.

(p) Responsibility for property and equipment obtained under a grant cannot be transferred under any circumstances. If a sale or transfer of such property or equipment occurs within five years after a grant ends, funds must be returned on a pro rata basis. Grant funds are not transferable to any other entity. If equipment purchased using grant funds is sold or transferred within three (3) years of the end of the grant period, the grantee county must return the grant funds to the E911 Board on a pro-rata basis.

(q) The amount and availability of funds in the Trust Fund for allocation each year is subject to an annual appropriation by the Legislature. The E911 Board will adjust the funds awarded to a rural county based upon eligibility of requested items, published quotes, increased effectiveness of grant funds, minimum system requirements for performing the needed E911 function as specified in the State E911 plan, or documented factors provided in the grant application submission. The E911 Board will adjust the funds awarded to a rural county based upon eligibility of requested items, published quotes, increased effectiveness of grant funds, minimum system requirements for performing the needed E911 function as specified in the State E911 plan, or documented factors provided in the grant application submission.

(3) The Rural County Grant program will operate on the following two schedules:

(a) Spring Schedule:

1. through 4. No change.

5. Implementation period: one year form receipt of award of funds;

6. Expiration of the right to incur costs: Two years from receipt and award of funds.

(b) Fall Schedule:

1. through 4. No change.

5. Implementation period: One year from receipt of award and fund;

6. Expiration of the right to incur costs: Two years from receipt of award and funds.

~~(4) After the grants have been awarded, the E911 Board may adjust the funds awarded to a rural county, due to the changes in E911 technology, at any time within the grant period. Adjustments may be requested with an authorized Change Request Form and appropriate cost estimates from the county. Changes shall be based on a notice of subsequent extensive changes in technology that were not available at the date of grant submission. Increased system costs shall be considered based on eligible requested items that clearly demonstrate increased effectiveness of grant funds and the proposed E911 system's capabilities due to the changes in E911 technology.~~

Rulemaking Authority 365.172(6)(a)11. FS. Law Implemented 365.173(2)(g), 365.172(9)(a), (b), (c) FS. History--New 12-7-08, Amended 10-19-09, 4-15-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: E911 Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: E911 Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 13, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 7, 2010

DEPARTMENT OF MANAGEMENT SERVICES

Division of State Employees' Insurance

RULE NO.: 60P-2.0036
 RULE TITLE: Spouse Program

PURPOSE AND EFFECT: The purpose of the amendment to Rule 60P-2.0036, F.A.C., is to create rule conformity with the changes outlined by the most recent General Appropriations Act. The effect will be that the rules reflect the most recent legislative intent. The Division of State Group of Insurance decided to substantially reword the entire rule for overall clarity, but the only substantive change is that the State no longer pays the entire premium for married couples who participate in the spouse program.

SUMMARY: These rules clearly lay out how the employees can become eligible and ineligible for this program. This rule also describes what will happen to coverage should an employee become ineligible. The most substantive change is that the State will no longer pay the entire premium for married couples who participate in the spouse program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 110.123(5) FS.

LAW IMPLEMENTED: 110.123 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Michelle Robleto, Director, Division of State Group Insurance, telephone (850)921-4658, fax (850)488-0252. If you are 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: Michelle Robleto, Director, Division of State Group Insurance, Department of Management Services, 4050 Esplanade Way, Tallahassee, FL 32399-0905, telephone (850)921-4658, fax (850)488-0252

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 60P-2.0036 follows. See Florida Administrative Code for present text.)

60P-2.0036 Spouse Program.

(1) The spouse program is pretax family health insurance coverage where each employee contributes to the monthly premiums as determined by the annual funding by the Legislature through the General Appropriations Account.

(2) For the purposes of this section, "Designated Agent" means an entity the Department may contract with to provide benefits administration services, but does not include an employee's agency personnel office or other employees of the employee's agency, unless so designated in writing by the Division.

(3) Participation in the spouse program is voluntary and available to any married state employee whose spouse is also a state employee. To enroll in the spouse program, married state employees must submit an application completed by both spouses to the Designated Agent within the specified timeframe for one of the following events:

(a) Within thirty-one (31) days of marriage to another state employee in accordance with Rule 60P-2.002 or 60P-2.003, F.A.C.; or

(b) Within sixty (60) days of spouse's new employment or re-employment with the State of Florida; or

(c) During the annual Open Enrollment period.

(4) In no case shall a retroactive effective date be assigned. Spouse program benefits begin the first of the month following receipt and approval by the Designated Agent of the application.

(5) Eligibility for and participation in the spouse program and state contributions shall cease, if one of the following disqualifying events occurs:

(a) One or both employees end employment with the state;
or

(b) One or both employees go on leave without pay status;
or

(c) The employees divorce; or

(d) The death of a spouse.

(6) All state employees participating in the spouse program shall report any above described disqualifying event to the Designated Agent to avoid any underpayment of premiums.

(7) Upon learning of ineligibility, the Designated Agent shall investigate and determine the effective end-date of participation in the spouse program and make the change, regardless of whether or not one or both spouses submitted an application to terminate participation. The effective end-date of participation in the spouse program shall be as of the date of the disqualifying event listed in subsection (5) above.

(8) Unless otherwise directed by the employee, each disqualifying event will result in the following health insurance coverage levels as follows:

(a) If one employee ends employment with the state, the remaining employee's coverage level will be changed to family coverage level.

(b) If one employee goes on leave without pay status, the remaining employee's coverage level will be changed to family coverage level.

(c) If the employees divorce, and there are eligible dependents, each remaining employee's coverage will be determined as set forth under the terms and conditions of the divorce decree.

(d) If the employees divorce, and there are no eligible dependents, each remaining employee will be changed to individual coverage.

(e) If the employees divorce, at no time will family coverage level include a former spouse.

(f) If one spouse dies, and there are eligible dependents, the remaining employee's coverage level will be family coverage.

(g) If one spouse dies, and there are no eligible dependents, the coverage level of the remaining employee will change to individual coverage.

(9) If participants in the spouse program do not timely notify the designated agent of their disqualifying event, the participants shall be financially liable for medical or

prescription drug claims incurred by the participants and their dependents, and any premiums paid by the state during the time the participants and/or their dependents were not eligible.

(10) If an ineligible spouse returns to eligible state employment, the spouse program shall only become effective upon the re-enrollment in the program by both employees in accordance with subsection (3) above.

Rulemaking Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History—New 8-22-96, Repromulgated 1-31-02, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Michelle Robleto

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Secretary Linda H. South

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 17, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 23, 2010

DEPARTMENT OF MANAGEMENT SERVICES

Division of State Employees' Insurance

RULE NO.: 60P-6.0075
RULE TITLE: Benefits

PURPOSE AND EFFECT: The purpose of the amendment to Rule 60P-6.0075, F.A.C., is to create rule conformity with the changes outlined by the most recent General Appropriations Act. The effect will be that the rules reflect the most recent legislative intent and the State will no longer pay 100% of the premium for health coverage for Senior Management Service or Selected Exempt Service employees.

SUMMARY: The State will no longer cover 100% of the premium payments for state group health insurance for Senior Management Service or Selected Exempt Service employees.

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: 110.161(5), 110.403(1), 110.605(1) FS.

LAW IMPLEMENTED: 110.205(2), 110.403(1)(c), 110.603(2) FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Michelle Robleto, Director, Division of State

Group Insurance, telephone (850)921-4658, fax (850)488-0252. If you are 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: Michelle Robleto, Director, Division of State Group Insurance, Department of Management Services, 4050 Esplanade Way, Tallahassee, FL 32399-0905, telephone (850)921-4658, fax (850)488-0252t

THE FULL TEXT OF THE PROPOSED RULE IS:

60P-6.0075 Benefits.

(1) Subject to the limitations provided under the Internal Revenue Code to avoid discrimination, the amount of salary reduction which a participant may elect under the Pretax Premium Plan shall be the aggregate amount of employee premiums for coverage under the State Group Insurance Program.

(2) All participants' contributions to any reimbursement account under the Program shall be made by salary reduction except in the case of certain participants of the Medical Reimbursement Account whose employment has terminated.

(3) A participant's gross compensation shall not be affected by participation in any Plan. A participant who contributes to a deferred compensation plan or a tax sheltered annuity may be required to adjust his contributions to such programs. Employee contributions under the State University System Optional Retirement Program will be computed on the participant's adjusted gross income automatically.

~~(4) The Subject to the appropriation of funds the State shall pay a monthly contribution towards for the following insurance coverage for each full-time member of the Senior Management Service or Selected Exempt Service as funded annually by the Legislature through the General Appropriations Act, or otherwise absorbed within the existing budget authority of the employing agency, as follows; in addition, the State may pay 100% of the premium for an individual or family dental insurance plan, provided that premiums are funded by the Legislature through the appropriations act or otherwise absorbed within the existing budget authority of the employing agency:~~

~~(a) The 100% of the premium for the state individual life insurance policy;~~

~~(b) 100% of the premium for the individual or family state group health insurance plan, or up to an equal dollar amount for a health maintenance organization premium; and~~

~~(b)(e) The 100% of the premium for the state individual disability insurance policy; and~~

(c) The premium for a state group health insurance plan.

Rulemaking Specific Authority 110.161(5), 110.403(1), 110.605(1) FS. Law Implemented 110.161, 110.205(2), 110.403(1)(c), 110.603(2) FS. History—New 8-26-96, Repromulgated 4-25-02, Repromulgated as Amended 4-25-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michelle Robleto
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Secretary of DMS Linda H. South
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 17, 2010
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 23, 2010

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NOS.: RULE TITLES:
61-36.001 Department Closure or Termination of Deficient Applications
61-36.002 Department Approval of Applications Meeting Statutory and Rule Requirements

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to establish department processes for approval of applications meeting statutory and rule requirements, and termination of deficient applications when two years have elapsed from the last notice of deficiency.

SUMMARY: The subject area to be addressed in these rules is the process by which the department approves applications meeting statutory and rule requirements, and terminates deficient applications when two years have elapsed from the last notice of deficiency.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 455.203(5), (6), 455.2035 FS.
LAW IMPLEMENTED: 455.203(10)(a), (b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Tim Vaccaro, Director, Division of Professions, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0760, (850)488-7776

THE FULL TEXT OF THE PROPOSED RULES IS:

61-36.001 Department Closure or Termination of Deficient Applications.
Upon determination that two (2) years have elapsed since the department notified an applicant of a deficiency in the application and that the applicant has failed to cure the deficiency, the department shall close the review and terminate

the application as deficient pursuant to Section 455.203(10), F.S. The determination regarding the two (2) year lapse in time shall be based on documentation that the department notified the applicant of the deficiency in accordance with Section 120.60, F.S. This rule does not apply to applications for licensure submitted to the Division of Real Estate pursuant to Chapter 475, Part II, Florida Statutes.

Rulemaking Authority 455.203(5), (6), 455.2035 FS. Law Implemented 455.203(10)(a) FS. History–New _____.

61-36.002 Department Approval of Applications Meeting Statutory and Rule Requirements.

Upon review of a non-deficient application for license, the department shall examine the application to determine if the applicant meets the qualifications for licensure set forth in the applicable licensing statutes. If the applicant meets all of the requirements for the license for which the applicant has applied, the department shall approve the application and issue the license.

Rulemaking Authority 455.203(5), (6), 455.2035 FS. Law Implemented 455.203(10)(b) FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tim Vaccaro, Director, Division of Professions
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charlie Liem, Secretary, Department of Business and Professional Regulation
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 11, 2010
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 28, 2010

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors’ Licensing Board

RULE NOS.: RULE TITLES:
61G6-5.002 Application for Certification by Examination; Reexamination
61G6-5.003 Requirements for Certification

PURPOSE AND EFFECT: The Board proposes to amend the rules to update the incorporated forms; to clarify the way the examination is administered; and to list the requirements for applying for certification by endorsement.

SUMMARY: The incorporated forms will be updated; the way the examination is administered will be clarified; requirements for applying for certification by endorsement will be added.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rules 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: 489.507(3) FS.

LAW IMPLEMENTED: 489.505(12), (21), (22), 489.511, 489.521 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Juanita Chastain, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61G6-5.002 Application for Certification by Examination; Reexamination.

(1) An applicant for certification by examination or by endorsement shall submit the complete application form together with all supporting data (including information required to be submitted under Rules 61G6-5.004 and 61G6-5.003, F.A.C., if applicable) to the Department of Business and Professional Regulation. The application shall be accompanied by the appropriate application fee. ~~All initial applications for examination must be completed and filed with the Department at least ninety (90) days prior to the date of the Technical/Safety examination that is administered by the Department. All applications not completed by the deadline will be automatically scheduled for the next examination.~~ Any application that is not complete within one year from date of initial filing will be closed. The form is entitled "Examination Application," DBPR ECLB 4451, Effective Date: August 13, 2008 ~~November 12, 2004~~, and incorporated herein by reference. Applicants shall also complete the following forms: DBPR 0010, Master Individual Application, Revised May 2010 ~~Effective Date: November 12, 2004~~, DBPR ECLB 4454, Work Experience, Effective Date: November 12, 2004, DBPR 0050, Explanatory Information for Background Questions, Effective Date: November 12, 2004, DBPR 0060, General Explanatory Description, Effective Date: November 12, 2004 and DBPR 0030-1, Attest Statement, Effective Date: November 12, 2004, incorporated herein by reference. Copies of the application and other forms required by this rule can be obtained by contacting the Department at the following address: Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0771, or at: http://www.state.fl.us/dbpr/pro//elboard/documents/eclb_exam_enterable.pdf. ~~<http://www.state.fl.us/dbpr/pro/forms/elboard/index.shtml>~~

~~(2) All retake exam applications, and any other required forms and documents must be completed and filed with the Department at least forty-five (45) days prior to the date of the~~

~~Technical/Safety examination for which the individual is applying. The form is entitled "Retake Exam Application," DBPR ECLB 4457, Effective Date: November 12, 2004, and incorporated herein by reference. Copies of the application can be obtained by contacting the Department at the following address: Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0771, or at: <http://www.state.fl.us/dbpr/pro/forms/elboard/index.shtml>.~~

~~(2)(3) The initial Business Computer-Based Test portion may be taken from the professional testing service at any time after the applicant has been approved to sit for the initial paper and pencil Technical/Safety examination.~~ For re-examination on the Technical/Safety examination, a retake exam application (DBPR ECLB form number 4457, effective August 2008) with the required fee must be submitted to the Department. The retake exam application may be obtained at http://www.myfloridalicense.com/dbpr/pro/elboard/documents/eclb-4457_enterable.pdf. For the second and third re-examination attempts on the Business Computer-Based Test, a retake exam application is not required to be submitted to the Department. There shall be a 21-day waiting period between retakes of the Business Computer-Based Test.

Rulemaking Specific Authority 489.507(3) FS. Law Implemented 489.511 FS. History—New 1-2-80, Amended 10-30-80, Formerly 21GG-5.02, Amended 10-30-88, 11-3-92, Formerly 21GG-5.002, Amended 4-5-95, 5-13-03, 1-23-05, 6-3-07, _____.

61G6-5.003 Requirements Application for Examination for Certification.

(1) Any person desiring ~~to take the certification by examination or applying for certification by endorsement pursuant to Section 589.511(6)(a), F.S.,~~ must establish that he or she meets eligibility requirements according to one of the following criteria:

(a) No change.

1. An applicant for certification examination who is a recipient of a degree in engineering or related field from an accredited four-year college or university may substitute his or her educational background for 1 year of experience in the trade as an electrical contractor or an alarm contractor, provided that the applicant causes the college or university he or she attended to forward a copy of his or her transcript to the Department.

2. No change.

a. through c. No change.

(b) No change.

1. through 3. No change.

(c) No change.

1. through 3. No change.

(d) No change.

(2) through (4) No change.

Rulemaking Specific Authority 489.507(3) FS. Law Implemented 489.505(12), (21), (22), 489.511(2), 489.521 FS. History—New 1-2-80, Amended 4-17-80, 10-4-84, Formerly 21GG-5.03, Amended 12-24-87, 7-9-89, 3-13-90, 11-26-90, 7-8-91, Formerly 21GG-5.003, Amended 3-20-94, 11-30-94, 7-13-95, 1-18-96, 9-22-97, 10-1-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Electrical Contractors’ Licensing Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Electrical Contractors’ Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 20, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 31, 2009

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.:	RULE TITLE:
62-204.800	Federal Regulations Adopted by Reference

PURPOSE, EFFECT AND SUMMARY: The proposed rule amendments (OGC No. 10-0872) update, to the July 1, 2009, Code of Federal Regulations, the department’s adoption-by-reference of air pollution regulations promulgated by the U.S. Environmental Protection Agency (EPA) at 40 C.F.R. Parts 60, 62, 63, and 81. The department is also correcting, as needed, citations to regulations for which enforcement is reserved to EPA and deleting previously adopted-by-reference EPA regulations at 40 C.F.R. Part 60, Subpart HHHH, which are now obsolete.

RULEMAKING AUTHORITY: 403.8055 FS.

LAW IMPLEMENTED: 403.061, 403.087, 403.8055 FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 403.8055, F.S. WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE TO: Ms. Patricia E. Comer, Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Blvd., MS #35, Tallahassee, Florida 32399-3000

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-204.800 Federal Regulations Adopted by Reference.

All federal regulations cited throughout the air pollution rules of the Department are adopted and incorporated by reference in this rule. The purpose and effect of each such federal regulation is determined by the context in which it is cited. Procedural and substantive requirements in the incorporated federal regulations are binding as a matter of state law only where the context so provides.

(1) through (8) No change.

(8) Title 40, Code of Federal Regulations, Part 60, Standards of Performance for New Stationary Sources.

(a) No change.

(b) Standards Adopted. The following Standards of Performance for New Stationary Sources contained in 40 C.F.R. Part 60, revised as of July 1, 2009 ~~July 1, 2001~~, or later as specifically indicated, are adopted and incorporated by reference:

1. 40 C.F.R. Part 60, Subpart D, Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971; ~~amended June 13, 2007, at 72 FR 32709; amended January 28, 2009, at 74 FR 5071.~~

2. 40 C.F.R. Part 60, Subpart Da, Electric Utility Steam Generators for Which Construction Is Commenced After September 18, 1978; ~~amended August 14, 2001, at 66 FR 42608; amended May 18, 2005, at 70 FR 28605; amended August 30, 2005, at 70 FR 51266; amended February 27, 2006, at 71 FR 9865; amended June 13, 2007, at 72 FR 32709; amended January 28, 2009, at 74 FR 5071;~~ except that the Secretary is not the Administrator for purposes of 40 C.F.R. § 60.47Da ~~60.47a~~.

3. 40 C.F.R. Part 60, Subpart Db, Industrial-Commercial-Institutional Steam Generating Units; ~~amended August 14, 2001, at 66 FR 42608; amended October 1, 2001, at 66 FR 49830; amended February 27, 2006, at 71 FR 9865; amended November 16, 2006, at 71 FR 66681; amended June 13, 2007, at 72 FR 32709; amended January 28, 2009, at 74 FR 5071;~~ except that the Secretary is not the Administrator for purposes of authorities cited at 40 C.F.R. § 60.40b(g) ~~60.49b(a)(4); 60.44b(f) and (g) and 40 C.F.R.~~

4. 40 C.F.R. Part 60, Subpart Dc, Small Industrial-Commercial-Institutional Steam Generating Units; ~~amended February 27, 2006, at 71 FR 9865; amended June 13, 2007, at 72 FR 32709; amended January 28, 2009, at 74 FR 5071;~~ except that the Secretary is not the Administrator for the purposes of authorities cited at 40 C.F.R. § 60.40c(b) ~~60.48c(a)(4).~~

5. 40 C.F.R. Part 60, Subpart E, Incinerators; ~~amended October 30, 2003, at 68 FR 61759.~~

6. No change.

7. 40 C.F.R. Part 60, Subpart Eb, Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994, or for Which Modification or Reconstruction is Commenced After June 19, 1996; except that

the Secretary is not the Administrator for the purposes of the authorities cited at 40 C.F.R. § 60.50b(n) amended July 12, 2001, at 66 FR 36473; amended November 16, 2001, at 66 FR 57824; amended May 10, 2006, at 71 FR 27324. Any municipal waste combustor plant which contains a municipal waste combustor unit subject to 40 C.F.R. 60, Subpart Eb, is subject to the permitting requirements of Chapter 62-213, F.A.C. Any municipal waste combustor plant subject to the permitting requirements of Chapter 62-213, F.A.C., solely because it is subject to 40 C.F.R. 60, Subpart Eb, shall file an application for an operation permit under the requirements of Chapter 62-213, F.A.C., ninety days before expiration of the source's construction permit, but no later than 180 days after commencing operation.

8. 40 C.F.R. Part 60, Subpart Ec, Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996; amended October 6, 2009, at 74 FR 51368; except that the Secretary is not the Administrator for purposes of 40 C.F.R. § 60.56c(i) 60.56(c)(i).

9. through 12. No change.

13. 40 C.F.R. Part 60, Subpart J, Petroleum Refineries; ~~amended June 24, 2008, at 73 FR 35837;~~ except that the Secretary is not the Administrator for ~~the~~ purposes of the authorities cited at 40 C.F.R. § 60.109(b).

14. 40 C.F.R. Part 60, Subpart Ja, Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007; ~~promulgated June 24, 2008, at 73 FR 35837; amended December 22, 2008, at 73 FR 78549;~~ except that the Secretary is not the Administrator for ~~the~~ purposes of the authorities cited at 40 C.F.R. § 60.109a(b).

15. through 16. No change.

17. 40 C.F.R. Part 60, Subpart Kb, Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. § 60.117b(b). ~~amended October 15, 2003, at 68 FR 59328.~~

18. through 21. No change.

22. 40 C.F.R. Part 60, Subpart O, Sewage Treatment Plants; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. § 60.156(b).

23 through 33. No change.

34. 40 C.F.R. Part 60, Subpart AA, Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and on or Before August 17, 1983; ~~amended February 22, 2005, at 70 FR 8523.~~

35. 40 C.F.R. Part 60, Subpart AAa, Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983; ~~amended February 22, 2005, at 70 FR 8523.~~

36. through 39. No change.

40. 40 C.F.R. Part 60, Subpart GG, Stationary Gas Turbines; ~~amended July 8, 2004, at 69 FR 41346; amended February 24, 2006, at 71 FR 9453;~~ except that the Secretary is not the Administrator for purposes of 40 C.F.R. § 60.332(a)(4) 40 C.F.R. § 60.334(b)(2) and 40 C.F.R. § 60.335(f)(1).

41. through 51. No change.

52. 40 C.F.R. Part 60, Subpart VV, Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry; ~~amended November 16, 2007, at 72 FR 64859; amended June 2, 2008, at 73 FR 31372;~~ except that the Secretary is not the Administrator for ~~the~~ purposes of 40 C.F.R. § 60.482-1(c)(2) and 40 C.F.R. § 60.484.

53. 40 C.F.R. Part 60, Subpart VVa, Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry; for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006; ~~promulgated November 16, 2007, at 72 FR 64859; amended June 2, 2008, at 73 FR 31372;~~ except that the Secretary is not the Administrator for purposes of 40 C.F.R. § 60.482-1a(c)(2) and 40 C.F.R. § 60.484a.

54. through 55. No change.

56. 40 C.F.R. Part 60, Subpart BBB, Rubber Tire Manufacturing Industry; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. § 60.548(b).

57. through 58. No change.

59. 40 C.F.R. Part 60, Subpart GGG, Equipment Leaks of VOC in Petroleum Refineries; except that the Secretary is not the Administrator for purposes of 40 C.F.R. § 60.592(c) amended August 2, 2001, at 66 FR 40121; amended August 6, 2003, at 68 FR 46489; amended November 16, 2007, at 72 FR 64859; amended June 2, 2008, at 73 FR 31372.

60. 40 C.F.R. Part 60, Subpart GGGa, Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced After November 7, 2006; ~~promulgated November 16, 2007, at 72 FR 64859; amended June 2, 2008, at 73 FR 31372;~~ except that the Secretary is not the Administrator for purposes of 40 C.F.R. § 60.592a(c).

61. through 62. No change.

63. 40 C.F.R. Part 60, Subpart JJJ, Petroleum Dry Cleaners; except that the Secretary is not the Administrator for purposes of 40 C.F.R. § 60.623.

64. 40 C.F.R. Part 60, Subpart KKK, Equipment Leaks of VOC From Onshore Natural Gas Processing Plants; except that the Secretary is not the Administrator for purposes of 40 C.F.R. § 60.634.

65. through 66. No change.

67. 40 C.F.R. Part 60, Subpart OOO, Nonmetallic Mineral Processing Plants; ~~amended April 28, 2009, at 74 FR 19293.~~

68. No change.

69. 40 C.F.R. Part 60, Subpart QQQ, VOC Emissions From Petroleum Refinery Wastewater Systems; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. § 60.699(b).

70. 40 C.F.R. Part 60, Subpart RRR, Volatile Organic Compound Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. § 60.708(b).

71. 40 C.F.R. Part 60, Subpart SSS, Magnetic Tape Coating Facilities; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. § 60.718(b).

72. 40 C.F.R. Part 60, Subpart TTT, Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. § 60.726(b).

73. No change.

74. 40 C.F.R. Part 60, Subpart VVV, Polymeric Coating of Supporting Substrates Facilities; except that the Secretary is not the Administrator for the purposes of the authorities cited at 40 C.F.R. § 60.748 60.743(a)(3)(v)(A) and (B), 40 C.F.R. § 60.743(e), 40 C.F.R. § 60.745(a) and 40 C.F.R. § 60.746.

75. through 77. No change.

78. 40 C.F.R. Part 60, Subpart EEEE, Other Solid Waste Incineration Units for Which Construction Is Commenced After December 9, 2004, or for Which Modification of Reconstruction Is Commenced on or After June 16, 2006; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. § 60.2889(b) promulgated December 16, 2005, at 70 FR 74869; amended November 24, 2006, at 71 FR 67802. Any solid waste incineration unit subject to the permitting requirements of Chapter 62-213, F.A.C., solely because it is subject to 40 C.F.R. Part 60, Subpart EEEE, shall file an application for an operation permit under the requirements of Chapter 62-213, F.A.C., in accordance with paragraph 62-213.420(1)(a), F.A.C.

79. 40 C.F.R. Part 60, Subpart IIII, Standards of Performance for Stationary Compression Ignition Internal Combustion Engines; promulgated July 11, 2006, at 71 FR 39153; except that the Secretary is not the Administrator for purposes of 40 C.F.R. § 60.4201, 60.4202, 60.4203, and 60.4210, and 60.4215 and 60.4216.

80. 40 C.F.R. Part 60, Subpart JJJJ, Standards of Performance for Stationary Spark Ignition Internal Combustion Engines; promulgated January 18, 2008, at 73 FR 3567; except that the Secretary is not the Administrator for purposes of 40 C.F.R. § 60.4231, 60.4232, 60.4238, 60.4239, 60.4240, 60.4241, 60.4242, and 60.4247.

81. 40 C.F.R. Part 60, Subpart KKKK, Standards for Stationary Combustion Turbines; promulgated July 6, 2006, at 71 FR 38481; amended March 20, 2009, at 74 FR 11858.

(c) No change.

(d) General Provisions Adopted. The general provisions of 40 C.F.R. Part 60, Subpart A, revised as of July 1, 2009 July 1, 2001; amended August 27, 2001, at 66 FR 44978; amended July 8, 2004, at 69 FR 41346; amended May 18, 2005, at 70 FR 28605; amended December 16, 2005, at 70 FR 74869; amended June 1, 2006, at 71 FR 31100; amended July 6, 2006, at 71 FR 38481; amended July 11, 2006, at 71 FR 39153; amended May 16, 2007, at 72 FR 27437; amended June 13, 2007, at 72 FR 32709; amended November 16, 2007, at 72 FR 64859; amended January 18, 2008, at 73 FR 3567; amended June 24, 2008, at 73 FR 35837; amended December 22, 2008, at 73 FR 78199; amended January 28, 2009, at 74 FR 5071; amended October 6, 2009, at 74 FR 51368; are adopted and incorporated by reference except that the Secretary is not the Administrator for purposes of 40 C.F.R. § 60.4, 40 C.F.R. § 60.8(b)(2) and (3), 40 C.F.R. § 60.11(e)(7) and (8), 40 C.F.R. § 60.13(g), (i) and (j)(2), and 40 C.F.R. § 60.16.

(e) Appendices Adopted. The following appendices of 40 C.F.R. Part 60, revised as of July 1, 2009 July 1, 2001, or later as specifically indicated, are adopted and incorporated by reference:

1. No change.

2. 40 C.F.R. Part 60, Appendix A-2, Test Methods 2G through 3C; amended May 15, 2006, at 71 FR 28081; amended May 22, 2008, at 73 FR 29691; amended May 29, 2009, at 74 FR 25666.

3. No change.

4. 40 C.F.R. Part 60, Appendix A-4, Test Methods 6 through 10B; amended May 15, 2006, at 71 FR 28081; amended May 22, 2008, at 73 FR 29691; amended May 29, 2009, at 74 FR 25666.

5. through 6. No change.

7. 40 C.F.R. Part 60, Appendix A-7, Test Methods 19 through 25E; amended May 15, 2006, at 71 FR 28081; amended September 21, 2006, at 71 FR 55119; amended May 22, 2008, at 73 FR 29691; amended March 25, 2009, at 74 FR 12575 except that in Method 23, the toluene rinse concentrate may be added to the acetone and methylene chloride concentrate, the filter, and the resin in the Soxhlet apparatus specified at section 5.1.4 of the method prior to analysis, in lieu of separate analysis of the toluene rinse extract pursuant to section 5.1.6 of the method.

8. 40 C.F.R. Part 60, Appendix A-8, Test Methods 26 through 30B; amended September 7, 2007, at 72 FR 51493.

9. 40 C.F.R. Part 60, Appendix B, Performance Specifications; amended January 12, 2004, at 69 FR 1785; amended May 18, 2005, at 70 FR 28605; amended September 21, 2006, at 71 FR 55119; amended June 13, 2007, at 72 FR 32709; amended September 7, 2007, at 72 FR 51493; amended March 25, 2009, at 74 FR 12575; amended April 23, 2009, at 74 FR 18474.

10. through 11. No change.

12. 40 C.F.R. Part 60, Appendix F, Quality Assurance Procedures; ~~amended January 12, 2004, at 69 FR 1785; amended June 13, 2007, at 72 FR 32709; amended March 25, 2009, at 74 FR 12575.~~

(9) Title 40, Code of Federal Regulations, Part 60, Emission Guidelines and Compliance Times.

(a) No change.

(b) Municipal Waste Combustors. 40 C.F.R. 60, Subpart Cb, Emission Guidelines and Compliance Times for Large Municipal Waste Combustors That Are Constructed on or Before September 20, 1994, revised as of July 1, 2009 ~~July 1, 2001, amended July 14, 2004, at 69 FR 42117; amended May 10, 2006, at 71 FR 27324~~; is hereby adopted and incorporated by reference, subject to the following provisions:

1. through 8. No change.

(c) Municipal Solid Waste Landfills. 40 C.F.R. 60, Subpart Cc, Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills, revised as of July 1, 2009 ~~July 1, 2001~~, is hereby adopted and incorporated by reference, subject to the following provisions:

1. through 7. No change.

(d) No change.

(e) Small Municipal Waste Combustion Units. 40 C.F.R. Part 60, Subpart BBBB, Emission Guidelines and Compliance Times for Small Municipal Waste Combustion Units Constructed on or Before August 30, 1999, revised as of July 1, 2009 ~~July 1, 2001~~, is hereby adopted and incorporated by reference subject to the following provisions:

1. through 12. No change.

(f) Commercial and Industrial Solid Waste Incineration Units. 40 C.F.R. Part 60, Subpart DDDD, Emission Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units that Commenced Construction on or Before November 30, 1999, revised as of July 1, 2009 ~~July 1, 2001~~, is hereby adopted and incorporated by reference subject to the following provisions:

1. through 13. No change.

(g) No Change.

(h) Designated Facility Plan. Florida's state plan for implementing the Emission Guidelines, as approved by the Administrator pursuant to Section 111(d) of the Clean Air Act and identified at 40 C.F.R. Part 62, Subpart K, revised as of July 1, 2009, is adopted and incorporated by reference. ~~Coal Fired Electric Steam Generating Units. 40 C.F.R. Part 60, Subpart HHHH, Emission Guidelines and Compliance Times for Coal Fired Electric Steam Generating Units, revised as of July 1, 2005, amended June 9, 2006, at 71 FR 33388; amended October 19, 2007, at 72 FR 59190, is hereby adopted and incorporated by reference, subject to the provisions set forth at Rule 62-296.480, F.A.C.~~

(10) No change.

(11) Title 40, Code of Federal Regulations, Part 63, National Emission Standards for Hazardous Air Pollutants for Source Categories.

(a) No change.

(b) Standards Adopted. The following National Emission Standards for Hazardous Air Pollutants contained in 40 C.F.R. Part 63, revised as of July 1, 2009 ~~July 1, 2001~~, or later as specifically indicated, are adopted and incorporated by reference:

1. 40 C.F.R. Part 63, Subpart F, Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry; ~~amended June 23, 2003, at 68 FR 37333; amended April 20, 2006, at 71 FR 20445; amended December 21, 2006, at 71 FR 76603~~; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.106(c)(1) through (4).

2. 40 C.F.R. Part 63, Subpart G, Organic Hazardous Air Pollutants From the Synthetic Organic Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater; ~~amended June 23, 2003, at 68 FR 37333; amended December 23, 2004, at 69 FR 76859; amended April 20, 2006, at 71 FR 20445; amended December 21, 2006, at 71 FR 76603; amended December 22, 2008, at 73 FR 78199~~; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.153(c)(1) through (4).

3. 40 C.F.R. Part 63, Subpart H, Organic Hazardous Air Pollutants for Equipment Leaks; ~~amended June 23, 2003, at 68 FR 37333; amended December 22, 2008, at 73 FR 78199~~; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.183(c)(1) through (4).

4. 40 C.F.R. Part 63, Subpart I, Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks; ~~amended June 23, 2003, at 68 FR 37333~~; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.193(c)(1) through (4).

5. 40 C.F.R. Part 63, Subpart J, Polyvinyl Chloride and Copolymers Production, ~~promulgated July 10, 2002, at 67 FR 45885~~; except that the Secretary is not the Administrator for ~~the~~ purposes of the authorities cited at 40 C.F.R. §§ 63.216(b)(1) through (5).

6. 40 C.F.R. Part 63, Subpart L, Coke Oven Batteries; ~~amended June 23, 2003, at 68 FR 37333; amended April 15, 2005, at 70 FR 19991; amended April 20, 2006, at 71 FR 20445~~; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.313(d)(1) through (5).

7. 40 C.F.R. Part 63, Subpart M, Perchloroethylene Dry Cleaning Facilities; ~~amended June 23, 2003, at 68 FR 37333; amended July 27, 2006, at 71 FR 42723; amended September 21, 2006, at 71 FR 55280; amended July 11, 2008, at 73 FR~~

39874; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.326(c)(1) through (4).

8. 40 C.F.R. Part 63, Subpart N, Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks; ~~amended June 23, 2003, at 68 FR 37333; amended July 19, 2004, at 69 FR 42885; amended April 20, 2006, at 71 FR 20445~~; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.348(c)(1) through (4).

9. 40 C.F.R. Part 63, Subpart O, Ethylene Oxide Emissions Standards for Sterilization Facilities; ~~amended November 2, 2001, at 66 FR 55577; amended June 23, 2003, at 68 FR 37333~~; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.368(c)(1) through (4).

10. 40 C.F.R. Part 63, Subpart Q, Industrial Process Cooling Towers; ~~amended June 23, 2003, at 68 FR 37333~~; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.407(c)(1) through (4).

11. 40 C.F.R. Part 63, Subpart R, Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations); ~~amended June 23, 2003, at 68 FR 37333; amended December 19, 2003, at 68 FR 70959; amended April 6, 2006, at 71 FR 17352; amended December 22, 2008, at 73 FR 78199~~; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.429(c)(1) through (4).

12. 40 C.F.R. Part 63, Subpart S, Pulp and Paper Industry; ~~amended June 23, 2003, at 68 FR 37333~~; except that the Secretary is not the Administrator for the purposes of the authorities cited at 40 C.F.R. § 63.453(m), 40 C.F.R. § 63.457(b)(5)(iii), 40 C.F.R. § 63.457(e)(3)(ii), and 40 C.F.R. § 63.458(c)(1) through (4).

13. 40 C.F.R. Part 63, Subpart T, Halogenated Solvent Cleaning; ~~amended June 23, 2003, at 68 FR 37333; amended May 3, 2007, at 72 FR 25137~~; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.470(c)(1) through (4).

14. 40 C.F.R. Part 63, Subpart U, Group I Polymers and Resins; ~~amended July 16, 2001, at 66 FR 36924; amended June 23, 2003, at 68 FR 37333; amended April 20, 2006, at 71 FR 20445; amended December 22, 2008, at 73 FR 78199~~; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.507(c)(1) through (4).

15. 40 C.F.R. Part 63, Subpart W, Epoxy Resins Production and Non-Nylon Polyamides Production; ~~amended June 23, 2003, at 68 FR 37333; amended April 20, 2006, at 71 FR 20445~~; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.529(c)(1) through (4).

16. 40 C.F.R. Part 63, Subpart X, Secondary Lead Smelters; ~~amended June 23, 2003, at 68 FR 37333~~; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.551(c)(1) through (4).

17. 40 C.F.R. Part 63, Subpart Y, Marine Tank Vessel Loading Operations; ~~amended June 23, 2003, at 68 FR 37333; amended April 20, 2006, at 71 FR 20445~~; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.568(c)(1) through (4).

18. 40 C.F.R. Part 63, Subpart AA, Phosphoric Acid Manufacturing Plants; ~~amended December 17, 2001, at 66 FR 65072; amended June 23, 2003, at 68 FR 37333; amended April 20, 2006, at 71 FR 20445~~; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.611(c)(1) through (4).

19. 40 C.F.R. Part 63, Subpart BB, Phosphate Fertilizers Production Plants; ~~amended June 23, 2003, at 68 FR 37333; amended April 20, 2006, at 71 FR 20445~~; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.632(c)(1) through (4).

20. 40 C.F.R. Part 63, Subpart CC, Petroleum Refineries; ~~amended June 23, 2003, at 68 FR 37333~~; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.655(c)(1) through (4).

21. 40 C.F.R. Part 63, Subpart DD, Off-Site Waste and Recovery Operations; ~~amended June 23, 2003, at 68 FR 37333; amended April 20, 2006, at 71 FR 20445~~; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.698(c)(1) through (4).

22. 40 C.F.R. Part 63, Subpart EE, Magnetic Tape Manufacturing Operations; ~~amended June 23, 2003, at 68 FR 37333~~; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.708(c)(1) through (4).

23. 40 C.F.R. Part 63, Subpart GG, Aerospace Manufacturing and Rework Facilities; ~~amended June 23, 2003, at 68 FR 37333; amended April 20, 2006, at 71 FR 20445~~; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.759(c)(1) through (4).

24. 40 C.F.R. Part 63, Subpart HH, Oil and Natural Gas Production Facilities; ~~amended June 23, 2003, at 68 FR 37333; amended April 20, 2006, at 71 FR 20445; amended January 3, 2007, at 72 FR 26; amended December 22, 2008, at 73 FR 78199~~; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.776(c)(1) through (4).

25. 40 C.F.R. Part 63, Subpart II, Shipbuilding and Ship Repair (Surface Coating); ~~amended June 23, 2003, at 68 FR 37333; amended December 29, 2006, at 71 FR 78369~~; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.789(c)(1) through (4).

26. 40 C.F.R. Part 63, Subpart JJ, Wood Furniture Manufacturing Operations; ~~amended June 23, 2003, at 68 FR 37333~~; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.808(c)(1) through (5).

27. 40 C.F.R. Part 63, Subpart KK, Printing and Publishing Industry; ~~amended June 23, 2003, at 68 FR 37333; amended May 24, 2006, at 71 FR 29792~~; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.831(c)(1) through (4).

28. 40 C.F.R. Part 63, Subpart LL, Primary Aluminum Reduction Plants; ~~amended June 23, 2003, at 68 FR 37333; amended November 2, 2005, at 70 FR 66280; amended April 20, 2006, at 71 FR 20445~~; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.853(c)(1) through (4).

29. 40 C.F.R. Part 63, Subpart MM, Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semicheical Pulp Mills; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.868(b)(1) through (4) ~~amended July 19, 2001, at 66 FR 37591; amended August 6, 2001, at 66 FR 41086; amended February 18, 2003, at 68 FR 7706; amended May 8, 2003, at 68 FR 24653; amended July 18, 2003, at 68 FR 42603; amended December 5, 2003, at 68 FR 67953; amended May 6, 2004, at 69 FR 25321; amended April 20, 2006, at 71 FR 20445~~.

30. 40 C.F.R. Part 63, Subpart OO, Tanks-Level 1; ~~amended June 23, 2003, at 68 FR 37333~~; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.908(c)(1) through (4).

31. 40 C.F.R. Part 63, Subpart PP, Containers; ~~amended June 23, 2003, at 68 FR 37333~~; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.929(c)(1) through (4).

32. 40 C.F.R. Part 63, Subpart QQ, Surface Impoundments; ~~amended June 23, 2003, at 68 FR 37333~~; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.949(c)(1) through (4).

33. 40 C.F.R. Part 63, Subpart RR, Individual Drain Systems; ~~amended June 23, 2003, at 68 FR 37333~~; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.967(c)(1) through (4).

34. 40 C.F.R. Part 63, Subpart SS, Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process; ~~amended July 12, 2002, at 67 FR 46257; amended April 20, 2006, at 71 FR 20445~~; except that the Secretary is not the Administrator for ~~the~~ purposes of the authorities cited at 40 C.F.R. §§ 63.992(b)(1) through (5).

35. 40 C.F.R. Part 63, Subpart TT, Equipment Leaks – Control Level 1; ~~amended July 12, 2002, at 67 FR 46257~~; except that the Secretary is not the Administrator for ~~the~~ purposes of the authorities cited at 40 C.F.R. §§ 63.1000(b)(1)(i) through (v).

36. 40 C.F.R. Part 63, Subpart UU, Equipment Leaks – Control Level 2 Standards; ~~amended July 12, 2002, at 67 FR 46257~~; except that the Secretary is not the Administrator for ~~the~~ purposes of the authorities cited at 40 C.F.R. §§ 63.1019(f)(1)(i) through (v).

37. 40 C.F.R. Part 63, Subpart VV, Oil-Water Separators and Organic-Water Separators; ~~amended June 23, 2003, at 68 FR 37333~~; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.1050(c)(1) through (4).

38. 40 C.F.R. Part 63, Subpart WW, Storage Vessels (Tanks) – Control Level 2; ~~amended July 12, 2002, at 67 FR 46257~~; except that the Secretary is not the Administrator for ~~the~~ purposes of the authorities cited at 40 C.F.R. §§ 63.1067(b)(1) through (5).

39. 40 C.F.R. Part 63, Subpart XX, Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations; ~~promulgated July 12, 2002, at 67 FR 46257; amended April 13, 2005, at 70 FR 19266; amended June 29, 2007, at 72 FR 35663~~; except that the Secretary is not the Administrator for ~~the~~ purposes of the authorities cited at 40 C.F.R. §§ 63.1097(b)(1) through (5).

40. 40 C.F.R. Part 63, Subpart YY, Generic Maximum Achievable Control Technology Standards; ~~amended November 2, 2001, at 66 FR 55844; amended July 12, 2002, at 67 FR 46257; amended July 12, 2002, at 67 FR 46289; amended February 10, 2003, at 68 FR 6635; amended April 13, 2005, at 70 FR 19266; amended April 20, 2006, at 71 FR 20445~~; except that the Secretary is not the Administrator for ~~the~~ purposes of the authorities cited at 40 C.F.R. §§ 63.1114(b)(1) through (5).

41. 40 C.F.R. Part 63, Subpart CCC, Steel Pickling – HCL Process Facilities and Hydrochloric Acid Regeneration Plants; ~~amended June 23, 2003, at 68 FR 37333; amended April 20, 2006, at 71 FR 20445~~; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.1166(c)(1) through (8).

42. 40 C.F.R. Part 63, Subpart DDD, Mineral Wool Production; ~~amended June 23, 2003, at 68 FR 37333~~; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.1195(c)(1) through (4).

43. 40 C.F.R. Part 63, Subpart EEE, Hazardous Waste Combustors; ~~amended July 3, 2001, at 66 FR 35087; amended October 15, 2001, at 66 FR 52361; amended December 6, 2001, at 66 FR 63313; amended February 13, 2002, at 67 FR 6791; amended February 14, 2002, at 67 FR 6967; amended December 19, 2002, at 67 FR 77687; amended June 23, 2003, at 68 FR 37333; amended October 12, 2005, at 70 FR 59401~~;

~~amended December 19, 2005, at 70 FR 75042; amended April 20, 2006, at 71 FR 20445; amended October 25, 2006, at 71 FR 62388; amended April 8, 2008, at 73 FR 18970; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.1214(c)(1) through (4).~~

44. 40 C.F.R. Part 63, Subpart GGG, Pharmaceuticals Production; ~~amended April 2, 2002, at 67 FR 15486; amended June 23, 2003, at 68 FR 37333; amended May 13, 2005, at 70 FR 25665; amended April 20, 2006, at 71 FR 20445; amended December 22, 2008, at 73 FR 78199; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. 63.1261(c)(1) through (4).~~

45. 40 C.F.R. Part 63, Subpart HHH, Natural Gas Transmission and Storage Facilities; ~~amended September 27, 2001, at 66 FR 49299; amended February 22, 2002, at 67 FR 8202; amended June 23, 2003, at 68 FR 37333; amended April 20, 2006, at 71 FR 20445; amended December 22, 2008, at 73 FR 78199; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. § 63.1286(c)(1) through (4).~~

46. 40 C.F.R. Part 63, Subpart III, Flexible Polyurethane Foam Production; ~~amended June 23, 2003, at 68 FR 37333; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.1309(c)(1) through (5).~~

47. 40 C.F.R. Part 63, Subpart JJJ, Group IV Polymers and Resins; ~~amended July 16, 2001, at 66 FR 36924; amended August 6, 2001, at 66 FR 40903; amended June 23, 2003, at 68 FR 37333; amended April 20, 2006, at 71 FR 20445; amended December 22, 2008, at 73 FR 78199; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. § 63.1336(c)(1) through (4).~~

48. 40 C.F.R. Part 63, Subpart LLL, Portland Cement Manufacturing Industry; ~~amended April 5, 2002, at 67 FR 16613; amended July 2, 2002, at 67 FR 44371; amended July 5, 2002, at 67 FR 44766; amended December 6, 2002, at 67 FR 72580; amended June 23, 2003, at 68 FR 37333; amended December 20, 2006, at 71 FR 76517; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.1358(c)(1) through (4). If a facility becomes subject to the permitting requirements of Chapter 62-213, F.A.C., solely because it is subject to the emission limiting requirements of 40 C.F.R. Part 63, Subpart LLL, the facility shall submit an application for such permit no later than October 1, 2000.~~

49. 40 C.F.R. Part 63, Subpart MMM, Pesticide Active Ingredient Production; ~~amended November 21, 2001, at 66 FR 58393; amended March 22, 2002, at 67 FR 13507; amended March 22, 2002, at 67 FR 13513; amended September 20, 2002, at 67 FR 59335; amended June 23, 2003, at 68 FR 37333; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.1369(c)(1) through (4).~~

50. 40 C.F.R. Part 63, Subpart NNN, Wool Fiberglass Manufacturing; ~~amended June 23, 2003, at 68 FR 37333; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.1388(c)(1) through (4).~~

51. 40 C.F.R. Part 63, Subpart OOO, Manufacture of Amino/Phenolic Resins; ~~amended June 23, 2003, at 68 FR 37333; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.1419(c)(1) through (4).~~

52. 40 C.F.R. Part 63, Subpart PPP, Polyether Polyols Production; ~~amended June 23, 2003, at 68 FR 37333; amended July 1, 2004, at 69 FR 39862; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for purposes of the authorities cited at §§ 40 C.F.R. § 63.1421(c)(1) through (4).~~

53. 40 C.F.R. Part 63, Subpart QQQ, Primary Copper Smelting; ~~promulgated June 12, 2002, at 67 FR 40477; amended July 14, 2005, at 70 FR 40672; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for purposes of the authorities cited at §§ 40 C.F.R. § 63.1458(c)(1) through (4).~~

54. 40 C.F.R. Part 63, Subpart RRR, Secondary Aluminum Production; ~~amended September 24, 2002, at 67 FR 59787; amended November 8, 2002, at 67 FR 68038; amended December 30, 2002, at 67 FR 79807; amended June 23, 2003, at 68 FR 37333; amended September 3, 2004, at 69 FR 53979; amended October 3, 2005, at 70 FR 57513; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. § 63.1519(c)(1) through (4).~~

55. 40 C.F.R. Part 63, Subpart TTT, Primary Lead Smelting; ~~amended June 23, 2003, at 68 FR 37333; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. § 63.1550(c)(1) through (4).~~

56. 40 C.F.R. Part 63, Subpart UUU, Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units; ~~promulgated April 11, 2002, at 67 FR 17761; amended February 9, 2005, at 70 FR 6929; amended April 20, 2006, at 71 FR 20445; except that the Secretary is not the Administrator for ~~the~~ purposes of the authorities cited at 40 C.F.R. §§ 63.1578(c)(1) through (5).~~

57. 40 C.F.R. Part 63, Subpart VVV, Publicly Owned Treatment Works; ~~amended October 21, 2002, at 67 FR 64741; amended June 23, 2003, at 68 FR 37333; amended December 22, 2008, at 73 FR 78199; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. § 63.1594(c)(1) through (4).~~

58. 40 C.F.R. Part 63, Subpart XXX, Ferrous Alloys Production: Ferromanganese and Silicomanganese; ~~amended June 23, 2003, at 68 FR 37333; amended April 20, 2006, at 71~~

FR 20445; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.1661(c)(1) through (4).

59. 40 C.F.R. Part 63, Subpart AAAA, Municipal Solid Waste Landfills; ~~promulgated January 16, 2003, at 68 FR 2227; amended April 20, 2006, at 71 FR 20445;~~ except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.1985(c).

60. 40 C.F.R. Part 63, Subpart CCCC, Manufacturing of Nutritional Yeast; ~~except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.2191(c)(1) through (4) amended April 20, 2006, at 71 FR 20445.~~

61. 40 C.F.R. Part 63, Subpart DDDD, Plywood and Composite Wood Products; ~~promulgated July 30, 2004, at 69 FR 45943; amended February 16, 2006, at 71 FR 8341; amended April 20, 2006, at 71 FR 20445; amended October 29, 2007, at 72 FR 61060;~~ except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.2291(c)(1) through (4)~~(5)~~.

62. 40 C.F.R. Part 63, Subpart EEEE, Organic Liquids Distribution (Non-Gasoline); ~~promulgated February 3, 2004, at 69 FR 5038; amended April 20, 2006, at 71 FR 20445; amended July 28, 2006, at 71 FR 42897; amended July 17, 2008, at 73 FR 40977; amended December 22, 2008, at 73 FR 78199;~~ except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.2402(b)(1) through (4).

63. 40 C.F.R. Part 63, Subpart FFFF, Miscellaneous Organic Chemical Manufacturing; ~~promulgated November 10, 2003, at 68 FR 63851; amended July 1, 2005, at 70 FR 38553; amended August 30, 2005, at 70 FR 51269; amended March 1, 2006, at 71 FR 10439; amended April 20, 2006, at 71 FR 20445; amended July 14, 2006, at 71 FR 40315; amended December 22, 2008, at 73 FR 78199;~~ except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.2545(b)(1) through (4).

64. 40 C.F.R. Part 63, Subpart GGGG, Solvent Extraction for Vegetable Oil Production; ~~except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.2871(c)(1) through (5) amended April 5, 2002, at 67 FR 16317; amended September 1, 2004, at 69 FR 53338; amended April 20, 2006, at 71 FR 20445.~~

65. 40 C.F.R. Part 63, Subpart HHHH, National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production; ~~promulgated April 11, 2002, at 67 FR 17823; amended April 20, 2006, at 71 FR 20445;~~ except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.3002(b)(1) through (4).

66. 40 C.F.R. Part 63, Subpart IIII, Surface Coating of Automobiles and Light-Duty Trucks; ~~except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.3175(c)(1) through (4) promulgated April 26,~~

~~2004, at 69 FR 22601; amended April 20, 2006, at 71 FR 20445; amended December 22, 2006, at 71 FR 76922; amended April 24, 2007, at 72 FR 20227.~~

67. 40 C.F.R. Part 63, Subpart JJJJ, Paper and Other Web Coating; ~~promulgated December 4, 2002, at 67 FR 72329; amended May 24, 2006, at 71 FR 29792;~~ except that the Secretary is not the Administrator for the purposes of the authorities cited at 40 C.F.R. §§ 63.3420(b).

68. 40 C.F.R. Part 63, Subpart KKKK, Surface Coating of Metal Cans; ~~promulgated November 13, 2003, at 68 FR 64431; amended January 6, 2006, at 71 FR 1377; amended April 20, 2006, at 71 FR 20445;~~ except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.3560(c)(1) through (4).

69. 40 C.F.R. Part 63, Subpart MMMM, Surface Coating of Miscellaneous Metal Parts and Products; ~~promulgated January 2, 2004, at 69 FR 129; amended April 26, 2004, at 69 FR 22601; amended April 20, 2006, at 71 FR 20445; amended December 22, 2006, at 71 FR 76922;~~ except that the Secretary is not the Administrator for the purposes of the authorities cited at 40 C.F.R. §§ 63.3980(c)(1) through (4).

70. 40 C.F.R. Part 63, Subpart NNNN, Surface Coating of Large Appliances; ~~promulgated July 23, 2002, at 67 FR 48253; amended April 20, 2006, at 71 FR 20445;~~ except that the Secretary is not the Administrator for the purposes of the authorities cited at 40 C.F.R. §§ 63.4180(c)(1) through (4).

71. 40 C.F.R. Part 63, Subpart OOOO, Printing, Coating, and Dyeing of Fabrics and Other Textiles; ~~promulgated May 29, 2003, at 68 FR 32171; amended August 4, 2004, at 69 FR 47001; amended April 20, 2006, at 71 FR 20445; amended May 24, 2006, at 71 FR 29792;~~ except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.4370(c)(1) through (4).

72. 40 C.F.R. Part 63, Subpart PPPP, Surface Coating of Plastic Parts and Products; ~~promulgated April 19, 2004, at 69 FR 20967; amended April 26, 2004, at 69 FR 22601; amended April 20, 2006, at 71 FR 20445; amended December 22, 2006, at 71 FR 76922; amended April 24, 2007, at 72 FR 20227;~~ except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.4580(c)(1) through (4).

73. 40 C.F.R. Part 63, Subpart QQQQ, Surface Coating of Wood Building Products; ~~promulgated May 28, 2003, at 68 FR 31745; amended April 20, 2006, at 71 FR 20445;~~ except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.4780(c)(1) through (4).

74. 40 C.F.R. Part 63, Subpart RRRR, Surface Coating of Metal Furniture; ~~promulgated May 23, 2003, at 68 FR 28605; amended April 20, 2006, at 71 FR 20445;~~ except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.4980(c)(1) through (4).

75. 40 C.F.R. Part 63, Subpart SSSS, Surface Coating of Metal Coil; ~~promulgated June 10, 2002, at 67 FR 39793; amended March 17, 2003, at 68 FR 12590;~~ except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.5200(c)(1) through (4).

76. 40 C.F.R. Part 63, Subpart TTTT, Leather Finishing Operations; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.5455(c)(1) through (4) ~~promulgated February 27, 2002, at 67 FR 9155; amended February 7, 2005, at 70 FR 6355.~~

77. 40 C.F.R. Part 63, Subpart UUUU, Cellulose Products Manufacturing; ~~promulgated June 11, 2002, at 67 FR 40043; amended June 24, 2005, at 70 FR 36523; amended August 10, 2005, at 70 FR 46683; amended April 20, 2006, at 71 FR 20445; amended December 22, 2008, at 73 FR 78199;~~ except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.5605(b)(1) through (4).

78. 40 C.F.R. Part 63, Subpart VVVV, Boat Manufacturing; except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.5776(b)(1) through (4) ~~promulgated August 22, 2001, at 66 FR 44218; amended October 3, 2001, at 66 FR 50504.~~

79. 40 C.F.R. Part 63, Subpart WWWW, Reinforced Plastic Composites Production; ~~promulgated April 21, 2003, at 68 FR 19375; amended August 25, 2005, at 70 FR 50117; amended April 20, 2006, at 71 FR 20445;~~ except that the Secretary is not the Administrator for the purposes of the authorities cited at 40 C.F.R. §§ 63.5930(c)(1) through (4).

80. 40 C.F.R. Part 63, Subpart XXXX, Rubber Tire Manufacturing; ~~promulgated July 9, 2002, at 67 FR 45587; amended March 12, 2003, at 68 FR 11745; amended April 20, 2006, at 71 FR 20445;~~ except that the Secretary is not the Administrator for the purposes the authorities cited at of 40 C.F.R. §§ 63.6014(c)(1) through (4).

81. 40 C.F.R. Part 63, Subpart YYYYY, Stationary Combustion Turbines; ~~promulgated March 5, 2004, at 69 FR 10511; amended August 18, 2004, at 69 FR 51184; amended April 20, 2006, at 71 FR 20445;~~ except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.6170(c)(1) through (5).

82. 40 C.F.R. Part 63, Subpart ZZZZ, ~~Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines,~~ except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.6670(c)(1) through (5) ~~promulgated June 15, 2004, at 69 FR 33473; amended April 20, 2006, at 71 FR 20445; amended June 23, 2006, at 71 FR 36014; amended January 18, 2008, at 73 FR 3567.~~

83. 40 C.F.R. Part 63, Subpart AAAAA, Lime Manufacturing Plants; ~~promulgated January 5, 2004, at 69 FR 393; amended April 20, 2006, at 71 FR 20445;~~ except that the Secretary is not the Administrator for the purposes of the authorities cited at 40 C.F.R. §§ 63.7141(c)(1) through (6).

84. 40 C.F.R. Part 63, Subpart BBBB, Semiconductor Manufacturing; ~~promulgated May 22, 2003, at 68 FR 27913; amended April 20, 2006, at 71 FR 20445; amended July 22, 2008, at 73 FR 42529;~~ except that the Secretary is not the Administrator for the purposes of the authorities cited at 40 C.F.R. §§ 63.7194(c)(1) through (4).

85. 40 C.F.R. Part 63, Subpart CCCCC, Coke Ovens: Pushing, Quenching, and Battery Stacks; ~~promulgated April 14, 2003, at 68 FR 18007; amended April 22, 2003, at 68 FR 19885; amended October 13, 2004, at 69 FR 60813; amended August 2, 2005, at 70 FR 44285; amended April 20, 2006, at 71 FR 20445;~~ except that the Secretary is not the Administrator for the purposes of the authorities cited at 40 C.F.R. §§ 63.7351(c)(1) through (6).

86. Reserved.

87. 40 C.F.R. Part 63, Subpart EEEEE, Iron and Steel Foundries; ~~promulgated April 22, 2004, at 69 FR 21905; amended May 20, 2005, at 70 FR 29399; amended April 20, 2006, at 71 FR 20445; amended February 7, 2008, at 73 FR 7210;~~ except that the Secretary is not the Administrator for the purposes of the authorities cited at 40 C.F.R. §§ 63.7761(c)(1) through (4).

88. 40 C.F.R. Part 63, Subpart FFFFF, Integrated Iron and Steel Manufacturing Facilities; ~~promulgated May 20, 2003, at 68 FR 27645; amended April 20, 2006, at 71 FR 20445; amended July 13, 2006, at 71 FR 39579;~~ except that the Secretary is not the Administrator for the purposes of the authorities cited at 40 C.F.R. §§ 63.7851(c)(1) through (4).

89. 40 C.F.R. Part 63, Subpart GGGGG, Site Remediation; ~~promulgated October 8, 2003, at 68 FR 58171; amended April 20, 2006, at 71 FR 20445; amended November 29, 2006, at 71 FR 69011; amended December 22, 2008, at 73 FR 78199;~~ except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.7956(c)(1) through (4).

90. 40 C.F.R. Part 63, Subpart HHHHH, Miscellaneous Coating Manufacturing; ~~promulgated December 11, 2003, at 68 FR 69163; amended December 29, 2003, at 68 FR 75033; amended May 13, 2005, at 70 FR 25675; amended July 6, 2005, at 70 FR 38780; amended December 21, 2005, at 70 FR 75923; amended April 20, 2006, at 71 FR 20445; amended October 4, 2006, at 71 FR 58499; amended December 22, 2008, at 73 FR 78199;~~ except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.8100(b)(1) through (4).

91. 40 C.F.R. Part 63, Subpart IIIII, Mercury Emissions from Mercury Cell Chlor-Alkali Plants; ~~promulgated December 19, 2003, at 68 FR 70903; amended April 20, 2006, at 71 FR 20445;~~ except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.8264(c)(1) through (4).

92. 40 C.F.R. Part 63, Subpart JJJJJ, Brick and Structural Clay Products Manufacturing; ~~promulgated May 16, 2003, at 68 FR 26689; amended May 28, 2003, at 68 FR 31744; amended April 20, 2006, at 71 FR 20445;~~ except that the Secretary is not the Administrator for the purposes of the authorities cited at 40 C.F.R. §§ 63.8510(c)(1) through (4).

93. 40 C.F.R. Part 63, Subpart KKKKK, Clay Ceramics Manufacturing; ~~promulgated May 16, 2003, at 68 FR 26689; amended May 28, 2003, at 68 FR 31744; amended April 20, 2006, at 71 FR 20445;~~ except that the Secretary is not the Administrator for the purposes of the authorities cited at 40 C.F.R. §§ 63.8660(c)(1) through (4).

94. 40 C.F.R. Part 63, Subpart LLLLL, Asphalt Processing and Asphalt Roofing Manufacturing; ~~promulgated May 7, 2003 at 68 FR 24561; amended May 17, 2005, at 70 FR 28359; amended April 20, 2006, at 71 FR 20445;~~ except that the Secretary is not the Administrator for the purposes of the authorities cited at 40 C.F.R. §§ 63.8697(b)(1) through (4).

95. 40 C.F.R. Part 63, Subpart MMMMM, Flexible Polyurethane Foam Fabrication Operations; ~~promulgated April 14, 2003, at 68 FR 18061; amended April 20, 2006, at 71 FR 20445;~~ except that the Secretary is not the Administrator for the purposes of the authorities cited at 40 C.F.R. §§ 63.8828(c)(1) through (4).

96. 40 C.F.R. Part 63, Subpart NNNNN, Hydrochloric Acid Production; ~~promulgated April 17, 2003, at 68 FR 19075; amended April 20, 2006, at 71 FR 20445; amended April 7, 2006, at 71 FR 17738; amended April 20, 2006, at 71 FR 20445;~~ except that the Secretary is not the Administrator for the purposes of the authorities cited at 40 C.F.R. §§ 63.9070(c)(1) through (4).

97. 40 C.F.R. Part 63, Subpart PPPPP, Engine Test Cells/Stands; ~~promulgated May 27, 2003, at 68 FR 28774; amended August 28, 2003, at 68 FR 51830; amended April 20, 2006, at 71 FR 20445;~~ except that the Secretary is not the Administrator for the purposes of the authorities cited at 40 C.F.R. §§ 63.9370(c)(1) through (4).

98. 40 C.F.R. Part 63, Subpart QQQQQ, Friction Materials Manufacturing Facilities; ~~promulgated October 18, 2002, at 67 FR 64497; amended April 20, 2006, at 71 FR 20445;~~ except that the Secretary is not the Administrator for the purposes of the authorities cited at 40 C.F.R. §§ 63.9560(c)(1) through (4).

99. 40 C.F.R. Part 63, Subpart RRRRR, Taconite Iron Ore Processing; ~~promulgated October 30, 2003, at 68 FR 61867; amended April 20, 2006, at 71 FR 20445;~~ except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.9651(c)(1) through (4).

100. 40 C.F.R. Part 63, Subpart SSSSS, Refractory Products Manufacturing; ~~promulgated April 16, 2003, at 68 FR 18729; amended April 20, 2006, at 71 FR 20445;~~ except that the Secretary is not the Administrator for the purposes of the authorities cited at 40 C.F.R. §§ 63.9822(c)(1) through (4).

101. 40 C.F.R. Part 63, Subpart TTTTT, Primary Magnesium Refining; ~~promulgated October 10, 2003, at 68 FR 58615; amended April 20, 2006, at 71 FR 20445;~~ except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.9941(c)(1) through (4).

102. 40 C.F.R. Part 63, Subpart YYYYY, ~~National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities; promulgated December 28, 2007, at 72 FR 74087; amended December 1, 2008, at 73 FR 72727;~~ except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.10691(c)(1) through (6).

103. 40 C.F.R. Part 63, Subpart ZZZZZ, ~~National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources; promulgated January 2, 2008, at 73 FR 225;~~ except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.10905(c)(1) through (6).

104. 40 C.F.R. Part 63, Subpart DDDDDD, ~~National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources; promulgated January 23, 2007, at 72 FR 2929;~~ except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.11145(b)(1) through (4) 63.11145(c)(1) through (5).

105. 40 C.F.R. Part 63, Subpart EEEEE, ~~National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources; promulgated January 23, 2007, at 72 FR 2929; amended July 3, 2007, at 72 FR 36363;~~ except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.11152(c)(1) through (5).

106. 40 C.F.R. Part 63, Subpart FFFFFFF, ~~National Emission Standards for Hazardous Air Pollutants for Secondary Copper Smelting Area Sources; promulgated January 23, 2007, at 72 FR 2929; amended July 3, 2007, at 72 FR 36363;~~ except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.11159(c)(1) through (4).

107. 40 C.F.R. Part 63, Subpart GGGGG, ~~National Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources-Zinc, Cadmium, and Beryllium; promulgated January 23, 2007, at 72 FR 2929;~~ except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. 63.11168(c)(1) through (4); and 40 C.F.R. §§ 63.11168(c)(1) through (5), and (d)(1) through(4).

108. 40 C.F.R. Part 63, Subpart LLLLLL, ~~National Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources, promulgated July 16, 2007, at 72 FR 38863; amended March 26, 2008, at 73 FR 15923;~~ except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.11399(b)(1) through (4).

109. 40 C.F.R. Part 63, Subpart MMMMMM, ~~National Emission Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources, promulgated July 16, 2007, at 72 FR 38863; amended March 26, 2008, at 73 FR 15923;~~ except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.11406(b)(1) through (4).

110. 40 C.F.R. Part 63, Subpart NNNNNN, ~~National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: Chromium Compounds, promulgated July 16, 2007, at 72 FR 38863; amended March 26, 2008, at FR 15923;~~ except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.11413(b)(1) through (4).

111. 40 C.F.R. Part 63, Subpart OOOOOO, ~~National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources, promulgated July 16, 2007, at 72 FR 38863; amended March 26, 2008, at 73 FR 15923;~~ except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.11420(b)(1) through (4).

112. 40 C.F.R. Part 63, Subpart PPPPPP, ~~National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources, promulgated July 16, 2007, at 72 FR 38863; amended March 26, 2008, at 73 FR 15923;~~ except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.11427(b)(1) through (4).

113. 40 C.F.R. Part 63, Subpart QQQQQQ, ~~National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources, promulgated July 16, 2007, at 72 FR 38863; amended March 26, 2008, at 73 FR 15923;~~ except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.11434(b)(1) through (4).

114. 40 C.F.R. Part 63, Subpart RRRRRR, ~~National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing Area Sources; promulgated December 26, 2007, at 72 FR 73179;~~ except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.11445(c)(1) through (4).

115. 40 C.F.R. Part 63, Subpart SSSSSS, ~~National Emission Standards for Hazardous Air Pollutants for Glass Manufacturing Area Sources; promulgated December 26, 2007, at 72 FR 73179;~~ except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.11460(b)(1) through (4).

116. 40 C.F.R. Part 63, Subpart TTTTTT, ~~National Emission Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals Processing Area Sources; promulgated December 26, 2007, at 72 FR 73179;~~ except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. §§ 63.11473(c)(1) through (4).

(c) No change.

(d) General Subparts Adopted. The following general subparts of 40 C.F.R. Part 63, revised as of July 1, 2009 ~~July 1, 2001~~, or later as specifically indicated, are adopted and incorporated by reference:

1. 40 C.F.R. Part 63, Subpart A, General Provisions; ~~amended February 27, 2002, at 67 FR 9156; amended April 5, 2002, at 67 FR 16581; amended February 18, 2003, at 68 FR 7706; amended April 21, 2003, at 68 FR 19375; amended May 20, 2003, at 68 FR 27645; amended May 23, 2003, at 68 FR 28605; amended May 27, 2003, at 68 FR 28774; amended May 28, 2003, at 68 FR 31745; amended May 29, 2003, at 68 FR 32171; amended May 30, 2003, at 68 FR 32585; amended November 13, 2003, at 68 FR 64431; amended December 19, 2003, at 68 FR 70959; amended January 2, 2004, at 69 FR 129; amended February 3, 2004 at 69 FR 5038; amended April 19, 2004, at 69 FR 20967; amended April 22, 2004, at 69 FR 21905; amended April 26, 2004, at 69 FR 22601; amended June 15, 2004, at 69 FR 33473; amended July 30, 2004, at 69 FR 45943; amended April 15, 2005, at 70 FR 19991; amended May 20, 2005, at 70 FR 29399; amended October 12, 2005, at 70 FR 59401; amended April 20, 2006, at 71 FR 20445; amended December 6, 2006, at 71 FR 70651; amended January 3, 2007, at 72 FR 26; amended January 23, 2006, at 72 FR 2929; amended May 16, 2007, at 72 FR 27437; amended July 16, 2007, at 72 FR 38863; amended October 29, 2007, at 72 FR 61060; amended November 16, 2007, at 72 FR 64859; amended December 26, 2007, at 72 FR 73179; amended December 28, 2007, at 72 FR 74087; amended January 2, 2008, at 73 FR 225; amended January 18, 2008, at 73 FR 3567; amended February 7, 2008, at 73 FR 7210; amended December 22, 2008, at 73 FR 78199;~~ except that the Secretary is not the Administrator for purposes of the authorities cited at 40 C.F.R. § 63.5(e), 40 C.F.R. § 63.5(f), 40 C.F.R. § 63.6(g), 40 C.F.R. § 63.6(h)(9), 40 C.F.R. § 63.6(j), 40 C.F.R. § 63.13, and 40 C.F.R. § 63.14.

2. 40 C.F.R. Part 63, Subpart B, Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Sections, §§ 112(g) and 112(j); ~~amended April 5, 2002, at 67 FR 16581;~~ is adopted and incorporated by reference, subject to the following provisions:

a. through f. No change.

3. 40 C.F.R. Part 63, Subpart C, List of Hazardous Air Pollutants, Petitions Process, Lesser Quantity Designations, Source Category List, ~~revised as of July 1, 2004; amended November 29, 2004, at 69 FR 69320; amended December 19, 2005, at 70 FR 75047.~~

4. through 5. No change.

(e) Appendices Adopted. The following appendices of 40 C.F.R. Part 63, revised as of July 1, 2009 ~~July 1, 2001~~, or later as specifically indicated, are adopted and incorporated by reference:

1. Appendix A, Test Methods; ~~amended March 25, 2009, at 74 FR 12575; amended April 23, 2009, at 74 FR 18474.~~

2. through 5. No change.
(12) through (22) No change.

(23) Title 40, Code of Federal Regulations, Part 81, Designation of Areas for Air Quality Planning Purposes.

~~(a) The following sections and subparts of 40 C.F.R. Part 81, Subpart B, Designation of Air Quality Control Regions, §§ 81.49, 81.68, 81.91, 81.95, 81.96, and 81.97, revised as of July 1, 2009, July 1, 2005, or later as specifically indicated, are adopted and incorporated by reference.:~~

~~(a) 40 C.F.R. 81, Section 81.49, Southeast Florida Intrastate Air Quality Control Region.~~

~~(b) 40 C.F.R. Part 81, Subpart C, Section 107 Attainment Status Designations, § 81.310, revised as of July 1, 2009, is adopted and incorporated by reference. 40 C.F.R. 81, Section 81.68, Mobile (Alabama) Pensacola Panama City (Florida) Southern Mississippi Interstate Air Quality Control Region.~~

~~(c) 40 C.F.R. 81, Section 81.91, Jacksonville (Florida) Brunswick (Georgia) Interstate Air Quality Control Region.~~

~~(d) 40 C.F.R. 81, Section 81.95, Central Florida Intrastate Air Quality Control Region.~~

~~(e) 40 C.F.R. 81, Section 81.96, West Central Florida Intrastate Air Quality Control Region.~~

~~(f) 40 C.F.R. 81, Section 81.97, Southwest Florida Intrastate Air Quality Control Region.~~

~~(c)(g) 40 C.F.R. Part 81, Subpart D, Identification of Mandatory Class I Federal Areas Where Visibility Is An Important Value, § 81.407, revised as of July 1, 2009, is adopted and incorporated by reference.~~

(24) through (27) No change.

PROPOSED EFFECTIVE DATE: October 1, 2010

Rulemaking Authority 403.061, 403.8055 FS. Law Implemented 403.031, 403.061, 403.087, 403.8055 FS. History–New 3-13-96, Amended 6-25-96, 10-7-96, 10-17-96, 12-20-96, 4-18-97, 6-18-97, 7-7-97, 10-3-97, 12-10-97, 3-2-98, 4-7-98, 5-20-98, 6-8-98, 10-19-98, 4-1-99, 7-1-99, 9-1-99, 10-1-99, 4-1-00, 10-1-00, 1-1-01, 8-1-01, 10-1-01, 4-1-02, 7-1-02, 10-1-02, 1-1-03, 4-1-03, 10-1-03, 1-1-04, 4-1-04, 7-1-04, 10-1-04, 1-1-05, 4-1-05, 7-1-05, 10-1-05, 1-1-06, 4-1-06, 7-1-06, 9-4-06, 9-6-06, 1-8-07, 1-31-07, 4-2-07, 5-31-07, 7-2-07, 10-1-07, 2-1-08, 7-1-08, 10-1-08, 10-6-08, 12-1-08, 11-18-09, 6-11-10, 7-1-10, 10-1-10.

DEPARTMENT OF HEALTH

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

RULE NOS.:
64B4-3.008

RULE TITLES:
Supervision Required Until
Licensure

64B4-3.0085

Intern Registration

PURPOSE AND EFFECT: The Board proposes the rule amendment to provide clarification concerning the definition of supervision and to provide clarification concerning a qualified supervisor.

SUMMARY: The definition of supervision will be clarified; a qualified supervisor will be clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 491.004(5), 491.014(4)(c), 491.005(6) FS.

LAW IMPLEMENTED: 491.004(5), 491.012, 491.014(4)(c), 491.0046(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULES IS:

64B4-3.008 Supervision Required Until Licensure.

(1) No change.

(2) All provisional licensees who practice clinical social work, marriage and family therapy and/or mental health counseling must continue in supervision as defined in Rule 64B4-2.002, F.A.C., until he or she is in receipt of a license or a letter from the Department stating he or she is licensed as a clinical social worker, marriage and family therapist, or mental health counselor. Supervision is defined as contact between the provisional licensee and the qualified supervisor during which client cases are discussed and the supervisor provides the provisional licensee with oversight and guidance in diagnosing, treating and dealing with clients in conformance with Florida laws and rules. During the period of provisional licensure, the provisional licensee and the qualified supervisor shall meet face-to-face for at least one hour per month. For the purposes of this subparagraph, supervisor is defined as a Florida licensed clinical social worker, marriage and family therapist, or mental health counselor.

Rulemaking Specific Authority 491.004(5), 491.014(4)(c), 491.005(6) FS. Law Implemented 491.012, 491.014(4)(c), 491.0046(3) FS. History–New 3-14-94, Formerly 61F4-3.008, 59P-3.008, Amended 10-28-98, 9-28-06, _____.

64B4-3.0085 Intern Registration.

(1) No change.

(2) An intern is required to identify a qualified supervisor by requesting that the supervisor submit a letter to the Board with the applicant's name, supervisor's name, supervisor's license number, and a statement that he or she has agreed to provide supervision while the applicant is a registered intern.

(3) Prior to changing or adding another qualified supervisor, the registered intern must:

(a) Request that the new supervisor must submit a letter to the Board with the registered intern's name, the intern's license number, the supervisor's name, the supervisor's license number, and a statement that he or she has agreed to provide supervision to the registered intern; and

(b) Receive a communication from the Board indicating its approval of the new supervisor.

(4) Experience obtained under the supervision of the new qualified supervisor will not count toward completion of the experience requirement until the registered intern has received board approval of their new qualified supervisor.

Rulemaking Authority 491.004(5) FS. Law Implemented 491.0045 FS. History--New 6-8-09, Amended 2-24-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 8, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 8, 2010

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-3.0025 RULE TITLE: Remedial Courses for Reexamination

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete references to repealed rules and add references to appropriate statutory educational standards.

SUMMARY: The rule deletes references to repealed rules and adds references to appropriate statutory educational standards.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 464.008(3) FS.

LAW IMPLEMENTED: 464.008(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-3.0025 Remedial Courses for Reexamination.

To meet the requirements of Section 464.008(3), F.S., remedial courses must be approved by the Board, and must meet the following requirements:

~~(1) The education objectives, faculty qualifications, administrative procedures and clinical training shall comply with the standards in Sections 464.019(1)(a), (b), (d), (e) and (f), F.S. Rules 64B9-2.004, 64B9-2.005, 64B9-2.007 and 64B9-2.008, F.A.C.~~

(2) The curriculum shall comply with the guidelines in Sections 464.019(1)(g) and (h), F.S.:

~~(a) Comply with the guidelines in paragraphs 64B9-2.006(1)(a), (b), (c), (d) and (e), F.A.C.;~~

~~(b) Meet the content requirements in subparagraphs 64B9-2.006(2)(c)3. and (3)(a)3., F.A.C.;~~

(e) and shall include a minimum of 80 hours didactic education and 96 hours clinical experience in a medical-surgical setting.

~~1. Content for professional nurse remedial course must include medical, surgical, obstetric, pediatric, geriatric and psychiatric nursing~~

~~2. Content of practical nurse remedial course must include medical, surgical, obstetric, pediatric and geriatric nursing~~

Rulemaking Specific Authority 464.008(3) FS. Law Implemented 464.008(3) FS. History--New 3-23-00, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Nursing

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 11, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 23, 2010

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-4.002 RULE TITLE: Requirements for Certification

PURPOSE AND EFFECT: The Board proposes to adopt and incorporate by reference licensure application form and add the Board's website where the form can be obtained, and to approve an additional nursing specialty certifying agency.

SUMMARY: The rule amendment will adopt and incorporate by reference licensure application form and add the Board's website where the form can be obtained, and to approve an additional nursing specialty certifying agency.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 456.048, 464.006, 464.012 FS.

LAW IMPLEMENTED: 456.048, 464.072(1)(f), (2), 464.012, 464.018(1)(b), (2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-4.002 Requirements for Certification.

(1) In accordance with the provisions of Section 464.012, F.S., any person who wishes to be certified as an Advanced Registered Nurse Practitioner shall submit a completed Application for Dual Registered Nurse (RN) and Advanced Registered Nurse Practitioner, form number DH-MQA 1124, 08/09, hereby incorporated by reference an application to the Department, on forms prescribed by it, as incorporated in subsection 64B9-4.004(1), F.A.C., demonstrating that the applicant holds a current unencumbered license to practice professional nursing in Florida. The form is available from the Board office or on the Board's website: www.doh.state.fl.us/mqa/nursing.

(2) No change.

(3) Professional or national nursing specialty boards recognized by the Board include, but are not limited to:

(a) through (g) No change.

(h) Oncology Nursing Certification Corporation.

(4) through (5) No change.

Rulemaking Authority 456.048, 464.006, 464.012 FS. Law Implemented 456.048, 456.072(1)(f), (2), 464.012, 464.018(1)(b), (2) FS. History—New 8-31-80, Amended 3-16-81, 10-6-82, 6-18-85, Formerly 21O-11.23, Amended 3-19-87, 4-6-92, Formerly 21O-11.023, Amended 3-7-94, 7-4-94, Formerly 61F7-4.002, Amended 5-1-95, 5-29-96, Formerly 59S-4.002, Amended 2-18-98, 11-12-98, 4-5-00, 3-23-06, 6-4-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Nursing

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 11, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 23, 2010

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-4.004

RULE TITLE:

Requirements for Documentation

PURPOSE AND EFFECT: The Board proposes this rule amendment to delete unnecessary language and add new language to clarify the requirements for documentation.

SUMMARY: The rule amendment will delete unnecessary language and add new language to clarify the requirements for documentation.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 464.006, 464.012 FS.

LAW IMPLEMENTED: 464.012 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-4.004 Requirements for Documentation.

(1) A Registered Nurse applying for initial certification as an Advanced Registered Nurse Practitioner shall submit with a completed application ~~file with the Department an "Initial Application for Certification As An Advanced Registered Nurse Practitioner," Form DOH NUR 105 (9/97), effective 4-5-00, incorporated herein by reference, and available from the Board office, and provide the Board with~~ the following:

(a) Documentation acceptable to the Board that the educational program attended meets the program guidelines stipulated in subsections 64B9-4.003(1) and (2), F.A.C.

(b) Proof acceptable to the Board of satisfactory completion of the educational program which shall consist of:

1. An official Registrar’s copy of the applicant’s transcript shall be sent directly to the Board from the school and shall denote successful completion of the formal post-basic program or awarding of the masters’ degree in a nursing clinical specialty.

2. A verification form prescribed by the Board submitted by the director of the advanced nursing program indicating successful completion with the official school seal.

~~3. Documentation which demonstrates compliance with subsection 64B9-4.003(2), F.A.C.~~

~~4.3. Such other documentary proof which evidences completion.~~

~~(c) Documentation of national certification by a national nursing specialty board identified in subsection 64B9-4.002(3) or documentation of certification by a specialty board that meets the requirements set forth in subsection 64B9-4.002(4), by submitting: If the applicant is required to be nationally certified, one of the following shall also be submitted:~~

~~1. A notarized true and correct copy of the original or recertification specialty board certificate.~~

~~2. Such other documentary proof which evidences certification by an appropriate specialty board.~~

~~3. Verification from the specialty association of certification.~~

~~(2) A Registered Nurse applying for certification as an Advanced Registered Nurse Practitioner in the category of certified nurse midwife, shall file the appropriate application form with the Department and provide the Board with the following:~~

~~(a) Documentation that the specialty board meets requirements stipulated in Rule 64B9-4.002, F.A.C., or proof of certification by an appropriate specialty board recognized by the Board in subsection 64B9-4.002(4), F.A.C.~~

~~(b) Proof of certification by a specialty Board recognized by the Board shall consist of one of the following:~~

~~1. The original specialty certificate.~~

~~2. A notarized true and correct copy of the current specialty certificate.~~

~~3. Such other documentary proof specialty which evidences certification by an appropriate specialty Board.~~

~~4. Verification from the specialty association of certification.~~

~~(c) Documentation acceptable to the Board as set forth in section (1)(b) of this rule which demonstrates compliance with subsection 64B9-4.003(2), F.A.C.~~

Rulemaking Specific Authority 464.006, 464.012 FS. Law Implemented 464.012 FS. History–New 8-31-80, Amended 10-6-82, Formerly 21O-11.25, Amended 3-19-87, Formerly 21O-11.025, 61F7-4.004, Amended 5-29-96, 2-12-97, Formerly 59S-4.004, Amended 4-5-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Nursing

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 11, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 23, 2010

DEPARTMENT OF HEALTH

School Psychology

RULE NO.: 64B21-504.001
RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: To include within the rule new guidelines for specific offenses enumerated in Section 456.072, F.S., by the 2009 legislative Session.

SUMMARY: This rule adds disciplinary guideline penalties for the offenses of: termination from an impaired practitioner program; conviction or entry of a plea of guilty or nolo contendere to a misdemeanor or felony under certain Medicaid laws; failure to return an overpayment from the Medicaid program; termination from a state Medicaid program or the federal Medicare program; and conviction or entry of a plea of guilty or nolo contendere to a crime related to health care fraud.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will have an impact on small business. The agency prepared a SERC showing that those school psychologists who commit violations will be disciplined and will have to face penalties up to revocation of their license and that this is likely to affect some small businesses.

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: 456.079 FS.

LAW IMPLEMENTED: 456.072, 456.079, 490.009 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3205

THE FULL TEXT OF THE PROPOSED RULE IS:

64B21-504.001 Disciplinary Guidelines.

(1) When the Department finds that an applicant or a licensee has committed any of the acts set forth in Section 490.009(1) or 456.072(1), F.S., it shall issue a final order imposing one or more of the penalties listed in Section 456.072(2), F.S., as recommended in the following disciplinary

guidelines. For applicants, all listed violations are sufficient for refusal to certify an application for licensure. In addition to any other discipline imposed, the Department, pursuant to Section 456.072(4), F.S., shall assess the costs related to the investigation and prosecution of a case. If the violation is for fraud or making false or fraudulent representation, the Department shall impose a fine of \$10,000 per count or offense.

(a) through (aa) No change.

(bb) Section 456.072(1)(hh), F.S.: being terminated from a treatment program for impaired practitioners without good cause – a fine of \$500 up to \$5,000 and a reprimand. After the first offense, a fine of \$1,000 and suspension up to revocation.

(cc) Section 456.072(1)(ii), F.S.: being convicted of or entering a plea to any misdemeanor or felony under 18 U.S.C. s. 669, as. 285-287, s. 371, s. 1001, s. 1035, s. 1341, s. 1343, s. 1347, s. 1349, or s. 1518, or 42 U.S.C. ss. 1320a-7b, relating to Medicaid – for a misdemeanor, a fine of \$1,000 to \$5,000 and probation up to suspension followed by two years of probation. For a felony, a fine of \$3,000 up to \$10,000 and suspension up to revocation. After the first offense, a fine of \$10,000 and revocation.

(dd) Section 456.072(1)(jj), F.S.: failing to remit the sum owed for an overpayment from the Medicaid program or pursuant to a final order, judgment, stipulation, or settlement – a fine of \$500 to \$2,500 and from a reprimand to two years of probation. After the first offense, a fine of \$1,500 to \$10,000 and probation to revocation.

(ee) Section 456.072(1)(kk), F.S.: termination from a state Medicaid program or from the federal Medicare program unless participation eligibility restored – a fine of \$500 to \$7,500 and probation to revocation. After the first offense, a fine of \$2,500 to \$10,000 and probation to revocation.

(ff) Section 456.072(1)(ll), F.S.: being convicted of or entering a plea to any misdemeanor or felony relating to health care fraud – for a misdemeanor with no intentional fraud, a fine of \$1,000 to \$5,000 and probation to revocation. For a felony, a fine of \$7,500 up to \$10,000 and from suspension to revocation. For a second offense, a fine of \$10,000 and revocation.

(2) through (3) No change.

Rulemaking Specific Authority 456.079 FS. Law Implemented 456.072, 456.079, 490.009 FS. History–New 9-11-03, Amended 7-5-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Allen Hall

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana M. Viamonte Ros, M.D. M.P.H.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 16, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 15, 2010

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NO.: RULE TITLE:

64B24-8.002 Disciplinary Action and Guidelines

PURPOSE AND EFFECT: To add penalty guidelines for explicit new violations for which a practitioner may be disciplined.

SUMMARY: This rule adds disciplinary guideline penalties for the offenses of: conviction or entry of a plea of guilty or nolo contendere to a misdemeanor or felony under certain Medicaid laws; failure to return an overpayment from the Medicaid program; termination from a state Medicaid program or the federal Medicare program; and conviction or entry of a plea of guilty or nolo contendere to a crime related to health care fraud.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will have an impact on small business. The agency prepared a SERC showing that those licensed midwives who commit violations will be disciplined and will have to face penalties up to revocation of their license and that this is likely to affect some small businesses.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 456.004(5), 467.005 FS.

LAW IMPLEMENTED: 456.079, 467.203 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 Jusevitch, Executive Director, 4052 Bald Cypress Way, Bin #C-06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B24-8.002 Disciplinary Action and Guidelines.

(1) No change.

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

(t) Section 456.072(1)(ii), F.S.: Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, under 18 U.S.C. s. 669, ss. 285-287, s. 371, s. 1001, s. 1035, s. 1341, s. 1343, s. 1347, s. 1349, or s. 1518, or 42 U.S.C. ss. 1320a-7b, relating to the Medicaid program – misdemeanor: from a minimum fine of \$600 and one year of probation up to a fine of \$3,000 and revocation; felony: from a minimum fine of \$1,500 and six months of suspension followed by two years of probation, up to a maximum fine of \$10,000 and revocation of license. For a subsequent offense, a fine of up to \$10,000 and revocation.

(u) Section 456.072(1)(jj), F.S.: Failing to remit the sum owed to the state for an overpayment from the Medicaid program pursuant to a final order, judgment, or stipulation or agreement – from a minimum fine of \$300 and a letter of concern to a maximum fine of \$3,500 and up to six months suspension followed by up to three years of probation. For a subsequent offense, from a minimum fine of \$1,000 and two years of probation to a maximum fine of \$10,000 and revocation.

(v) Section 456.072(1)(kk), F.S.: Being terminated from the state Medicaid program pursuant to Section 409.913, and other state Medicaid program, or the federal Medicare program, unless eligibility to participate in the program from which the practitioner was terminated has been restored – from a minimum fine of \$500 and a letter of concern to one year suspension and a fine of \$3,000. For a subsequent offense, from a year of probation and a minimum fine of \$1,000 to revocation and a fine of \$10,000.

(w) Section 456.072(1)(ll), F.S.: Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, a crime in any jurisdiction which relates to health care fraud – misdemeanor and unintentional fraud: from a minimum fine of \$600 and one year of probation up to a fine of \$3,000 and up to three years of probation; intentional fraud or felony: from a minimum fine of \$10,000 and three months suspension followed by two years probation to a maximum fine of \$10,000 and revocation. For a subsequent offense, a fine of \$10,000 and revocation.

Rulemaking Specific Authority 456.004(5), 456.079, 467.005, 467.203(4) FS. Law Implemented 456.079, 467.203 FS. History—New 7-14-94, Formerly 61E8-8.002, 59DD-8.002, Amended 10-3-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Anthony Jusevitch
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana M. Viamonte Ros, M.D. M.P.H.
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 16, 2010
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 16, 2009

DEPARTMENT OF HEALTH

Dental Laboratories

RULE NO.: 64B27-2.001
 RULE TITLE: Disciplinary Guidelines
 PURPOSE AND EFFECT: To include within the rule new guidelines for specific offenses enumerated in Section 456.072, F.S., by the 2009 legislative Session.
 SUMMARY: This rule adds disciplinary guideline penalties for the offenses of: conviction or entry of a plea of guilty or nolo contendere to a misdemeanor or felony under certain Medicaid

laws; failure to return an overpayment from the Medicaid program; termination from a state Medicaid program or the federal Medicare program; and conviction or entry of a plea of guilty or nolo contendere to a crime related to health care fraud.

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 showing that the dental laboratories that commit violations will be disciplined and will have to face penalties up to revocation of their registration and this will likely affect some small businesses.

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: 456.038 FS.
 LAW IMPLEMENTED: 456.072, 456.079, 466.028, 466.037 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B27-2.001 Disciplinary Guidelines.

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

(r) Being convicted of or entering a plea to any misdemeanor or felony under 18 U.S.C. s. 669, ss. 285-287, s. 371, s. 1001, s. 1035, s. 1341, s. 1343, s. 1347, s. 1349, or s. 1518, or 42 U.S.C. ss. 1320a-7b, relating to Medicaid (Section 456.072(1)(ii), F.S.) misdemeanor: First Offense – From a minimum of one year of suspension followed by two years of probation and a fine of \$1,000 to revocation and a fine of \$10,000; felony: Revocation and a fine of \$10,000.

(s) Failing to remit the sum owed for an overpayment from the Medicaid program or from a final order, judgment, stipulation, or settlement (Section 456.072(1)(jj), F.S.) First offense – from a minimum fine of \$300 to a fine of \$1,000 and from a reprimand to two years of probation. For a second or subsequent offense – from a minimum fine of \$1,000 and six months probation to revocation and a fine of \$10,000.

(t) Being terminated from a state Medicaid program or from the federal Medicare program unless participation eligibility restored (Section 456.072(1)(kk), F.S.) First offense – from a minimum fine of \$500 and a reprimand to a maximum fine of \$5,000 and revocation. For a second or subsequent offense – from a minimum fine of \$2,000 and two years probation to revocation and a fine of \$10,000.

(u) Being convicted of or entering a plea to any misdemeanor or felony relating to health care fraud (Section 456.072(1)(l), F.S.) First offense misdemeanor with no intentional fraud – from a minimum fine of \$1,000 and two years of probation to a maximum fine of \$3,000 and revocation; felony – a fine of \$10,000 and revocation.

(3) through (5) No change.

Rulemaking Specific Authority 466.038 FS. Law Implemented 456.072, 456.079, 466.028, 466.037 FS. History–New 3-28-05, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sue Foster

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana M. Viamonte Ros, M.D. M.P.H.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 16, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 15, 2010

Section III Notices of Changes, Corrections and Withdrawals

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-4.230	Physician Services

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. 36, No. 18, May 7, 2010 issue of the Florida Administrative Weekly.

The amendment to Rule 59G-4.230, F.A.C., incorporates by reference the Florida Medicaid Physician Services Coverage and Limitations Handbook, January 2010.

The following section will replace the section titled "Intrathecal Baclofen Therapy" in the handbook as noticed in the proposed rule and will be inserted into the handbook in Chapter 2 between sections titled "Injectable Medication Services" and "Neonatal Critical Care Services."

INTRATHECAL BACLOFEN THERAPY

Procedure Description

Intrathecal baclofen therapy (ITB) is used to manage severe spasticity of spinal cord or cerebral origin. The drug baclofen is infused through a surgically placed neuraxial catheter to a subcutaneously implanted infusion pump designed specifically for the administration of baclofen into the intrathecal space for continued therapy.

Indications for ITB Eligibility

The following criteria must be met before placing a recipient on ITB therapy:

- As indicated by at least a 6-week trial, the recipient cannot be maintained on non-invasive methods of spasm control, such as oral anti-spasmodic drugs (baclofen). These methods fail to control the spasticity adequately or produce intolerable side effects.
- Prior to implantation of the pump, the recipient has to respond favorably to a trial intrathecal dose of the anti-spasmodic drug baclofen.
- The recipient must have a positive response to a test bolus (by barbotage over not less than one (1) minute) of intrathecal baclofen by spinal catheter or lumbar puncture before initiating long term therapy.
- The intrathecal baclofen must be administered via an implantable pump that has been approved by the Food and Drug Administration specifically for the administration of baclofen into the intrathecal space for continued therapy.

HCPCS Codes Covered by Medicaid for ITB Therapy

Medicaid covers ITB therapy for qualifying candidates when the implantation service is rendered in the outpatient hospital setting only. The HCPCS codes below are designated to cover the ITB device. The hospital provider will use one or the other of these codes to bill Medicaid for the device, on the condition that prior authorization has been obtained and the hospital has a valid prior authorization number:

- E0783 Infusion pump system, implantable, programmable (includes all components, e.g., catheter, connectors, etc.)
 - E0786 Implantable programmable infusion pump, replacement (excludes implantable intraspinal catheter)
- Important Note: E0786 (replacement pump) will be allowed no sooner than every 5 years.

Prior Authorization Required for ITB

Prior authorization from Medicaid is required before payment of the ITB device can be made to the outpatient hospital provider. The process for obtaining prior authorization is as follows:

1. The physician recommending the ITB treatment for a qualifying candidate requests prior authorization from the Medicaid office.

- a. Prior authorization is requested using the PA 01 Form, Florida Medicaid Authorization Request. For instructions on how to complete the form, see Chapter 2 of the Medicaid Provider Reimbursement Handbook, CMS-1500.
 - b. On the PA 01 Form, the physician requests prior authorization for either E0783 or E0786, whichever one is applicable.
 - c. Documentation explaining what qualifies the candidate for the implantation of an ITB device for long term ITB therapy must be attached.
 Note: The physician’s procedure to insert the device is already covered by Medicaid and requires no prior authorization. Only the device requires prior authorization and must be requested by the physician, not the hospital.
2. If Medicaid approves the ITB device, Medicaid will issue a prior authorization (PA) number. It is important that the physician gives this PA number to the hospital so the hospital can be reimbursed for the device. The physician billing for the insertion of the ITB pump needs no PA number on his CMS-1500 claim to Medicaid. Payment will be made to the physician for the insertion of the pump and not for the pump itself.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors’ Licensing Board

RULE NO.: 61G6-5.0061
 RULE TITLE: Registration of Additional New Business Entity or Transfers
 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. 36, No. 10, March 12, 2010 issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. Subsection (2) shall now read as follows:

(2) The Application for registration is form number DBPR ECLB 4452-1, effective May 2010, titled Application for Registered Electrical, Alarm System or Specialty Contractor, which is hereby incorporated by reference, copies of which may be obtained from the Board office, Electrical Contractors’ Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0771 or via the internet at http://www.myfloridalicense.com/dbpr/pro/elboard/documents/registered_electrical_package_enterable.pdf. Also applicants must complete form DBPR 0010-Master Individual Application, revised May 2010 and form DBPR 0020-1 Master Organization Application, revised May 2010. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Electrical Contractors’ Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-3.011
 RULE TITLE: Continuing Education for School Instructors

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 29, July 23, 2010 issue of the Florida Administrative Weekly.

The correction is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee in a letter dated August 12, 2010. The correction is as follows: The rule development publication date is: July 2, 2009.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-3.015
 RULE TITLE: Notices of Satisfactory Course Completion

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 29, July 23, 2010 issue of the Florida Administrative Weekly.

The correction is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee in a letter dated August 12, 2010. The correction is as follows: The rule development publication date is: July 2, 2009.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.: 62-532.400, 62-532.410, 62-532.500
 RULE TITLES: Permit for Water Well Construction, Repair, or Abandonment; Water Well Completion Report; Water Well Construction Standards

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. 36, No. 23, June 11, 2010 issue of the Florida Administrative Weekly.

62-532.400 Permit for Water Well Construction, Repair, or Abandonment.

(1) After the effective date upon which a district implements a permit system pursuant to Chapter 373, Part III, F.S., a permit shall be required before beginning construction, repair, or abandonment of any well within such area. The permit shall be obtained from the permitting authority by making written application of Form Number 62-532.900(1), State of Florida Permit Application to Construct, Repair, Modify, or Abandon a Well, (effective date) adopted and incorporated herein, and available as described in Rule 62-532.900, F.A.C. The application shall be made and submitted to the permitting authority by the owner or by the water well contractor on behalf of the owner. Any required fee shall be submitted with the permit application.

(2) through (7) No change.

(8) A drinking water supply well installed by an installation used to serve that installation's operation is exempt from meeting the 500-foot setback distance from on-site slow rate and rapid rate land application flow systems, domestic wastewater residuals land application, phosphogypsum stack systems, and solid ~~waste water~~ disposal facilities if reasonable assurance is provided by the installation owner that the ground water and drinking water source are protected. Reasonable assurance shall be demonstrated if:

(a) through (d) No change.

62-532.410 Water Well Completion Report.

Within 30 days after completion of the construction, repair, or abandonment of any water well, a written report shall be filed with the permitting authority on Form Number 62-532.900(2), State of Florida Well Completion Report, (effective date) adopted and incorporated herein, and available as described in Rule 62-532.900, F.A.C.

62-532.500 Water Well Construction Standards.

The following minimum standards shall apply to the construction, repair, and abandonment of water wells in the State unless exempted by a water management district rule with the concurrence of the Department. Operation requirements for public water systems are included in Chapter 62-555, F.A.C., and operation requirements for limited use public water systems, multifamily water systems, and private water systems are included in Chapter 64E-8, F.A.C.

(1) Well Casing, Liner Pipe, Coupling, and Well Screen Requirements.

(a) Well casing, liner pipe, coupling, and well screen shall be new or in like new condition. Such well casing, liner pipe, coupling, or well screen shall not be used unless free of breaks,

corrosion and dents, is straight and true, and not out of round. Welded or seamless black or galvanized steel pipe or casing, or stainless steel pipe or casing, or approved types of nonmetallic pipe shall be used for well casing or liner pipe. All well casing shall conform to one of the following standards: American Society for Testing and Materials (ASTM) A53/A53M-99b (1999), A135-01 (2001), A252-98 (1998), A589-96 (1996), or American Petroleum Institute (API) 5L-2000 (2000). Well casing that conforms to any of the aforementioned ASTM or API standards shall also conform to the 2000 American National Standard Institute for Welded and Seamless Wrought Steel Pipe (ANSI/ASME B36.10M-2000). All well casing shall be stenciled with the applicable standard, or proper documentation of manufacturer specifications must be supplied to the permitting authority upon request. Copies of these standards may be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, P. O. Box C700, West Conshohocken, PA, 19428-2959; the American Petroleum Institute 1220 L Street, N.W. Washington, DC 20005-4070; and the American National Standards Institute, 1819 L Street N.W., Washington, DC 20036, respectively.

(b) through (f) No change.

(g) Well casing, liner pipe, coupling, and well screens used for potable water well construction or repair shall conform to 2008 NSF International Standard/American National Standard NSF/ANSI 14-2008e, Plastics Piping System Components and Related Materials, or NSF International Standard/American National Standard NSF/ANSI 61-2008, Drinking Water System Components – Health Effects, both of which are adopted and incorporated by reference herein. Copies of these copyrighted standards may be obtained from NSF International, P. O. Box 130140, Ann Arbor, MI 48113-0140.

(h) through (i) No change.

(2) No change.

(3) Well Construction Criteria.

(a) through (f) No change.

(g) Only water from a potable water source shall be used in the construction, repair or abandonment of a water well, including water for cleaning of well materials, drilling equipment, and water used to mix drilling fluids.

(i) Grouting and Sealing.

1. through 5. No change.

6. Except as provided in subparagraph 5. above, grouting and sealing of water wells shall be accomplished by the practices and methods recommended by Appendix C of American Water Works Association (AWWA) Standard A100-97, AWWA Standard for Water Wells, (1997), and grouting and sealing of geothermal wells shall be accomplished by the practices and methods recommended by the Vertical Geothermal Heat Pump Systems Engineering Design and Field Procedures Manual, published by the International Ground Source Heat Pump Association, First

Edition 2000, Oklahoma State University, which are adopted and incorporated by reference herein. Copies of these recommended practices and methods may be obtained from the American Water Works Association, 6666 West Quincy Avenue, Denver, CO 80235; and the International Ground Source Heat Pump Association, Oklahoma State University, 374 Cordell South, Stillwater, OK 74078-8018, respectively.

Public Water Systems 62-555.312(3)	Sanitary Hazard as defined in 62-550 for drinking water supply wells serving public water systems	100 (f), 50 (g)
Feedlot and Dairy Wastewater Treatment and Management Requirements 62-670.500(6)(a) 62-670.500(6)(b)	Dairy Farm Waste – Unlined Storage and Treatment, or High Intensity Areas	300
	Dairy Farm Waste – Land Application	200

TABLE I WELL SETBACK DISTANCES [insert effective date of this rulemaking] Part A Drinking Water Supply Wells Serving Public Water Systems or Bottled Water Plant Wells		
RULE	INSTALLATION	SETBACK in feet (footnote)
Reuse of Reclaimed Water and Land Application 62-610.421(3)	Slow Rate Land Application Restricted Public Access	500 (a)
62-610.521(2)	Rapid Rate Land Application	500 (b)
62-610.621(2)	Overland Flow Systems	500
62-610.621(4)	Transmission Facilities Conveying Reclaimed Water to Restricted Public Access Slow Rate Land Application Systems, Rapid Rate Land Application System, or Overland Flow Systems	100
62-610.471(1)	Public Access, Residential Irrigation, or Edible Crop Slow-rate Land Application Systems	75
62-610.471(3)	Transmission Facilities Conveying Reclaimed Water to Public Access, Residential Irrigation, or Edible Crop Slow-rate Land Application Systems	75
Domestic Wastewater Residuals 62-640.700(4)(b)	Domestic Wastewater Residuals Land Application Areas	500
Phosphogypsum Management 62-673.340(2)(d)	Phosphogypsum Stack Systems	500 (c)
Storage Tank Systems 62-761.500(1)(a) and 62-762.501(1)(a)	Aboveground or Underground Storage Tanks	100
Solid Waste Management Facilities 62-701.300(2)(b)(h)	Solid Waste Disposal Facilities	500
62-701.300(12)(a)(e)	Yard Trash Disposal, Storage, or Processing	200
62-701.300(13)	Storage or Treatment of Solid Waste in Tanks	100
Permitting and Construction of Public Water Systems 62-555.312(1)	Onsite Sewage Treatment and Disposal Systems	200 (d), 100 (e)

DEPARTMENT OF JUVENILE JUSTICE

Division of Administration

RULE NOS.:	RULE TITLES:
63F-11.001	Purpose and Scope
63F-11.002	Definitions
63F-11.003	Reporting Incidents
63F-11.004	Reportable Incident Types
63F-11.005	Operation of the Central Communications Center
63F-11.006	Daily Reporting

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. 36, No. 17, April 30, 2010 issue of the Florida Administrative Weekly.

63F-11.001 Purpose and Scope.

No change.

Rulemaking Authority 985.64 FS. Law Implemented 20.055(2), 20.316(1), 985.601 FS. History–New_____.

63F-11.002 Definitions.

For the purpose of this rule chapter, the following terms are defined as follows:

(1) Abscond – Absconding occurs when a supervised youth goes in a clandestine manner out of the jurisdiction of the court to avoid legal process, or when the youth hides, conceals or absents himself or herself with the intent to avoid legal process.

(2)(4) Administrator – The state employee or designee at the Headquarters or Regional level responsible for the overall department operation in a geographic area or program.

(3)(2) Central Communications Center (CCC) – The unit located in department headquarters that is charged with receiving reports regarding incidents and events involving youths in department custody or under supervision, and state and contracted employees from all department and provider facilities, programs funded in whole or in part, offices; or sites operated by the department, a provider or grantee.

(3) through (7) renumbered (4) through (8) No change.

(9) Failure to Report – Any incident or event that is not reported to the CCC within (2) hours of the incident or event occurring, or two (2) hours after the program gains knowledge of the incident or event.

(10) Grave Harm – An illness or injury that could potentially require emergency or urgent care.

(11)(8) Incapacitating Illness or Injury – Any injury which involves substantial risk of death, protracted and obvious disfigurement, protracted loss or impairment of the function of ~~or~~ a bodily member or organ or mental faculty, lacerations that cause severe hemorrhages, nerve, muscle, or tendon damage, second or third degree burns or any burns affecting more than five percent of the body surface, fracture of ~~or~~ any bone, or the loss of sight in an eye.

(9) through (10) renumbered (12) through (13) No change.

(14) Sexual Contact – Fondling, digital, oral, anal, or vaginal penetration by, or union with the sexual organ of another, or the anal or vaginal penetration of another by other object.

(15)(11) Suicide Attempt – Any action deliberately undertaken by the youth with suicide ideation or intent, which, if carried out, would result in death.

~~(12) Suicide Gesture – Any action deliberately undertaken by the youth with suicide ideation or intent, which, if carried out, would not result in death.~~

(16)(13) Youth – For the purposes of this Rule a youth is defined as any person placed in the custody, care, or supervision of the department.

Rulemaking Specific Authority 985.64 FS. Law Implemented 20.055(2), 20.316(1); 985.601 FS. History–New_____.

63F-11.003 Reporting Incidents.

(1) All designated incident types shall be reported to the CCC within two (2) hours of the affected facility, office, or program learning of the incident, with the exception of those specified in paragraph 63F-11.004(3)(d), F.A.C.

(a) The reporting facility/program staff shall provide all of the basic information currently known at the time the report is made, including the names of the youth and staff involved, the nature of the incident, the time and location and, when available, any incident number generated by other agencies.

(b) If the CCC is not staffed at the time the call is required, the reporting staff must leave a voice message with his or her name, program affiliation and a telephone number where a person can be reached for additional information.

1. In the case of a serious incident where safety or security is compromised, or a youth ~~or on-duty staff~~ at a state or provider-operated facility or program has an incapacitating illness or injury, or has died, the program must contact its Regional Director and report available details within the required two-hour reporting time, in addition to the voicemail reporting described above. The Regional Director receiving a report of incapacitating illness, injury or death must notify the

Assistant Secretary of the pertinent program area, who will ensure that all appropriate notifications are made and CCC reporting is initiated.

2. Upon opening the CCC for operations, following any scheduled or unscheduled period in which the CCC is not staffed, it is the responsibility of the CCC duty officers to return all messages received on the voicemail system, beginning with the calls described in subparagraph 1, above. Other calls will be returned in the order in which they were received.

(c) through (d) No change.

(2) No change.

Rulemaking Specific Authority 985.64 FS. Law Implemented 20.055(2), 20.316(1); 985.601 FS. History–New_____.

63F-11.004 Reportable Incident Types.

(1) Program Disruption Incidents, which include including but not limited to:

(a) Accident, Building Emergency, ~~and/or~~ System Malfunction: Any accident on the grounds of the facility or program, or any complete failure of an electronic or manual system that directly impacts the safety, security and welfare of department youths at a residential facility or program, juvenile assessment center, or detention center where maintenance staff cannot affect repairs within twenty-four (24) hours, and facility operations will be disrupted, ~~and/or~~ any emergency situation that requires evacuation or results in the evacuation of youths and staff from a department or provider building. This includes, but is not limited to, fire, bomb threat, or the discovery of a suspect device. Excluded are scheduled exercises, drills, and false alarms.

(b) through (h) No change.

~~(i) Serious Incidents/Media Attention: Any incident or criminal activity that has resulted in media attention or will likely be subject to public interest. This includes may include, but is not limited to, incidents where media representatives were at the scene of the incident or have called with questions, and/or where public officials have expressed concern. Regardless of the situation, sound judgment should always be used when assessing these types of incidents.~~

(j) through (l) No change.

(m) Detention Placement Alert: Any incident where a youth in any of the following categories is admitted to a secure detention facility:

1. The admitted youth is 9 ~~10~~ years of age or younger;
2. The admitted youth has a formal IQ of 70 or below;
3. The admitted youth exhibits behavior suggestive of intellectual disability or developmental disability, including significant deficits in comprehension/reasoning, language expression, or maturity level;
4. The admitted youth is in special education classes for students with “Intellectual Disabilities” or “Autism Spectrum Disorder”;

5. The admitted youth is blind, deaf, mute, or unable to walk without the use of a mechanical aid.

(2) Escape/Abscond Incidents:

(a) Absconder:

1. Any incident in which the whereabouts become unknown for a youth who is pending an administrative transfer, committed to minimum-risk and on pre-placement status, is on an authorized home visit from a residential facility, or is on a temporary release status that was approved by the court. The incident should only be reported after a diligent search has been completed and the court has been formally requested to order that the youth be taken into custody an Affidavit for Pick Up Order has been submitted to the court.

2. Any incident in which a pre-placement youth is reported by the parent or legal guardian to have run away, the family of such a youth leaves the area with the youth without notifying the department or the court of their whereabouts, or a youth fails to arrive for transport to his or her program, and when the court has been formally requested to order that the youth be taken into custody an Affidavit for Pick Up Order has been submitted to the court as a result of the youth's whereabouts being unknown.

3. When, through a diligent search, it is determined that a youth committed to minimum risk has absconded and the court has been formally requested to order that the youth be taken into custody an Affidavit for Pick Up Order has been submitted to the court. Mere absenteeism from the assigned program does not constitute absconding.

(b) Escape Attempts: Any incident involving a youth who leaves the grounds or boundaries of a secure residential facility, detention facility or juvenile assessment center, or is committed to a secure residential facility and leaves the custody of facility staff when outside the facility, must be reported as an attempted escape if the youth is apprehended immediately and facility staff maintained constant sight supervision throughout the incident.

(c) Escapes:

1. Any incident involving a youth who leaves the grounds or fenced boundaries of a secure residential facility, detention facility or juvenile assessment center, or who is committed or detained in such a place and leaves the custody of facility staff when outside the facility, must be reported as an escape regardless of the length or duration of the departure.

2. Any incident involving a youth who leaves the grounds or boundaries of a non-secure residential facility, or is committed to a non-secure residential facility and leaves the custody and sight supervision of facility staff when outside the facility, must be reported as an escape.

(3) Medical Incidents:

(a) Contagious Diseases: Any incident involving contagious disease requiring the quarantining or hospitalization of at least ten percent (10%) of the total population of youths or staff or six (6) individuals, whichever number is less, within a facility or program.

(b) Employee Death: Any death of an employee while he or she is on ~~or~~ duty.

(c) PAR Restraint, Youth or Staff Injury: Any incident involving a PAR restraint where a youth or staff member receives a serious injury from any restraint that requires medical treatment beyond standard first aid.

(d) Youth Injury: Incidents or events involving a serious injury to a youth under department supervision occurring in a department facility, at a facility-based day treatment program, contracted facility, shelter, or contract site or program must be reported to the CCC when the nature of the injury requires immediate and emergency medical care. An incident under this category is ~~not~~ required to be reported within 2 hours of until staff verifying have verified that a serious injury has occurred with the following:

1. Broken or dislocated bones;
2. Head Injury, excluding superficial cuts, bruises, or minor swelling unaccompanied by changes in mental acuity;
3. Eye injury involving a penetrating wound or an injury that alters vision;
4. Acute dental injury or broken teeth

(e) Medical Illness: Incidents or events involving medical illness to a ~~staff or~~ youth under department supervision or occurring in a department facility, at a facility-based day treatment program, contracted facility, shelter, or contract site or program must be reported to the CCC when the nature of the life threatening injury or illness requires treatment on or off site, and falls within one of the following:

1. Heart or breathing has stopped or the person is turning blue;
2. Unconsciousness or unresponsiveness to voice;
3. CPR is initiated;
4. Severe, prolonged or uncontrollable bleeding;
5. Acute paralysis;
- 6 Overdose;
7. Acute or prolonged abdominal pain;
8. Acute or prolonged chest pain;
9. Fever of 103 degrees or higher;
10. Inability to urinate for eight (8) hours.
11. Ingestion of a poisonous or potentially poisonous substance.
12. Seizure due to an undiagnosed medical condition, i.e. Epilepsy;
13. Complications of pregnancy;
14. Unscheduled hospital or other healthcare facility admission requiring an overnight stay. This does not include scheduled medical procedures, treatment, or surgeries;

15. Any illness, disease, or other medical condition, or life endangering safety code violation, which requires reporting to the County Health Department, Board of Health, or other healthcare agency.

(f) Youth Death: Any death of a youth occurring while under department supervision.

(g) Youth Dependent Medical: Any biological child of a youth who receives off-site, non-scheduled emergency medical attention while in direct custody of the department.

(4) Mental Health and Substance Abuse Incidents:

(a) Self-Inflicted Injury: Any incident of self-inflicted injury that occurs at a department facility, juvenile assessment center, day treatment program, contracted facility, shelter, contracted site or program resulting in physical injuries, marks or bruises requiring immediate, emergency treatment. Self-inflicted injury means any deliberate action taken by the youth to harm himself or herself, but is not necessarily associated with suicide ideation or suicide intent.

(b) Suicide Attempts: Any incident of a suicide attempt that occurs in a department facility, juvenile assessment center, day treatment program, contracted facility, shelter, contracted site or program requiring emergency medical services. Suicide attempts that do not require outside medical attention or emergency medical services, but which are believed to be potentially serious or life-threatening must also be reported to the CCC. When in doubt if the attempt or gesture was potentially serious or life-threatening, it shall be reported to the CCC.

(5) Complaints Against Staff Incidents:

(a) through (h) No change.

(i) ~~Unauthorized Improper~~ Release: Any incident or event where a youth is improperly released from any state operated or contracted residential facility, secure detention center or juvenile assessment center. This includes the release of a youth from a shelter when the placement is pursuant to a court order.

(j) Health or Mental Health / Substance Abuse Services Complaint: Any known or reasonable suspicion of an improper action or omission of medical, mental health or substance abuse services that could potentially cause grave harm or injury to the youth by any administrative or direct-care staff, regardless of licensure, at a department facility, facility-based day treatment program, contracted facility, shelter, contracted site or program. Any alleged improper action or omission of medical, mental health or substance abuse services by any administrative or direct-care staff, regardless of licensure, at a department facility, facility based day treatment program, contracted facility, shelter, contracted site or program. This includes, but is not limited to:

1. Denial of care, services or treatment;
2. Narcotic inventory discrepancy; and
3. ~~Omitted~~ Missing medications.

(k) through (m) No change.

(6) Youth Behavior Incidents:

(a) Battery: Any battery occurring in a department facility, facility-based day treatment program, contracted facility, shelter, contracted site, or program that results in a law enforcement arrest.

(b) Felony Activity or Incidents Involving Youths on Community Supervision:

~~1. Any arrest of a youth for a capital offense or life felony, when as a result of the youth's actions a victim died or sustained serious injury.~~

~~2. Any other situations where the activities of the youth or the department are likely to be the subject of public interest.~~

(c) through (d) No change.

~~Rulemaking Specific Authority 985.64 FS. Law Implemented 20.055(2), 20.316(1); 985.601 FS. History--New_____.~~

63F-11.005 Operation of the Central Communications Center.

(1) through (3) No change.

~~Rulemaking Specific Authority 985.64 FS. Law Implemented 20.055(2), 20.316(1); 985.601 FS. History--New_____.~~

63F-11.006 Daily Reporting.

(1) through (2) No change.

~~Rulemaking Authority 985.64 FS. Law Implemented 20.055(2), 20.316(1); 985.601 FS. History--New_____.~~

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-3.002
 RULE TITLE: Qualifications for Examination
 NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1, FS, published in Vol. 36, No.33, of the August 20, 2010, issue of the Florida Administrative Weekly. The change updates the revision date of the Application for Nursing Licensure by Re-Examination, form number DH-MQA 1120, annual report form incorporated by reference. The change is as follows:

64B9-3.002 Qualifications for Examination.

(1) An applicant seeking certification to take the licensure examination shall submit a completed Application for Nursing Licensure by Examination, form number DH-MQA 1094, 08/10, Application for Nursing Licensure by Re-Examination, form number DH-MQA 1120 04/10, or Application for Nursing Licensure by Endorsement, form number DH-MQA 1095, 08/10, hereby incorporated by reference demonstrating, on forms provided by the Department, evidence that he or she meets the qualifications prescribed by the Nurse Practice Act, Chapter 464, F.S. These forms are available from the Board

~~office or on the Board's website: www.doh.state.fl.us/mqa/nursing. The demonstration shall include ~~Such evidence shall consist of:~~~~

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NO.: RULE TITLE:
65C-33.010 Break in Service
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 46, November 14, 2008 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS.: RULE TITLES:
65C-33.001 Definitions
65C-33.002 Certification for Child Protection Professionals
65C-33.003 Child Welfare Pre-Service Training
65C-33.004 Pre-Service Training Assessments
65C-33.005 Phase II of Child Welfare Training
65C-33.006 Performance Assessment
65C-33.007 Additional Requirements for Supervisor Certification
65C-33.008 Recertification
65C-33.009 Certificate Issuance
65C-33.010 Waiver Process
65C-33.011 Decertification
65C-33.012 Child Welfare Trainer Certification
65C-33.013 "Supervising for Excellence" Trainer Certification

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 46, November 14, 2008 issue of the Florida Administrative Weekly.

65C-33.010 ~~Waiver Process~~ Break in Service
65C-33.011 ~~Decertification~~ Waiver Process

65C-33.001 Definitions.

(1) "Agency" or "Employing Agency" refers to the Department, or any Sheriff's Office or Community-Based Care (CBC) provider under Grant Agreement or under contract with the Department to provide core child protection or child welfare services, including protective investigations, protective supervision, post-placement supervision, foster care, and other out-of-home care or adoption services.

(2) "Break in Service" refers to an interruption of an individual's continuous employment in a position requiring Child Protection Professional certification.

(3) "Certification" refers to the process whereby an individual must demonstrate the knowledge, skills, abilities ~~and priorities, values and attitudes~~ necessary to competently discharge the duties of a Florida Child Protection Professional, as evidenced by the successful completion of all applicable classroom instruction, field training, testing, and job-performance requirements of his or her position classification. Unless accommodations are made by the employing agency to address an individual's special ~~or other~~ circumstances, each individual in a position requiring certification must be certified within one (1) year of the date of hire, or within one year of having successfully completed the post-test or the waiver test, whichever is earlier. ~~Absent special circumstances, certification is valid for a period of no longer than three (3) years.~~ Certification is a condition of employment in those positions requiring certification. Absent special circumstances, certification is valid for a period of no longer than three (3) years.

(4) "Certification Designation" refers to one of the ~~11 ten~~ Child Protection Professional categories in which an individual is eligible for certification, depending upon his or her position classification. Each position classification has a different training, testing and certification requirement, all of which are established by the Department:

- (a) Child Protective Investigator;
- (b) Child Protective Investigations Supervisor;
- (c) Child Protective Investigations Specialist/~~Quality Assurance Professional/Field Trainer~~;
- (d) Child Protection Case Manager;
- (e) Child Protection Case Management Supervisor;
- (f) Child Protection Case Management Specialist/~~Quality Assurance Professional/Field Trainer~~;
- (g) Child Protection Licensing Counselor;
- (h) Child Protection Licensing Supervisor;
- (i) Child Protection Licensing Specialist/~~Quality Assurance Professional/Field Trainer~~;
- (j) Child Protection Specialized Services Professional;
- (k) ~~(j)~~ Child Welfare Trainer.

(5) "Certification Plan" refers to an individualized, time-limited written contract between the Trainee or Child Protection Professional, his or her supervisor, and a Certified Child Welfare Trainer, which ~~shall, at the discretion of the employing agency, may~~ be developed when the need for such a plan is indicated by the ~~individual's job performance; the individual's inability to fulfill all training and certification requirements as necessary; or as a result of the agency's accommodation of the individual's special or other circumstances.~~

(6) “Certified Florida Child Protection Professional” or “Certified” refers to the designation earned by an individual who has met the criteria for Florida certification as a Child Protective Investigations Professional, a Child Protection Case Management Professional, or a Child Protection Licensing Professional, ~~or a Child Protection Specialized Services Professional~~, by demonstrating the knowledge, skills, abilities ~~and priorities, values and attitudes~~ necessary to competently discharge the duties of his or her position classification, as evidenced by the successful completion of all applicable classroom instruction, field training, testing, and job-performance requirements necessary for certification as a Florida Child Protection Professional.

(7) “Child Protection Case Management Professional” refers to any Department employee or employee of any designated service provider under contract with the Department who directly conducts, or who directly supervises individuals who conduct child protection services such as protective supervision, post-placement supervision, foster care, and other out-of-home care or adoption services.

(8)(7) “Child Protection/Child Welfare Services” or “Child Protection Services” as defined in subsection 65C-30.001(21), F.A.C., means “core child protection programs such as protective investigations, protective supervision, post-placement supervision, foster care and other out-of-home care, or adoption services.”

~~(8) “Child Protective Investigations Professional” means a Department or designated sheriff’s office or contracted service provider employee who conducts, supervises, trains, or is in any capacity responsible for either the performance, oversight, or the quality assurance review of investigations of reports of child abuse, neglect, or abandonment received by the Florida Abuse Hotline as defined in Section 39.01(61), F.S.~~

(9) “Child Protection Licensing Professional” refers to any Department employee or employee of any designated service provider under contract with the Department who directly conducts, or who directly supervises individuals who conduct foster home licensing services. “Child Protection Professional” refers to any Department or designated sheriff’s office or contracted service provider employee who conducts, supervises, trains, or is in any capacity responsible for either the performance, oversight, or the quality assurance review of child protection services such as protective investigations, protective supervision, post-placement supervision, foster care, licensing and other out-of-home care or adoption services.

(10) “Child Protective Investigations Professional” refers to any Department employee or employee of any designated service provider or sheriff’s office under contract or Grant Agreement with the Department who directly conducts, or directly supervises individuals who conduct investigations of reports of child abuse, neglect, or abandonment received by the Florida Abuse Hotline as defined in Section 39.01(61), F.S.

~~(11)(10)~~ “Child Welfare Pre-Service Training Program” (also known as “Pre-Service”) refers to “Phase I,” the multi-faceted child welfare pre-service curriculum, the primary component of which is classroom instruction. The Pre-Service Training Program may also include opportunities for on-line learning as well as supervised, agency-specific field activities. Program participants must successfully complete all Phase I pre-service training requirements, including passing the post-test, in order to be eligible to move on to Phase II, the field portion of the Child Protection Professional certification process.

~~(11) “Child Protection Case Management Professional” refers to any Department or designated contracted service provider employee who conducts, supervises, trains, or is in any capacity responsible for either the performance, oversight, or the quality assurance review of child protection services such as protective supervision, post-placement supervision, foster care, licensing and other out of home care, or adoption services.~~

(12) “Classroom Instruction” refers to one of the facets of the State of Florida Child Protection Professional Pre-Service Training Program, the other facets of which may include opportunities for on-line learning as well as supervised, agency-specific field activities. Classroom instruction involves the delivery and facilitation of approved, mandatory child welfare curricula by at least one Certified Child Welfare Trainer in the classroom at all times.

(13) “Core Competency Elements,” or “Core Competencies,” as described in Section 402.40(5)(a), F.S., refer to the range of fundamental and essential knowledge, skills, abilities ~~and priorities, values and attitudes~~ as determined by the Department, that every Child Protection Professional must achieve, demonstrate and maintain in order to competently perform his or her work responsibilities. These competencies are posted on the Training Academy website, at: <http://cwta.fmhi.usf.edu/> and the document “Florida Child Welfare Core Competencies”, CF/PI 175-72 PDF 04/2010, is incorporated by reference. A copy of this document is available upon request by contacting the Office of Family Safety, 1317 Winewood Boulevard, Building 1, Room 306G, Tallahassee, Florida 32399-0700.

(14) “Decertification” refers to the process to be undertaken when a certified individual no longer meets the qualifications for certification. An individual may be decertified for cause (refer to Rule 65C-33.011); any individual so decertified must immediately be removed from any position requiring certification.

~~(15)(14)~~ “Department” refers to the Florida Department of Children and Families.

~~(16)(15)~~ “Field Activities” or “Field Training” refers to one type of experiential learning which may be included in the State of Florida Child Welfare Pre-Service Training Program. When agency-designed field activities are included as part of a

trainee's pre-service training experience, the trainee must be accompanied by and under the direct and constant supervision of a Certified Child Protection Professional; the activities can take place in the field (e.g. accompanying certified staff on home visits or to court), or in the trainee's unit (e.g., reviewing documentation in a case record).

(17) "Florida Safe Families Network" (also known as "FSFN") refers to the SACWIS system of record which supports child safety, well-being and permanency by providing tools to enhance the quality of investigation, case management, and permanency services. As the official record of the case, FSFN is the mechanism by which to document and integrate various aspects of child welfare case practice and service delivery in a single statewide system, including intake and investigation, assessment and case planning, financial management, resource and provider management, and service delivery tracking.

~~(18)(16) "Independent Evaluator" refers to an individual, who is not in addition to a Child Protection Professional's candidate's supervisor, who is responsible for reviewing and impartially evaluating the casework and interpersonal skills portions of the Performance Assessment of a Child Protection Professional who is a candidate for certification. The independent evaluator is "independent" in the sense that he or she is not in the candidate's direct line of supervision within the employing agency. Examples of those individuals outside of a candidate's chain of command, who may serve as independent evaluators include Certified Child Protection Professionals such as: Child Protection Supervisors, Program Specialists, Quality Assurance staff, Child Welfare Trainers and Training Managers.~~

~~(17) "In Service Training" (see "Professional Development Training").~~

~~(19)(18) "Intern" refers to an undergraduate or graduate college student undergoing supervised, practical training in the field of social work, child welfare/child protection, or similar human services field.~~

(20)(19) "Interpersonal Skills Evaluation" refers to that portion of the Performance Assessment wherein a meeting between the Child Protection Professional candidate for certification and a client, family, or other party is observed by the individual's supervisor and an independent evaluator (either together or separately), in order to assess the individual's competence in interacting with others in a professional manner.

(21)(20) "On-Line Learning" refers to one type of learning experience, provided via a computer, which may be included in the State of Florida Child Welfare Pre-Service Training Program.

(22) "Paraprofessional" for the purposes of this rule, refers to a trained aide who assists a professional individual.

~~(23)(21) "Performance Assessment/Skills Demonstration" refers to the competency-based performance evaluation which is conducted on one of the cases assigned to each Child Protection Professional for which the individual has primary case responsibility, in order to help measure the knowledge, skills, abilities and priorities, values and attitudes he or she demonstrates on the job. The Performance Assessment is the skills demonstration component of the certification process, the successful completion of which is required for certification of staff in the position classifications of Protective Investigations, Case Management and Licensing. The Performance Assessments which have been approved by the Department for each of these position classifications are incorporated by reference in Rule 65C-33.006, F.A.C. The two-part assessment is considered to be the culmination of the "Phase II" portion of the Child Protection Professional Certification process, and is designed to assess both casework and interpersonal skills. Absent special or other circumstances, the "window" period during which all portions of a candidate's initial Performance Assessment must be completed extends from no sooner than 6 months from the date of the candidate's successful completion of the waiver or post-test, to no later than months from the date of the individual's waiver or post-test.~~

~~(22) "Performance Improvement Plan" refers to an individualized, time limited written contract between the individual, his or her supervisor, that supervisor's supervisor, and a Certified Child Welfare Trainer (as well as any other appropriate individuals), which, at the discretion of the employing agency, may be developed when the individual has failed to successfully carry out his or her job responsibilities or has otherwise failed to meet the agency's job performance expectations, absent special or other circumstances accommodated by the employing agency.~~

~~(23) "Phase I" refers to the "Child Welfare Pre Service Training Program," the multi-faceted child protection pre service curriculum, the primary component of which is classroom instruction. Phase I may also include opportunities for on-line learning as well as supervised, agency-specific field activities. Program participants must successfully complete all pre-service training requirements, including passing the post test, in order to be eligible to move on to Phase II, the field portion of the Child Protection Professional certification process.~~

(24) "Phase II" refers to the period of time between an individual's successful completion of the pre-service requirements and successful completion of the Performance Assessment/Skills Demonstration. At the beginning of Phase II, the Child Protection Professional is given a caseload and other duties, and, under close supervision, is guided through the process of learning how to competently manage the responsibilities of his or her position. Phase II is performance-driven in that it examines the degree to which, with supervision and support, the Child Protection Professional

is able to transfer the knowledge, skills, abilities ~~and priorities, values and attitudes~~ developed during the pre-service training to actual casework application. Phase II culminates with the Performance Assessment/Skills Demonstration, the successful completion of which leads to initial certification when all other agency requirements are met.

(25) "Position Classification" in Child Protection refers to such categories of Child Protection Professionals as Protective Investigations, Case Management, and Licensing.

(26) "Post-Test" refers to the competency-based, criterion-referenced, proctored, written or on-line test which is administered at the conclusion of the State of Florida Child Welfare Pre-Service Training Program classroom curriculum. The post-test is designed both to measure the level of each trainee's basic knowledge of Florida child protection laws, principles and policies, and to gauge each individual's ability to appropriately integrate and apply fundamental child welfare/child protection concepts in his or her decision-making, when determining how best to meet the safety, permanency and well-being needs of a child. Upon successful completion of the post-test, the trainee may progress to Phase II, and assume the role and responsibilities of a Child Protection Professional.

~~(27) "Pre-Service" is an abbreviated name for the "Child Welfare Pre-Service Training Program," and refers to "Phase I," the multi-faceted child welfare pre-service curriculum, the primary component of which is classroom instruction. The Pre-Service Training Program may also include opportunities for on-line learning as well as supervised, agency-specific field activities. Program participants must successfully complete all pre-service training requirements, including passing the post-test, in order to be eligible to move on to Phase II, the field portion of the Child Protection Professional certification process.~~

~~(27)(28)~~ "Pre-Test" refers to the written or on-line test which is administered at the commencement of the Pre-Service training curriculum. The pre-test is designed to record baseline data on each trainee's basic understanding of child protection issues prior to training, and to provide the trainee with an opportunity to gain familiarity with the testing instrument as well as some of the curriculum course content.

~~(28)(29)~~ "Primary case responsibility" refers to the principal or foremost person, unit or geographical area assigned to perform child welfare/child protection services for a specific child, investigation, ~~or family, or case. Neither interns nor trainees shall carry a caseload, be assigned any cases, conduct any unaccompanied or unsupervised home visits, perform any home studies or interviews of children or adults, be responsible for any assessment of risk, or have either primary or secondary responsibility for any investigation, child, family or case until successful completion of the pre-service training, including having passed the post-test.~~

~~(30) "Professional Development Plan" (please see "Recertification Plan").~~

~~(29)(31)~~ "Professional Development Training" (also known as "In-Service Training"), refers to all relevant training in which a Certified Child Protection Professional participates in order to help develop or enhance his or her core competencies on an on-going basis. Each Certified Child Protection Professional must successfully complete a minimum of 48 Professional Development training hours every three (3) years in order to be eligible for recertification.

~~(30)(32)~~ "Provisional Certification" refers to the certification status of a Certified Child Protection Professional whose most recent certification has expired as a result of the individual not having met the Professional Development training (or other) requirements for recertification. Provisional Certification may not exceed 60 days from the date of the expiration of the individual's most recent certification. While provisionally certified, the individual may carry a caseload and continue to perform his or her job responsibilities, but must complete all requirements for recertification addressed in the Professional Development Plan within the specified time frame (no later than 60 days from the date of expiration of the individual's most recent certification), or be removed from any position requiring such certification.

~~(31)(33)~~ "Recertification" refers to the process whereby the certification of a currently certified individual Child Protective Investigations Professional or Child Protection Case Management Professional must be renewed every three (3) years, based upon the individual's continuing ability to satisfy on-going training requirements, and meet both the demands of the job and the expectations of the employing agency. Unless accommodations are made by the employing agency to address an individual's special ~~or other~~ circumstances, each individual in a position requiring certification must either be recertified within three (3) years of the date of the most recent (current) certification, or enter into a Recertification Plan.

~~(32)(34)~~ "Recertification Plan" (also known as "Professional Development Plan") refers to an individualized, time-limited written contract between the Certified Child Protection Professional, his or her supervisor, and a Certified Child Welfare Trainer, which shall be developed when the Certified Child Protection Professional has failed to complete the required 48 Professional Development training hours as required for recertification, absent special ~~or other~~ circumstances accommodated by the employing agency. The agency-designed Recertification Plan must identify the roles and responsibilities of all plan participants, must address the training, activities and other action steps necessary in order for the Child Protection Professional to achieve recertification, and must include a specific time frame for successful completion of all activities. During this period of time, the individual is "provisionally certified."

~~(33)~~⁽³⁵⁾ “Remedial Training Plan” refers to an individualized, time-limited written contract between the trainee, his or her supervisor, and a Certified Child Welfare Trainer, which shall be developed when the trainee has failed to successfully complete his or her first attempt of the post-test, and will be re-taking the post test absent special or other circumstances accommodated by the employing agency. It is the responsibility of the trainee’s supervisor to initiate development of the Remedial Training Plan with input from the trainer and trainee.

~~(34)~~⁽³⁶⁾ “Secondary case responsibility” refers to the designation of a person, unit or geographical area assigned by the supervisor to perform child welfare/child protection services for a specific child, investigation, or family, or case in a minor capacity or to a lesser degree than that which maintains the “primary” case responsibility, in cases such as out of town inquiry (OTI), out of county, and courtesy supervision. Neither interns nor trainees shall carry a caseload, be assigned any cases, conduct any unaccompanied or unsupervised home visits, perform any home studies or interviews of children or adults, be responsible for any assessment of risk, or have either primary or secondary responsibility for any investigation, child, family or case until successful completion of the pre-service training, including having passed the post-test.

~~(35)~~⁽³⁷⁾ “Special or Other Circumstances” refer to those instances in which an individual is unable to may be on approved, extended medical or family leave, or when an individual cannot assume full or partial responsibility for a caseload, or is unable to be involved as required in pre-service or professional development (in-service) training due to unforeseen conditions beyond his or her control, which may limit the individual’s ability to perform some or all required job functions. The nature and extent of any accommodation of special or other circumstances is at the sole discretion of the employing agency.

~~(36)~~ “Statewide Automated Child Welfare Information System” (also known as “SACWIS”), refers to a single statewide system that automates the collection of federally-mandated child welfare data and provides support for the delivery and management of child welfare services. The Florida Safe Families Network (“FSFN”) is the state’s SACWIS system of record.

~~(38)~~ “Supervising for Excellence” refers to the Department-approved curriculum required of supervisors as part of their certification process; an individual’s participation in this course is subsequent to successful completion of all certification activities, including the Performance Assessment.

~~(37)~~⁽³⁸⁾ “Supervising for Excellence” refers to the Office of Family Safety-approved curriculum (including classroom training, assignments and a project component), which is required as part of the certification process for supervisors; an individual’s participation in this or other Department-approved supervisory course is one of the two steps in the supervisory

certification process, the other of which is successful completion of the applicable Performance Assessment for the supervisor’s position classification (Protective Investigations; Case Management; Licensing).

~~(38)~~⁽³⁹⁾ “Trainee” means a participant in the State of Florida Child Welfare Pre-Service Training Program. An individual trainee remains in trainee this status during the entire period of time he or she is in the pre-service training; during this time, the trainee may only assist Child Protection staff in the performance of their job duties, if he or she is accompanied by and under the direct and constant supervision of a Certified Child Protection Professional. Upon successful completion of the post-test, the trainee is eligible to progress to Phase II, and may assume the role and responsibilities of a Child Protection Professional.

~~(39)~~⁽⁴⁰⁾ “Training Academy” refers to The Child Welfare Training Academy, which is responsible for the training and certification of Child Welfare Trainers, and for the administration of the State of Florida’s Child Protection Professional Certification Program. The mission of the Training Academy is to ensure that Child Welfare Trainers have the skills and supports necessary to help provide Child Protection Professionals with the knowledge, skills, abilities and priorities, values and attitudes needed to make decisions that provide Florida children with safe and permanent homes.

~~(40)~~⁽⁴¹⁾ “Training CaseLoad” refers to the reduced number of cases assigned to each Child Protection Professional after having successfully completed the pre-service curriculum and passing the post-test or waiver test.

~~(41)~~ “Training Entity” refers to the employing agency of each Child Welfare Trainer, which is responsible for the delivery of pre-service training and the provision of other training services to a particular circuit, region or geographical area.

~~(42)~~ “Waiver Plan” refers to an individualized, written contract between the Child Protection Professional, his or her supervisor, and a Certified Child Welfare Trainer, which, when the waiver process is implemented, must be developed within five (5) business days of the individual having passed the waiver test. The “Waiver Plan” must address any identified training or activities needed by the Child Protection Professional in order to fulfill certification ~~(or recertification)~~ requirements, must assign responsibilities to each party, and must include specific time frames for completion.

~~(43)~~ “Waiver Process” refers to the procedure whereby an individual who meets the minimum educational and experiential criteria of a Child Protection Professional is may be eligible, at the discretion of the employing agency, to take a “Waiver Test” and enter into an individualized “Waiver Plan,” usually in lieu of requiring that the individual participate in all of the pre-service training and post-test requirements of Phase I. There is no waiver procedure for any part of Phase II, the Performance Assessment/Skills Demonstration portion of the

certification process; similarly, there is no waiver procedure for the 48 hours of professional development (in-service) training required every three (3) years for recertification.

(44) "Waiver Test" refers to the competency-based, criterion-referenced, proctored, written or on-line test which, at the discretion of the employing agency, may be administered to an individual whose credentials and qualifications meet the minimum educational and experiential criteria of a Child Protection Professional as outlined in Rule 65C-33.010 ~~65C-33.011~~, F.A.C. The waiver test is designed to measure the level of the individual's basic knowledge of Florida child protection laws, principles and policies, and to assess the individual's ability to appropriately integrate and apply fundamental child welfare/child protection concepts in his or her decision-making, when determining how best to meet the safety, permanence and well-being needs of a child. The waiver test must be administered within ten (10) five (5) business days of the individual's start date in the position into which he or she was hired.

Rulemaking Authority 402.40, 402.731(1) ~~39.0421~~ FS. Law Implemented 402.40, 402.731(1) FS. History--New_____.

65C-33.002 Certification for Child Protection Professionals.

(1) It is the responsibility of each employing agency to maintain ~~ensure~~ the integrity of the training and certification process, by ensuring employee compliance with this Rule and by establishing agency policies that reflect the fact that timely child protection certification is a condition of employment for those positions requiring certification.

(2)(a) It is the supervisor's responsibility to support the evolving capacity of each individual under his or her supervision to effectively and competently carry out his or her job responsibilities.

(b) On an on-going basis, the supervisor must assess the individual's level of job-related knowledge, skills, abilities and priorities, values and attitudes and must identify, arrange for, or provide additional assistance as necessary to help enhance the individual's overall development as a proficient Child Protection Professional.

(3) Absent special ~~or other~~ circumstances, every Child Protection Professional is required to be certified within one (1) year of the date of hire, or within one year of having successfully completed either the post-test or the waiver test for his or her position classification, whichever is earlier. Unless accommodations are made by the employing agency to address an individual's special ~~or other~~ circumstances, certification is valid for a period of no longer than three (3) years.

(a) ~~At the discretion of the employing agency,~~ Arrangements may be made to accommodate an individual's special ~~or other~~ circumstances in those cases in which the individual is unable to assume full or partial responsibility for a

caseload, or fulfill the attendance requirements of pre-service or in-service training due to a medical, personal, family, or other emergency situation beyond the individual's control.

(b)1. Accommodation includes extending the individual's pre-service or in-service training period, approving limited additional time within which the individual can become certified or recertified, or effecting such other accommodation as is reasonable based upon the individual's situation.

2. ~~At the discretion of the employing agency,~~ a Accommodation of an individual's special ~~or other~~ circumstances may be restricted to a specified time frame, or may extend until such time as the individual is able to fully resume his or her regular duties; the individual no longer occupies a position requiring certification; the individual is no longer employed by the agency; or the agency can no longer provide the accommodation.

(c) All individuals whose certification or recertification is or is anticipated to be delayed due to the accommodation of special circumstances shall be required to enter into a Certification Plan. ~~On a case by case basis, and at the discretion of the employing agency, individuals affected by special or other circumstances, as well as those not similarly affected, may be required by the employing agency to enter into a Certification Plan.~~

1. The agency-designed Certification Plan must identify the roles and responsibilities of all plan participants, and must set forth specific training and other job performance requirements which must be met in order for the Trainee or Child Protection Professional to achieve certification. The plan must address each of the necessary steps, and must include a specific time frame (not to exceed 60 days from one year after the individual's having successfully completed the post-test or the waiver test) within which the individual must satisfy the training and other job performance requirements in order to achieve certification, or be removed from any position requiring that such certification. ~~It is the responsibility of the employing agency to help ensure that the Trainee or Child Protection Professional has access to the resources and supports necessary for his or her successful completion of the certification process.~~

2. It is the responsibility of the employing agency to help ensure that the Trainee or Child Protection Professional has access to the resources and supports necessary for his or her successful completion of the certification process. ~~A Certification Plan is not required for every Trainee or Child Protection Professional; it is applicable only in those cases where, in the judgment of the employing agency, compelling circumstances exist that warrant accommodations such as supplementary or remedial training, additional time allowance(s) for the fulfillment of certification requirements, or any other special considerations to be afforded the individual in order to provide him or her with every possible opportunity for success.~~

(4) Certification is based upon successful completion of both the pre-service curriculum component and the Performance Assessment element of the State of Florida's Child Protection Professional Certification Program, as well as additional specific established requirements for each position classification, if any.

(5) Each type of Child Protection Certification has a different training, testing and certification requirement, all of which are established by the Department.

(6) There are ~~11~~ ten types of certification designations for Child Protection Professionals:

- (a) Child Protective Investigator;
- (b) Child Protective Investigations Supervisor;
- (c) Child Protective Investigations Specialist/~~Quality Assurance Professional, Field Trainer~~;
- (d) Child Protection Case Manager;
- (e) Child Protection Case Management Supervisor;
- (f) Child Protection Case Management Specialist/~~Quality Assurance Professional/Field Trainer~~;
- (g) Child Protection Licensing Counselor;
- (h) Child Protection Licensing Supervisor;
- (i) Child Protection Licensing Specialist/~~Quality Assurance Professional/Field Trainer~~;
- (j) Child Protection Specialized Services Professional;
- (k)~~(j)~~ Child Welfare Trainer.

(7) ~~Other types of~~ Certification designations may be modified or additional certification designations may be authorized by the Department of Children and Families through the rulemaking process.

(8) As determined by the Department, each certification type shall be indicative of core competencies achieved within the job responsibilities of each respective position classification and be so designated.

(9) Certification is a requirement for individuals in the following positions:

- (a) Child Protective Investigator;
- (b) Child Protective Investigations Supervisor (which includes any individual, regardless of position title, who is primarily responsible for providing direct supervision of Child Protective Investigators);
- (c) Child Protection Case Manager;
- (d) Child Protection Case Management Supervisor (which includes any individual, regardless of position title, who is primarily responsible for providing direct supervision of Child Protection Case Managers);
- (e) Child Protection Licensing Counselor (or any individual, regardless of position title, who conducts parent preparation pre-service training for prospective caregivers, or any individual who conducts home visit assessments for the purpose of completing foster or adoptive home studies of prospective caregivers);

(f) Child Protection Licensing Supervisor (which includes any individual, regardless of position title, who is primarily responsible for providing direct supervision of Child Protection Licensing Counselors, or who conducts parent preparation pre-service training for prospective caregivers, or who conducts home visit assessments for the purpose of completing foster or adoptive home studies of prospective caregivers, or who approves, by signature, foster or adoptive home studies of prospective caregivers);

(g) Child Welfare Trainer.

(10) Certification is optional for individuals in the following non-supervisory positions; ~~at the discretion of the employing agency~~:

(a) Child Protective Investigations Specialist; ~~Quality Assurance Professional; Field Trainer~~; (which includes any individual, regardless of position title, who performs the same or substantially similar function as a Program Specialist, Quality Assurance Professional, Field Trainer, Job Coach, or is otherwise responsible for evaluating the job performance of a Child Protective Investigator, or for providing case oversight or review in the program area of Child Protective Investigations);

(b) Child Protection Case Management Specialist; ~~Quality Assurance Professional; Field Trainer~~; (which includes any individual, regardless of position title, who performs the same or substantially similar function as a Program Specialist, Quality Assurance Professional, Field Trainer, Job Coach, or is otherwise responsible for evaluating the job performance of a Child Protection Case Manager, or for providing case oversight or review in the program area of Child Protection Case Management);

(c) Child Protection Licensing Specialist; (which includes any individual, regardless of position title, who performs the same or substantially similar function as a Program Specialist, Quality Assurance Professional, Field Trainer, Job Coach, or is otherwise responsible for evaluating the job performance of a Child Protection Licensing Counselor, or for providing case oversight or review in the program area of Child Protection Licensing). Certification is optional for individuals in this category unless the individual is primarily responsible for providing direct supervision of Child Protection Licensing Counselors, or conducts parent preparation pre-service training for prospective caregivers; or conducts home visit assessments for the purpose of completing foster or adoptive home studies of prospective caregivers; or approves, by signature, foster or adoptive home studies of prospective caregivers. For individuals performing these functions, certification requirements shall apply.

(d) Child Protection Specialized Services Professional (which includes any individual, regardless of position title, who performs a very specific activity for the employing agency, such as placements; locating missing children; etc.).

Certification is optional for individuals in this category unless the individual is responsible for direct supervision of persons in positions requiring certification.

(11) The employing agency is responsible for ensuring that all certification requirements are met within the specified time frame for those positions requiring certification.

(a) To be certified, each Child Protection Professional candidate must meet the training and certification requirements for his or her position classification (Protective Investigations; Case Management; Licensing; Child Welfare Trainer) and certification designation (e.g., Protective Investigator; Supervisor) within one (1) year of the date of hire, or the date of having successfully completed the waiver or post-test for the position, whichever is ~~earlier~~ later, absent special ~~or other~~ circumstances accommodated by the employing agency.

1. Regardless of an individual's prior experience or length of time in a position requiring child welfare/child protection certification as a condition of employment, any individual who, prior to the effective date of this rule, has been functioning for any length of time in a position which requires such certification as set forth in this rule, and in which he or she has not achieved certification in that specific position classification (i.e., Protective Investigations; Case Management; Licensing) and in that specific certification designation (e.g., Case Manager; Protective Investigations Supervisor) within one (1) year of the date of hire, or the date of having successfully completed the waiver or post-test for the position, that individual is hereby provided with one (1) year from the effective date of this rule within which he or she shall successfully complete the activities necessary for certification in that specific position classification and certification designation (including both the casework and interpersonal components of the appropriate Performance Assessment for all individuals, in addition to the Office of Family Safety-approved "Supervising for Excellence" training for individuals in supervisory positions), and shall achieve such certification no later than one (1) year from the effective date of this rule, or be removed from any position requiring such certification. For individuals in this situation, a waiver test is not necessary.

(b) Prior to successfully completing the waiver or post-test, the individual is considered to be a trainee, and, as such, under no circumstances shall he or she carry a caseload, be assigned responsibility for any cases, ~~be responsible for any assessment of risk~~, conduct any unaccompanied or unsupervised home visits, perform any unsupervised home studies or interviews of children or adults, be ultimately responsible for any assessment of risk, or otherwise have ~~either~~ primary ~~or secondary~~ responsibility for any investigation, child, family or case.

(12) In those instances in which an individual, by virtue of promotion or other means of transfer into another position is actively, concurrently certified in more than one position

classification (Protective Investigations; Case Management; Licensing) or more than one certification designation (e.g., Protective Investigator; Supervisor), the individual may hold two or more such certifications simultaneously ~~until~~ recertification, upon which he or she may be recertified in only the one position classification and the one certification designation in which he or she is currently employed.

(a) Individuals shall not be initially certified in positions which they do not currently occupy, however, they may be eligible for recertification in the positions they held previously, as long as they meet the requirements for recertification.

(b) There is no limit to the number of position classifications or certification designations in which an individual may be recertified, and no limit to the length of time an individual may hold multiple Child Protection certifications, as long as the individual continues to meet the following recertification requirements:

1. Achieved initial certification in each of the position classifications or certification designations as indicated by possession of a valid, original Department-issued certificate, and

2. Is currently employed in a Florida child welfare/child protection position in good standing, and

3. Has not been decertified for cause in any position requiring certification, and

4. Participates in and maintains documentation in the SkillNET system (or other Department-approved tracking database) of a minimum of 48 hours of professional development training every three (3) years for recertification in each of the certifications held. Each separate recertification requires 48 hours of professional development training hours, as addressed in Rule 65C-33.008, F.A.C.

(13) The employing agency is responsible for the internal ~~monitoring tracking and documentation~~ of all trainings, certification activities and certification status of every Child Protection Professional employed by the agency.

(a) The official tracking system that shall be used by the Department, the Training Academy, and all agencies to document training is SkillNET (or other Department-approved tracking database).

(b) All training, testing and certification information must be current and maintained in SkillNET (or other Department-approved tracking database).

1. The Training Academy ~~entity~~ is responsible for entering and maintaining pre-service course and testing information in the SkillNET (or other Department-approved tracking database) system.

2. The Office of Family Safety is responsible for verifying certification information in the SkillNET (or other Department-approved tracking database) system, prior to certificate issuance.

(14)(a) Upon any of the following: an individual's loss of or inability to achieve certification; promotion, demotion or transfer to a position not requiring certification; ~~decertification~~; termination from the position or agency; or other such status-changing event, the employing agency Training Manager or designee shall notify the Training Academy in writing of the individual's status within five (5) ~~three (3)~~ business days of the effective date of the event.

(b) Within two (2) business days of same notification, the Training Academy will update the individual's status in the SkillNET or other Department-approved tracking database system.

Rulemaking Authority 402.40, 402.731(1), ~~39.0124~~ FS. Law Implemented 402.40, 402.731(1) FS. History--New _____.

65C-33.003 Child Welfare Pre-Service Training.

(1) The Department-approved State of Florida Child Welfare Pre-Service Training Program curriculum is primarily comprised of classroom instruction, but may also include opportunities for on-line learning as well as agency-specific field activities.

(2) The pre-service classroom instruction involves the delivery and facilitation of approved, mandatory child welfare/child protection curricula by at least one Certified Child Welfare Trainer in the classroom at all times.

(a) At the discretion of the training entity, some pre-service classes may include guest speakers as subject matter experts regarding relevant topics; however, although agency or area-specific information may be added to the curriculum, nothing in the existing, Department-approved curriculum may be deleted or revised.

(b) With the exception of interns as referenced in subsection 65C-33.003(9), F.A.C., a training entity or employing agency may arrange for non-employed individuals to participate in pre-service classroom instruction, however these individuals shall not be administered the waiver test, pre-test, or post-test.

(c)(b)1. Pre-service classroom instruction may be observed by individuals involved in the administration, delivery, design, or oversight of pre-service training for purposes of assessing the effectiveness of training delivery, or evaluating the need for enhancement of curriculum design. Advanced notice of the observation may be provided, but is not required.

2. Although classroom observation shall not require prior authorization from the agency training entity, no more than two (2) individuals shall observe the same class session at any one time, and the observer(s) shall neither disrupt the class nor interact with the trainer(s) or class participants at any time while the class is in session.

(3) There is a 100% mandatory attendance requirement for all pre-service classroom instruction, absent special ~~or other~~ circumstances documented and accommodated by the employing agency or the training entity.

(a) It is the responsibility of the employing agency to ensure that each trainee attends and completes all of the pre-service classroom, on-line and field instruction pertinent to and required for his or her position classification, ~~(Child Protective Investigations or Child Protection Case Management)~~.

(b) Any missed training classes, modules or material must be completed by the trainee prior to the trainee being eligible to take the post-test.

(4) The training entity is responsible for establishing and implementing a code of conduct for class participants to follow during all pre-service classroom instruction. This code of conduct shall, at a minimum, address trainee punctuality; courtesy and professionalism in the classroom; and respect for others' opinions.

(5) On-line Learning. When opportunities for on-line learning are included as part of the pre-service training, certain approved course content may be presented in a web-based format, enabling each participant to assimilate the information at an individual pace, thereby helping to meet the unique needs and accommodate the different learning styles of each trainee.

(6) Field Activities. As the classroom training experience helps introduce trainees to basic competencies, various supervised, agency-specific field activities, when included as part of the pre-service training, can help illustrate and augment classroom training content as well as any available and accessible on-line learning opportunities, by providing each trainee with a forum within which to observe, question and practice on-the-job application of the concepts learned in classroom training, while under guidance.

(a) It is the responsibility of the employing agency to ensure that, if field activities are provided to trainees during the pre-service training, the activities are overseen/supervised and reviewed by Certified Child Protection Professionals ~~such as Supervisors, Specialists, Quality Assurance Professionals, Field Trainers, or other certified individuals performing similar functions or having similar responsibilities within the employing agency.~~

(b) At the discretion of the supervisor, field activities may include opportunities for the trainee to shadow or be mentored by experienced certified staff, and may take place in the agency unit or in the field, as long as the trainee is accompanied by and under the direct and constant supervision of a Certified Child Protection Professional at all times.

(7) Each trainee must successfully complete all pre-service training requirements for his or her position classification prior to taking the post-test.

(8)(a) Under no circumstances shall any trainee carry a caseload, be assigned responsibility for any cases, be responsible for any assessment of risk, conduct any unaccompanied or unsupervised home visits, perform any unsupervised home studies or interviews of children or adults, be ultimately responsible for any assessment of risk, or otherwise have either primary or secondary responsibility for any investigation, child, family or case, until successful completion of the pre-service training, including having passed the post-test.

(b) In order to meet each trainee's need for a variety of opportunities in the practical application of concepts learned in pre-service training, a trainee may be assigned as a "secondary" worker (investigator, case manager or licensing counselor) in the FSFN or other Department-approved system to no more than four (4) active cases during his or her pre-service training, for the sole purpose of performing and practicing newly-learned skills while accompanied and supervised at all times by a Certified Child Protection Professional. Although assigned as "secondary" worker, the trainee shall not in any way bear ultimate responsibility for any aspect of the case. Every piece of casework completed by the trainee shall be reviewed and approved by either the primary worker on the case, the supervisor of the primary worker on the case or other Certified Child Protection Professional, prior to the piece of casework being included and saved in the active case file or FSFN case record.

(9) Interns.

(a) Interns may be utilized to assist Child Protection staff in the performance of their job duties, however, every intern must be accompanied by and under the direct and constant supervision of a Certified Child Protection Professional at all times, until the intern successfully completes the pre-service training (including passing the post-test).

(b) Any intern who will conduct any casework or have any client contact is At the discretion of the agency, an intern may be required to attend pre-service training, fulfill the same on-line and field training requirements, and be expected to conduct himself or herself in the same responsible manner as other trainees employed by the agency.

1. Any interns who attendings the pre-service training will remain in trainee status for the duration of the pre-service training. As a trainee, under no circumstances shall an intern carry a caseload, be assigned responsibility for any cases, conduct any unaccompanied or unsupervised home visits, perform any unsupervised home studies or interviews of children or adults, be ultimately responsible for any assessment of risk, or otherwise have primary responsibility for any investigation, child, family or case, until successful completion of the pre-service training, including having passed the post-test be assigned any cases, be responsible for any assessment of risk, conduct any unaccompanied or unsupervised home visits, perform any home studies or

~~interviews of children or adults, or otherwise have either primary or secondary responsibility for any investigation, child, family or case.~~

2. The agency shall develop a policy addressing, at a minimum, the scope, limitations and required supervision of interns who have successfully completed the pre-service training, with regard to such issues as type of case assignments, caseload size, continuity of service provision to families, and child safety.

Rulemaking Authority 402.40, ~~402.731(1), 39.0121~~ FS. Law Implemented 402.40, ~~402.731(1)~~ FS. History—New _____.

65C-33.004 Pre-Service Training Assessments.

(1) Pre-Test.

(a) The training entity is responsible for the administration of the pre-test. Individuals who may take the pre-test as part of the pre-service training curriculum are include those persons hired by the employing agency in a Child Protection Professional position, as well as interns working with the agency in a paraprofessional capacity.

(b) The pre-test shall not be authorized to be used as a study guide, as an evaluation tool to assess trainees' comprehension of material covered during pre-service training in any type of preparation for the post-test, or for any other purpose(s) for which it has not been validated and approved. An individual may take the pre-test only once during any one period of employment, or once during any one pre-service training cycle in those instances where an individual would be required to attend pre-service training more than once during any one period of employment.

(c) ~~The training entity is responsible for the scoring and dissemination of the results of the pre-test is scored by the SkillNET system, and upon conclusion of the pre-test, the test proctor may provide each trainee with his or her pre-test score.~~ Each employing agency may develop its own protocols with regard to the dissemination of an individual's pre-test score to appropriate personnel within the agency. The employing agency may utilize have access to the trainee's pre-test score for purposes of trainer and trainee performance evaluations by comparing the trainee's pre- and post-test scores, however, neither the pre-test nor the pre-test score shall is not to be used for any type of pre-employment screening or for any other purpose(s) for which it has not been validated and approved.

(2) Post-Test.

(a)1. The training entity is responsible for the administration of the post-test, and for ensuring that there is adequate and appropriate technical support available at or within close proximity to the testing site, in the event of emergencies.

2. Disruptions During Testing.

a. Should equipment failure, building disruption, or other unforeseen circumstance occur during the course of the administration of the post-test, and should the failure affect

one, several, or all participants involved in taking the test, arrangements shall be made by the training entity to re-administer the post-test as soon as practical to those participants affected by the disruption.

b. The re-administration of the post-test to the affected participant(s) must be conducted in a manner consistent with the time and proctoring standards followed in the initial post-test administration, ensuring that all participants are treated fairly and provided with equal opportunities for successful post-test completion.

c. For issues not addressed above which arise during the administration of the post-test, the trainer/test proctor shall contact the Training Academy for immediate guidance. The Training Academy shall keep a record of these issues/requests detailing the date and time of the call; the name, title and agency of the caller; the nature of the issue; and the resolution provided by the Academy. A copy of this log will be provided to the Department on a quarterly basis, or as requested.

(b) Prior to administering the post-test, the training entity is responsible for verifying each trainee's eligibility to take the post-test, by ensuring that every trainee has satisfactorily completed all pre-service training requirements, including all classroom instruction as well as any required on-line courses and applicable field activities for his or her position classification. Individuals who may take the post-test are those persons hired by the employing agency in a Child Protection Professional position, as well as interns working with the agency in a paraprofessional capacity.

(c) The training entity is responsible for addressing and accommodating the special testing needs of a trainee, by prior discussion with the trainee and the supervisor, in order to determine if reasonable accommodation is warranted and able to be afforded the trainee, while ensuring that all pre-service participants are treated fairly and provided with equal opportunities for successful post-test completion.

(d) ~~The training entity is responsible for the scoring and dissemination of the results of the post-test is scored by the SkillNET system, and upon conclusion of the post-test, the test proctor is responsible for providing each trainee with his or her post-test score. Each employing agency may develop its own protocols with regard to the dissemination of an individual's post-test score to appropriate personnel within the agency.~~

~~2.a. Post test scores are confidential; other than the employee, the only individuals or agencies who may have access to an employee's post test score without the employee's prior written consent are the training entity and the Training Academy.~~

~~b. Upon conclusion of the post test, the employee shall be provided with his or her score; however, the employee's supervisor shall be notified only as to whether or not the employee passed the post test and, if not, whether or not the trainee is eligible to retake the post test once, by virtue of his or her score.~~

(3) Post-Test (First Attempt).

(a) A trainee must achieve the minimum established passing score or higher on the post-test in order to progress to Phase II. The minimum established passing score of the post-test is determined by the Department and shall be posted on the Training Academy website.

(b) ~~At the discretion of the employing agency, A~~Any trainee who scores one (1) to ~~ten (10)~~ four points below the minimum passing score on the first attempt of the post-test may either take the post-test one (1) additional time, or be removed from the position no later than ten (10) business days of receipt of the post-test results.

1. If re-taking the post-test, the re-test must be administered no later than 15 business days following the date of the initial post-test, absent special ~~or other~~ circumstances accommodated by the employing agency or the training entity.

2.a. If the employing agency authorizes the trainee to re-take the post-test, prior to scheduling such a re-take of the post-test, a Remedial Training Plan shall must be developed between the trainer, the trainee, and his or her supervisor, and a Certified Child Welfare Trainer, to address the trainee's area(s) of deficiency in the pre-service training modules or on the post-test and a plan for remediation. It is the responsibility of the trainee's supervisor to initiate development of the Remedial Training Plan, with input from the trainer and trainee.

b. The agency-designed Remedial Training Plan must identify the roles and responsibilities of all plan participants, must address the trainee's major area(s) of deficiency on the post-test, and must include a schedule of dates and times during which specific portions of the pre-service curriculum (as well as any other relevant training materials) will be reviewed with the trainee in an effort to ensure that the individual is provided with access to all of the resources and supports available to help increase the likelihood of successful completion of the re-take of the post-test.

(c)1. ~~At the discretion of the employing agency, a~~Any trainee who scores eleven (11) ~~five~~ or more points below the established minimum passing score on the first attempt of the post-test may either take the entire pre-service training again during the next training cycle, or be removed from the position no later than ten (10) business days after receipt of the post-test results.

2. If retaking the entire pre-service training, the trainee shall remain in trainee status, and therefore shall not carry a caseload, be assigned responsibility for any cases, ~~be responsible for any assessment of risk,~~ conduct any unaccompanied or unsupervised home visits, perform any unsupervised home studies or interviews of children or adults, be ultimately responsible for any assessment of risk, or otherwise have ~~either primary or secondary~~ responsibility for any investigation, child, family or case while in trainee status.

(4) Post-Test (Second Attempt):

(a) For those trainees re-taking the post-test, the employing agency shall make arrangements for the second attempt of the post-test to be administered within 15 business days following the date of the initial post-test, absent special or other circumstances accommodated by the employing agency or the training entity.

(b)1. ~~At the discretion of the employing agency, Any~~ trainee who fails to achieve the minimum passing score on the second attempt of the post-test must either take the entire pre-service training again during the next training cycle, or be removed from the position within ten (10) business days after receipt of the post-test results.

2. If retaking the entire pre-service training, the trainee shall remain in trainee status, and therefore shall not carry a caseload, be assigned responsibility for any cases, ~~be responsible for any assessment of risk~~, conduct any unaccompanied or unsupervised home visits, perform any unsupervised home studies or interviews of children or adults, be ultimately responsible for any assessment of risk, or otherwise have ~~either primary or secondary~~ responsibility for any investigation, child, family or case while in trainee status.

Rulemaking Authority 402.40, ~~402.731(1)~~, ~~39.0121~~ FS. Law Implemented 402.40, ~~402.731(1)~~ FS. History–New_____.

65C-33.005 Phase II of Child Welfare Training.

(1)(a) A trainee must successfully complete all of the required pre-service training and pass the post-test (or waiver test) in order to progress to Phase II as a Child Protection Professional.

(b) Any Child Protective Investigator, Case Manager, or Licensing Counselor who has successfully completed either the waiver test (and entered into a waiver plan), or the pre-service training (including having passed the post-test), is considered to be a Child Protection Professional, and, as such, may perform all tasks required by the position held, while completing his or her certification process.

(c) Any Child Protective Investigations, Case Management, or Licensing Supervisor or Specialist who has successfully completed either the waiver test (and entered into a waiver plan), or the pre-service training (including having passed the post-test), is considered to be a Child Protection Professional, and, as such, may perform all tasks required by the position held while completing his or her own certification process, with the exception of:

1. Performing 2nd Party Reviews of investigative cases, which non-certified individuals shall not do; and

2. Serving as either a first-tier or second-tier evaluator on any Performance Assessment, which individuals not certified as Supervisors, Specialists or Child Welfare Trainers shall not do.

(2)(a) Upon successful completion of either the waiver test, or the pre-service training requirements and the post-test, each Child Protective Investigator, Case Manager and

Licensing Counselor ~~Child Protection Professional~~ shall be granted caseload protection for 30 calendar days, during which time a training caseload of a reduced number of investigations (for Child Protective Investigators), a reduced number of cases (for ~~Child Protection~~ Case Managers), or a reduced number of foster family home studies (for ~~Child Protection~~ Licensing Counselors) will be provided to the new Child Protection Professional.

(b) The employing agency shall develop a policy which addresses the establishment of a training caseload range ~~(pursuant to the following guidelines)~~, specifying both the maximum number as well as the type of investigations, cases, or home studies to which a new Child Protection Professional may be assigned as either primary or secondary worker within 30 calendar days of having passed the waiver test or post-test.

1. The training caseload for Child Protective Investigators should be limited to no more than four (4) ~~two (2)~~ open, active investigations, and shall not exceed eight (8) open, active investigations at any time during the 30 calendar days following the date the individual passed the waiver or post-test; ~~the number of children on the training caseload should not exceed ten (10).~~

2. The training caseload for Child Protection Case Managers should be limited to no more than five (5) open, active cases, and shall not exceed ten (10) children at any time during the 30 calendar days following the date the individual passed the waiver or post-test; ~~the number of children on the training caseload should not exceed ten (10).~~

3. The training caseload for Child Protection Licensing Counselors should be limited to no more than three (3) open, active home studies at any time; the number of licensed foster homes on the training caseload ~~shall~~ should not exceed five (5) at any time during the 30 calendar days following the date the individual passed the waiver or post-test.

(3) After the 30 calendar day period of caseload protection, the caseload of a new Child Protection Professional may be increased gradually over time, based upon the ongoing assessment of the individual's developing knowledge, skills, abilities and priorities, ~~values and attitudes~~ by the Supervisor and other designated certified individuals, ~~Specialist, Trainer, or other certified individual performing similar functions or having similar responsibilities~~ within the employing agency.

Rulemaking Authority 402.40, ~~402.731(1)~~, ~~39.0121~~ FS. Law Implemented 402.40, ~~402.731(1)~~ FS. History–New_____.

65C-33.006 Performance Assessment.

(1) The employing agency is responsible for the administration, tracking and oversight of the Performance Assessment.

(2) Every agency shall utilize the core standardized, competency-based skills evaluation instrument ("Performance Assessment") approved ~~developed~~ by the Department, in order to address core competency elements by objectively assessing

and measuring each candidate's proficiency in executing identified key activities essential to and representative of the responsibilities and duties of the individual's position, when performed as mandated by statute, rule and policy within required time frames.

(3)(a) Each component of the Performance Assessment is designed to address those fundamental competency elements pertinent to the job responsibilities of each respective position classification (Protective Investigations; Case Management; Licensing), and each Child Protection Professional shall be evaluated in terms of the primary function(s) of the position which he or she occupies.

(b) Although every agency must utilize the standard Performance Assessment approved ~~developed~~ by the Department, each agency may incorporate into the Performance Assessment additional components which reflect the agency's own System of Care or Quality Assurance measures.

1. These additions must not change the core elements of the Assessment, and although they may be more prescriptive than statute, rule and Department policy, they may not be less so.

2. The agency-specific additions to the core Performance Assessment are not required to be forwarded to the Office of Family Safety for approval prior to use.

(4) There are two portions of the core Performance Assessment; one ~~the first~~ is the casework portion, which includes an evaluation of actual case documents, and the other ~~second~~ is the interpersonal skills portion, which includes an evaluation of a professional interaction.

(5)(a) There is no requirement as to which component of the Performance Assessment is evaluated first, the casework or the interpersonal skills portion, provided that all evaluations of each component (including any re-takes, if necessary) are completed no later than one (1) year from the date of hire or the date of the candidate's successful completion of the waiver or post-test, whichever is earlier within the established "window" period.

(b) ~~Absent special or other circumstances, the "window" period during which all portions of a candidate's initial Performance Assessment must be completed extends from no sooner than 6 months from the date of the candidate's successful completion of the waiver or post-test, to no later than (9) months from the date of the individual's waiver or post-test.~~

(6) Each Child Protection Professional shall have two (2) opportunities to successfully complete all portions of the Performance Assessment.

(a) After successful completion of all of the required classroom and field training provided as part of the State of Florida Child Welfare Pre-Service Training Program (or

completion of the individual's waiver plan, if applicable), and upon approval of the candidate's supervisor, the candidate is considered eligible to take the Performance Assessment.

(b) Although there is no set time frame during which the candidate must begin the Performance Assessment process, all evaluations of each component of the Performance Assessment (including any re-takes, if necessary) must be completed no later than one (1) year from the date of hire, or the date of the candidate's successful completion of the post-test or waiver test, whichever is earlier.

(7) ~~Each portion of the Performance Assessment shall be evaluated by the candidate's immediate supervisor (if certified) and an independent evaluator.~~

(a) ~~If the candidate's immediate supervisor is not yet certified, he or she may not conduct an evaluation of either portion of the Performance Assessment; a supervisor who is certified in the same position classification as that in which the candidate is seeking certification (Protective Investigations; Case Management; Licensing) must conduct the evaluation.~~

(b) ~~Each agency shall establish a protocol within the following parameters for determining who shall serve as independent evaluators, and how assessments are to be assigned to those individuals serving as independent evaluators:~~

1. ~~In order for an individual to serve as an independent evaluator, he or she must:~~

a. ~~Be a Certified Child Welfare Trainer, or~~

b. ~~Be a Certified Child Protection Professional, whose most recent certification is in the same position classification as that in which the candidate is seeking certification (Protective Investigations; Case Management; Licensing), and who is currently employed as a Supervisor, Specialist, Quality Assurance Professional, Field Trainer, or higher level position within the same program area as that of the candidate when possible (Protective Investigations; Case Management; Adoptions; Licensing).~~

2. ~~The independent evaluator may be an individual from within the same employing agency as that of the candidate, or from another agency which performs the same or substantially similar child welfare/child protection work, provided that the individual meets the above criteria as an independent evaluator.~~

3. ~~Under no circumstances shall an independent evaluator conduct an assessment of any candidate within his or her chain of command, or of any candidate with whom there may exist a personal relationship or conflict of interest.~~

4. ~~Absent special or other circumstances, the same independent evaluator shall be responsible for evaluating a candidate's Performance Assessment in its entirety, including both the Casework and Interpersonal portions, as well as any agency specific additions to the assessment.~~

(7) Both the Casework and Interpersonal portions of the Performance Assessment shall undergo a two-tiered evaluation, whereby each portion is assessed by two (2)

evaluators, either internal or external to the employing agency, both of whom must be certified, and at least one of whom shall be an "independent evaluator" of the candidate's Performance Assessment (i.e., "independent" in that he or she is not in the candidate's chain of command). If certified as a supervisor, the candidate's supervisor may serve as the first-tier evaluator, but is not required to do so.

(a) If the candidate's immediate supervisor is not certified as a supervisor, he or she shall not serve as the first-tier evaluator for either the Casework or Interpersonal portions of the Performance Assessment; a certified supervisor or other evaluator certified at the supervisory or higher level (supervisor; specialist; trainer) must conduct the evaluation. When possible, the certified individual serving as an evaluator should be certified in the same program area of child protection expertise as that in which the candidate is seeking certification (e.g., Investigations; Case Management; Licensing).

(b) In order for an individual to serve as an independent evaluator, he or she shall:

1. Be a Certified Child Welfare Trainer, or

2. Be a Certified Child Protection Professional whose certification, when possible, is in the same position classification as that in which the candidate is seeking certification (Protective Investigations; Case Management; Licensing).

a. For certification candidates in the positions of Child Protective Investigator, Case Manager, Licensing Counselor, and Specialized Services Professional, an independent evaluator may be any individual with supervisory or higher level (i.e., Specialist; Trainer) certification.

b. For certification candidates in the position of Supervisor in any of the position classifications of Protective Investigations, Case Management, Licensing, or Specialized Services, an independent evaluator may be any individual with identical (i.e., Supervisor) or higher level (i.e., Specialist; Trainer) certification.

c. For certification candidates in the position of Specialist in any of the position classifications of Protective Investigations, Case Management, Licensing, or Specialized Services, an independent evaluator may be any individual with identical (i.e., Specialist) or higher level (i.e., Trainer) certification.

(c) Independent evaluators may be from within the same employing agency as that of the candidate, or from another agency which performs the same or substantially similar child welfare/child protection work, provided that the individuals meet the above independent evaluator criteria. Agency policy may include the assignment of more than one independent evaluator or the use of independent evaluation teams.

(d) An independent evaluator shall not conduct an assessment of any candidate within his or her chain of command, or of any candidate with whom there may exist a personal relationship or conflict of interest.

(e) If more than one independent evaluator is assigned, the same independent evaluator(s) shall not be required to evaluate both portions of a candidate's Performance Assessment (including any agency-specific additions); one independent evaluator may evaluate the Casework portion, and another evaluate the Interpersonal portion of the assessment.

(8) Casework Component of the Performance Assessment.

(a) For all positions and candidates for certification, each employing agency will establish Performance Assessment case selection procedures which may include identifying one "test" case per candidate, or a combination of several such cases per candidate, in order to determine an average rating of all standards. Case selection procedures may also include random or planned identification of the one or more "test" cases, which meet the established criteria for Each employing agency will establish a protocol for determining how to select a case to be identified for the casework component of the Performance Assessment, within the guidelines set forth in this rule for each candidate's position classification and certification designation.

(b) The Performance Assessment enables child protection professionals to demonstrate their skills consistent with the specific tasks their jobs requires.

1. Each individual shall complete the casework component of the Performance Assessment that is most representative of or most closely matches his or her job responsibilities.

2. In those situations where an individual works in a "mixed" unit and performs several job functions, or works in a highly specialized unit and performs a very specific or limited job function, the individual will meet with his or her supervisor in order to determine which casework component of the Performance Assessment would be the most appropriate to complete for his or her job.

a. There are instances in which an individual's job duties are very specific and limited to one primary function for which there are no existing, Department-approved Performance Assessments that would provide an appropriate measure of the individual's knowledge, skills, abilities and priorities in performing his or her particular job (e.g., placements; locating missing children; etc.).

b. In these cases, if the agency requires that the individual be certified, the agency shall develop the casework component of a position-specific Performance Assessment, and shall submit same draft to the Office of Safety for review, comment and approval prior to its use.

1. All such position-specific Performance Assessments shall be designed to evaluate comparable criteria as that which is evaluated by the Department-approved Performance Assessments incorporated by reference herein, in terms of compliance with applicable statutes and rules, as well as quality of practice measures in each of the standards of Assessment, Documentation, and Planning.

2. For the interpersonal component, the Department will approve use of the interpersonal skills assessment for either client interaction (as approved for use by investigators, case managers, or licensing counselors), or for staff/peer interaction (as approved for use by supervisors and specialists), depending upon the individual's job function. The certification designation for individuals who successfully complete these Department-approved, position-specific Performance Assessments will be "Child Protection Specialized Services Professional".

(c) For all Performance Assessments, the casework component evaluation shall include a review of all documentation in both the paper case file (if any) and the electronic SACWIS (FSFN) record of the case.

~~(e)~~1. In those situations where it is anticipated or known that an evaluator may be unable to access or view documentation within the FSFN record, all documents, completed forms and information in the electronic FSFN or other SACWIS record of the case (FSFN) must be printed out and placed into the case file to be evaluated (or otherwise made accessible to all reviewers), prior to the scheduled starting date of the first tier supervisor's evaluation.

2. All casework conducted and documents prepared, included and evaluated as part of the casework portion of the Performance Assessment shall be representative of those casework activities and documents regularly required to be completed or reviewed as part of the candidate's typical job responsibilities. For Protective Investigator, Case Manager, Licensing Counselor, and Specialized Services Professional candidates, all documents evaluated shall be the sole work of the candidate.

~~3.2.~~ No documents may be added to, removed from, or changed within either the electronic or printed case file once the Performance Assessment has begun.

(d) ~~Absent special or other circumstances accommodated by the employing agency, the first-tier evaluator supervisor must begin his or her evaluation of the casework portion of the assessment no sooner than six (6) months from the date of the candidate's successful completion of the waiver or post test, and must conclude his or her evaluation within 10 business days of having the completed case file provided to him or her by the candidate or the candidate's supervisor.~~

(e) An independent evaluation of the casework portion of the Performance Assessment may be conducted only after the initial evaluation has been completed by the first-tier evaluator candidate's immediate supervisor.

1. The results of the first-tier supervisor's evaluation and rating of the casework portion of the Performance Assessment shall not be shared with the candidate, the independent evaluator or any other party prior to the independent evaluator having completed his or her evaluation.

2. Upon completion of his or her evaluation, (no later than 10 business days after having received all case materials), first-tier evaluator the supervisor will provide the case file to the independent evaluator for his or her evaluation, regardless of the results of the first-tier supervisor's evaluation.

(f) ~~Each~~ The independent evaluator has 10 business days from the date he or she has been provided with the completed case file to conclude his or her evaluation of the candidate's work products.

(9) Casework Component of the Performance Assessment for Child Protective Investigator, Child Protection Case Manager, and Child Protection Licensing Counselor candidates:

(a) Demonstration of core competency elements through skilled performance of minimum applicable key case activities as set forth in the Department-approved basic, core Performance Assessment designed for each position classification and certification designation is required for successful completion of the casework component of the Performance Assessment by candidates for Child Protective Investigator, Child Protection Case Manager, and Child Protection Licensing Counselor certification.

(b) All case activity must be completed pursuant to the applicable requirements of Chapter 39, F.S. and Chapters 65C-13, 65C-16, 65C-28, 65C-29, 65C-30, and 65C-31, Florida Administrative Code, including adhering to the applicable time frames as set forth in same statute and rules.

(c) Each case for evaluation shall be selected according to the employing agency's case selection criteria, and shall be a case which has (or had, in closed cases) been open for a sufficient length of time so that it includes all of the documents required to be evaluated by the Performance Assessment. All documents in the case selected to be evaluated shall have been personally completed by the candidate. The parameters for case selection for the following Performance Assessments are:

1. "Performance Assessment for Child Protective Investigator Candidates", CF-FSP 5344, August 2010, incorporated by reference and available at www.dcf.state.fl.us/publications/.

a. All documents in the case(s) selected to be evaluated shall have been personally completed by the candidate. The case shall be a closed judicial or non-judicial case with findings (closed no longer than within the past 60 days), which was staffed and referred for on-going case management service provision, and for which the candidate had primary responsibility.

b. The case may be an out-of-home case, where the child was removed and is living with a relative, non-relative, legal custodian, or foster parent; or the case may be an in-home case, where the child is living with one or both parents, under agency or court-ordered supervision.

2. “Performance Assessment for Child Protection Case Manager Candidates”, CF-FSP 5346, August 2010, incorporated by reference and available at www.dcf.state.fl.us/publications/.

a. All documents in the case(s) selected to be evaluated shall have been personally completed by the candidate. The case shall be an open or recently closed judicial or non-judicial case for which the candidate has/had primary responsibility. If open, the case must have been open for a sufficient length of time to enable the candidate to have developed each of the documents being assessed; if closed, the case can have been closed for no longer than 90 days prior to the start of the Performance Assessment process.

b. The case may be an out-of-home case, where the child was removed and is living with a relative, non-relative, legal custodian, or foster parent; or the case may be an in-home case, where the child is living with one or both parents, under agency or court-ordered supervision.

c. The preferred hierarchy of case selection for this Performance Assessment is as follows: The selected case shall be a judicial out-of-home case which is open, or which has been closed no longer than 90 days at the start of the Performance Assessment process. If the candidate’s work involves only (or primarily) judicial in-home cases, the case selected may be a judicial in-home case which is open, or which has been closed no longer than 90 days at the start of the Performance Assessment process. If the candidate’s work involves only (or primarily) non-judicial in-home cases, the case selected may be a judicial in-home case which is open, or which has been closed no longer than 90 days at the start of the Performance Assessment process.

3. “Performance Assessment for Child Protection Licensing Counselor Candidates”, CF-FSP 5348, August 2010, incorporated by reference and available at www.dcf.state.fl.us/publications/.

a. All documents in the case(s) selected to be evaluated shall have been personally completed by the candidate. Documentation to be reviewed shall be in FSFN or other Department-approved database or system if the licensed child-placing agency is unable to input, retrieve or otherwise access information in the FSFN system. Unless the candidate’s work involves only (or primarily) relicensing files, the case shall be an initial licensing file which has been completed in full, so that it includes all of the documents evaluated by the assessment (including, the home study, all supporting licensing documentation, and a recommendation to license), and all such documents being evaluated must have been personally completed by the candidate. The file can be one which has been submitted (or one which has not yet been submitted) for licensure.

b. If the candidate’s work involves only (or primarily) relicensing files, the file selected for the Performance Assessment may be a relicensing file, provided that the file is

an active (not closed) relicensing file of a foster home which has had at least one placement (not respite) for a minimum of 90 days during the past licensing year. All documents in the relicensing case(s) selected to be evaluated shall have been personally completed by the candidate.

(10) Casework Component of the Performance Assessment for Child Protective Investigations, Child Protection Case Management, and Child Protection Licensing Supervisor or Specialist candidates.

(a) These Assessments are designed for Supervisors or for any individual, regardless of position title, who is primarily responsible for directly supervising Child Protective Investigators, Child Protection Case Managers, Child Protection Licensing Counselors, or any other persons who provide direct client services of a protective investigations, case management or licensing nature; certification is required for all supervising individuals meeting this criteria.

(b) These Assessments are also designed for Specialists or for any individual, regardless of position title, who performs the same or substantially similar function as a Program Specialist, Quality Assurance Professional, Field Trainer, Job Coach, or who is otherwise responsible for evaluating the job performance of a Child Protective Investigator, Child Protection Case Manager, or Child Protection Licensing Counselor, or who is otherwise responsible for providing case oversight or review in the program area of investigations, case management or licensing, but who is not responsible for providing direct supervision. Certification is optional for individuals in these Specialist or similar positions.

(c) A candidate for Supervisor or Specialist certification shall conduct an analysis of the casework of a Child Protective Investigator, a Child Protection Case Manager, or a Child Protection Licensing Counselor.

(d) Demonstration of core competency elements through skilled critical analysis of the strengths, omissions and errors in the case, in addition to identification of the improvements needed in the work product(s) analyzed per the case criteria set forth in the Department-approved Performance Assessment designed for each position classification and certification designation is required for successful completion of the casework component of the Performance Assessment by a candidate for Supervisor or Specialist certification.

(e) All case activity must be analyzed using the applicable requirements of Chapter 39, F.S. and Chapters 65C-13, 65C-16, 65C-28, 65C-29, 65C-30, and 65C-31, Florida Administrative Code, including applicable time frames as set forth in same statute and rules.

(f) The Supervisor or Specialist candidate shall conduct his or her analysis on a case which shall be selected according to the agency’s case selection criteria. However, a candidate shall not be assigned to conduct his or her analysis on a case on which he or she provided direct supervision or a significant amount of consultation prior to the assessment. Cases may be

selected from any unit or program area caseload. The parameters for case selection for the following Performance Assessments are:

1. "Performance Assessment for Supervisor and Specialist Candidates in Child Protective Investigations", CF-FSP 5345, August 2010, incorporated by reference and available at www.dcf.state.fl.us/publications/.

a. For Child Protective Investigations Supervisor or Specialist candidates, the selected case must be a closed judicial or non-judicial case with findings (closed no longer than within the past 60 days), which was staffed and referred for on-going case management service provision.

b. The selected case may be an out-of-home case, where the child was removed and is living with a relative, non-relative, legal custodian, or foster parent; or the case may be an in-home case, where the child is living with one or both parents, under agency or court-ordered supervision.

2. "Performance Assessment for Supervisor and Specialist Candidates in Child Protection Case Management", CF-FSP 5347, August 2010, incorporated by reference and available at www.dcf.state.fl.us/publications/.

a. For Child Protection Case Management Supervisor or Specialist candidates, the selected case must be an open or recently closed judicial or non-judicial case which was staffed for service provision. If open, the case must have been open for a sufficient length of time to allow for the development of each of the documents being assessed; if closed, the case can have been closed for no longer than 90 days prior to the start of the Performance Assessment process.

b. The case may be an out-of-home case, where the child was removed and is living with a relative, non-relative, legal custodian, or foster parent; or the case may be an in-home case, where the child is living with one or both parents, under agency or court-ordered supervision.

c. The preferred hierarchy of case selection for this Performance Assessment is as follows: The selected case shall be a judicial out-of-home case which is open, or which has been closed no longer than 90 days at the start of the Performance Assessment process. If the candidate's work involves reviewing only (or primarily) judicial in-home cases, the case selected may be a judicial in-home case which is open, or which has been closed no longer than 90 days at the start of the Performance Assessment process. If the candidate's work involves reviewing only (or primarily) non-judicial in-home cases, the case selected may be a judicial in-home case which is open, or which has been closed no longer than 90 days at the start of the Performance Assessment process.

3. "Performance Assessment for Supervisor and Specialist Candidates in Child Protection Licensing", CF-FSP 5349, August 2010, incorporated by reference and available at www.dcf.state.fl.us/publications/.

a. For Child Protection Licensing Supervisor or Specialist candidates, unless the candidate's work involves reviewing only (or primarily) relicensing files, the selected case must be an initial licensing file which has been completed in full, so that it includes all of the documents evaluated by the assessment (including the home study, all supporting licensing documentation, and a recommendation to license). The file can be one which has been submitted or not yet submitted for licensure, and can be active/open or inactive/closed.

b. If the candidate's work involves reviewing only (or primarily) relicensing files, the file selected for the Performance Assessment may be a relicensing file, provided that the file is an open (or recently closed) relicensing file of a foster home which had at least one placement (not respite) for a minimum of 90 days during the past licensing year.

(11) For all Supervisor candidates, the successful completion of the "Supervising for Excellence" or other Department-approved classroom training as addressed in Rule 65C-33.007, F.A.C., is an additional requirement for certification; completion of the supervisory training is not a requirement for certification of Specialist candidates, unless they provide direct supervision.

(9) Casework Component of the Performance Assessment for Child Protective Investigator candidates:

(a) The case for evaluation shall be selected and agreed upon jointly by the candidate and his or her supervisor, and will be identified early enough in the case flow process for the candidate to personally complete all of the case documents being evaluated.

(b) The case shall be a judicial case with findings, which was staffed and referred for on-going case management service provision.

(c) The case may be an out-of-home case, where the child was removed and is living with a relative, non-relative, legal custodian, or foster parent; or the case may be an in-home case, where the child is living with one or both parents, under court-ordered supervision.

(d) I. Demonstration of core competency elements through skilled performance of the following minimum applicable key case activities is required for successful completion of the casework component of the Performance Assessment by a Child Protective Investigator candidate:

2. All of the following must be completed pursuant to statute, rule and policy, including adhering to applicable time frames:

a. Information gathering, to include:

I. On-site, face-to-face visits as required (home; school; field);

II. Frequency of visits/contact with child, caregivers, and birth parent(s) as required, and as consistent with risk;

III. Level of intervention is consistent with risk;

IV. Thorough assessment of safety and on-going risk factors at each home visit/contact;

~~V. Safety Plan (if applicable), addresses all identified safety concerns;~~

~~VI. Background records checks (as required);~~

~~VII. Relevant collateral contacts as required.~~

~~b. Documentation, to include:~~

~~I. Case record contents are well organized and easy to understand;~~

~~II. All demographic, participant, and relationship information in the printed, hard copy of the case file, as well as that which is in the SACWIS system of record (FSFN) is correct and current;~~

~~III. The case documentation in the printed, hard copy of the case file, as well as that which is in the SACWIS system of record (FSFN) is of good quality, accurate, relevant, well-written, and the entries have consistently been completed in a timely manner;~~

~~IV. The Pre-Disposition Study/Report (if applicable to the case being evaluated and completed solely by the candidate), meets all statutory and rule requirements; and the content is accurate, informative, timely and well-written;~~

~~V. The Home Study for relative or non relative placement (if applicable) is of such quality that it: includes enough relevant information to support appropriate decision making; addresses special placement or other considerations, including matching the strengths of the family to the needs of the child; addresses all safety and risk factors as appropriate; and includes all applicable background checks completed within required time frames.~~

~~e. Assessment, to include:~~

~~I. Child Safety Assessment (Initial) and Risk Assessment (On going): Includes complete information on all family/household members and other relevant individuals. The information in the Family Assessment(s) is of such quality that it: supports appropriate decision-making, addresses the strengths and needs of all family/household members and other significant individuals, addresses all safety and risk factors as appropriate, and includes all applicable background checks completed within required time frames. The initial and on-going assessment of the family and home address potential immediate safety and long term risks to children (which includes present and emerging dangers, child vulnerability, and caregiver protective capacity implications), and the information is updated and documented with sufficient thoroughness at each home visit/contact to identify possible risks, and enable development of a safety plan if needed;~~

~~II. A Safety Plan (if applicable) is documented, and safety planning is addressed appropriately (if necessary);~~

~~III. The documentation of identified issues, strengths and needs provides accurate and relevant information for immediate and long term safety planning, case planning, and permanency considerations;~~

~~IV. Case activity/documentation reflects that intervention was consistent with risk, that appropriate referral(s) were initiated in a timely manner, that services were provided consistent with needs in a timely manner, and that there was appropriate follow up to verify service provision (including documentation as to why such identified/needed services were not provided or accessed);~~

~~d. Decision making, to include:~~

~~I. Both reasonable efforts and removal/placement activities were conducted consistent with risk and as required by statute and rule;~~

~~II. Case activity/documentation reflects that there was preparation for and participation in the Early Services Intervention/Case Transfer Staffing and other required staffings as appropriate; and that the information provided to receiving unit was timely, accurate and complete;~~

~~III. Case documentation reflects that there was discussion with the supervisor (and other high level agency personnel, if necessary) regarding case issues, if applicable;~~

~~IV. Appropriate findings and case disposition.~~

~~(10) Casework Component of the Performance Assessment for Child Protective Investigations Professionals (Supervisor, Specialist, Quality Assurance Professional and Field Trainer candidates):~~

~~(a) A Supervisor, Specialist, Quality Assurance Professional or Field Trainer candidate shall conduct an analysis of the casework of a Child Protective Investigator.~~

~~(b) The candidate shall conduct his or her analysis on a case which is to be randomly selected and agreed upon jointly by the candidate and his or her supervisor, and is to be selected from the candidate's unit or program area caseload. Under no circumstances shall a candidate be assigned to evaluate a case on which he or she provided supervision or consultation prior to the assessment.~~

~~(c) The case shall be an open or closed judicial case with findings, which was staffed and referred for on-going case management service provision, and which has/had been open for a sufficient amount of time to enable the primary investigator on the case to have completed an initial and updated Child Safety Assessment, a Predisposition Study/Report (or similar document, containing similar information), and a Home Study (if applicable).~~

~~(d) The case may be an out of home case, where the child was removed and is living with a relative, non-relative, legal custodian, or foster parent; or the case may be an in-home case, where the child is living with one or both parents, under supervision.~~

~~(e) I. Demonstration of core competency elements through skilled critical analysis of the strengths, omissions and errors in the case, in addition to identification of the improvements needed in the work product(s) analyzed per the following case criteria is required for successful completion of the casework~~

~~component of the Performance Assessment by a Child Protective Investigations Supervisor, Specialist, Quality Assurance Professional or Field Trainer candidate:~~

~~2. Each of the following must be analyzed using the requirements of statute, rule and policy (including applicable time frames and the guidelines set forth below:~~

~~a. Information gathering, to include:~~

~~I. On-site, face-to-face visits as required (home; school; field);~~

~~II. Frequency of visits/contact with child, caregivers, and birth parent(s) as required, and as consistent with risk;~~

~~III. Level of intervention is consistent with risk;~~

~~IV. Thorough assessment of safety and on-going risk factors at each home visit/contact;~~

~~V. Safety Plan (if applicable), addresses all identified safety concerns;~~

~~VI. Background records checks (as required);~~

~~VII. Relevant collateral contacts as required.~~

~~b. Documentation to include:~~

~~I. Case record contents are well-organized and easy to understand;~~

~~II. All demographic, participant, and relationship information in the printed, hard copy of the case file, as well as that which is in the SACWIS system of record (FSFN) is correct and current;~~

~~III. The case documentation in the printed, hard copy of the case file, as well as that which is in the SACWIS system of record (FSFN) is of good quality, accurate, relevant, well-written, and the entries have consistently been completed in a timely manner;~~

~~IV. The Pre-Disposition Study/Report (or similar document, containing similar information), if applicable to the case being evaluated, meets all statutory and rule requirements; and the content is accurate, informative, timely and well-written;~~

~~V. The Home Study for relative or non relative placement (if applicable to the case) is of such quality that it: includes enough relevant information to support appropriate decision making; addresses special placement or other considerations, including matching the strengths of the family to the needs of the child; addresses all safety and risk factors as appropriate; and includes all applicable background checks completed within required time frames.~~

~~e. Assessment to include:~~

~~I. Child Safety Assessment (Initial) and Risk Assessment (On going): Includes complete information on all family/household members and other relevant individuals. The information in the Family Assessment(s) is of such quality that it: supports appropriate decision-making, addresses the strengths and needs of all family/household members and other significant individuals, addresses all safety and risk factors as appropriate, and includes all applicable background checks~~

~~completed within required time frames. The initial and on-going assessment of the family and home address potential immediate safety and long-term risks to children (which includes present and emerging dangers, child vulnerability, and caregiver protective capacity implications), and the information is updated and documented with sufficient thoroughness at each home visit/contact to identify possible risks, and enable development of a safety plan if needed;~~

~~II. A Safety Plan (if applicable) is documented, and safety planning is addressed appropriately (if necessary);~~

~~III. The documentation of identified issues, strengths and needs provides accurate and relevant information for immediate and long-term safety planning, case planning, and permanency considerations;~~

~~IV. Case activity/documentation reflects that intervention was consistent with risk, that appropriate referral(s) were initiated in a timely manner, that services were provided consistent with needs in a timely manner, and that there was appropriate follow-up to verify service provision (including documentation as to why such identified/needed services were not provided or accessed);~~

~~d. Decision-Making, to include:~~

~~I. Both reasonable efforts and removal/placement activities were conducted consistent with risk and as required by statute and rule;~~

~~II. Case activity/documentation reflects that there was preparation for and participation in the Early Services Intervention/Case Transfer Staffing and other required staffings as appropriate; and that the information provided to receiving unit was timely, accurate and complete;~~

~~III. Case documentation reflects that there was discussion with the supervisor (and other high level agency personnel, if necessary) regarding case issues, if applicable;~~

~~IV. Appropriate findings and case disposition:~~

~~(f)1. For Child Protective Investigator Supervisor candidates, the successful completion of the "Supervising for Excellence" curriculum as addressed in Rule 65C-33.007, F.A.C., is an additional requirement for certification;~~

~~2. A Child Protective Investigator Supervisor candidate shall successfully complete the Performance Assessment prior to participating in the required "Supervising for Excellence" training; the "Supervising for Excellence" curriculum is not a requirement for certification of Child Protective Investigations Specialist, Quality Assurance Professional, or Field Trainer candidates.~~

~~(11) Casework Component of the Performance Assessment for Child Protection Case Manager candidates.~~

~~(a) The case for evaluation shall be selected and agreed upon jointly by the candidate and his or her supervisor, and will be identified early enough in the case flow process for the candidate to personally complete all of the case documents being evaluated.~~

~~(b) The case shall be a judicial case with findings, which was staffed and referred for on-going case management service provision, and to which the candidate was assigned at the time of or shortly after the Early Services Intervention/Case Transfer Staffing, and for which the candidate has primary responsibility.~~

~~(c) The case may be an out-of-home case, where the child was removed and is living with a relative, non relative, legal custodian, foster parent or prospective adoptive parent; or the case may be an in-home case, where the child is living with one or both parents, under court ordered supervision.~~

~~(d) 1. Demonstration of core competency elements through skilled performance of the following minimum applicable key case activities is required for successful completion of the casework component of the Performance Assessment by a Child Protection Case Manager candidate:~~

~~2. All of the following must be completed pursuant to statute, rule and policy, including adhering to applicable time frames:~~

~~a. Information gathering, to include:~~

~~I. Home visits (announced/unannounced) as required;~~

~~II. Frequency of visits/contact with child, caregivers and birth parent(s), as required;~~

~~III. Quality of engagement of child and parents during visits/contact;~~

~~IV. Level of supervision or other intervention is consistent with risk;~~

~~V. Thorough assessment of safety and on-going risk factors at each home visit/contact;~~

~~VI. Safety Plan (if applicable), addresses all identified safety concerns;~~

~~VII. Background records checks (as required);~~

~~VIII. Contacts are purposeful and address case plan goal appropriateness as well as progress/degree of compliance of all parties.~~

~~b. Documentation, to include:~~

~~I. Case record contents are well-organized and easy to understand;~~

~~II. All demographic, participant, and relationship information in the printed, hard copy of the case file, as well as that which is in the SACWIS system of record (FSFN) is correct and current;~~

~~III. The case documentation in the printed, hard copy of the case file, as well as that which is in the SACWIS system of record (FSFN) is of good quality, accurate, relevant, well-written, and the entries have consistently been completed in a timely manner;~~

~~IV. The Pre-Disposition Study/Report (or similar document, containing similar information), if applicable to the case being evaluated and completed solely by the candidate, meets all statutory and rule requirements; and the content is accurate, informative, timely and well-written;~~

~~V. The Case Plan meets all statutory requirements for format, content, and timeframes; the content is accurate, timely, and well-written; the goal is current and appropriate for the case; services are relevant and accessible; tasks are achievable and individualized; desired outcomes are measurable; and the case plan has been updated when appropriate;~~

~~VI. The Judicial Review Social Study Report meets all statutory requirements for format, content, and timeframes; the content is accurate, timely, and well-written; and the document includes all attachments and assurances as required;~~

~~VII. The material included in the Home Study for relative or non-relative placement, if applicable (or either the Adoptive Home Study, or Child Study, as applicable for Adoption Case Managers), is of such quality that it: includes enough relevant information to support appropriate decision-making; addresses special placement or other considerations, including matching the strengths of the family to the needs of the child; background checks completed within required time frames addresses all safety and risk factors as appropriate; and includes all applicable~~

~~e. Assessment, to include:~~

~~I. The initial Family Assessment (and updated Family Assessment, if applicable), includes complete information on all family and household members and other relevant individuals. The information in the Family Assessment(s) is of such quality that it: supports appropriate decision-making; addresses special placement or other considerations, including matching the strengths of the family to the needs of the child; addresses all safety and risk factors as appropriate; and includes all applicable background checks completed within required time frames. The initial and on-going assessments of the family and home address potential immediate safety and long-term risks to children (which includes present and emerging dangers, child vulnerability, and caregiver protective capacity implications), and the information is updated and documented with sufficient thoroughness at each home visit/contact to identify possible risks, and enable development of a safety plan if needed;~~

~~II. A Safety Plan (if applicable) is documented, and safety planning is addressed appropriately (if necessary);~~

~~III. The documentation of identified issues, strengths and needs provides accurate and relevant information for immediate and long-term safety planning, case planning, and permanency considerations;~~

~~IV. Case activity/documentation reflects that intervention was consistent with risk, that appropriate referral(s) were initiated in a timely manner, that services were provided consistent with needs in a timely manner, and that there was appropriate follow-up to verify service provision (including documentation as to why such identified/needed services were not provided or accessed);~~

~~d. Decision Making, to include:~~

~~I. Placement activities (if required), considered the needs of the child, engaged the family (when appropriate), and were conducted consistent with risk and as required by statute and rule;~~

~~II. Case activity/documentation reflects that there was preparation for and participation in both internal (agency) and external (e.g., IEP) staffings as appropriate;~~

~~III. Case documentation reflects that there was discussion with the supervisor (and other high level agency personnel, if necessary) regarding case issues, if applicable.~~

~~IV. The case goal is current, appropriate and achievable.~~

~~(12) Casework Component of the Performance Assessment for Child Protection Case Management Professionals (Supervisor, Specialist, Quality Assurance Professional, and Field Trainer candidates):~~

~~(a) A Supervisor, Specialist, Quality Assurance Professional, or Field Trainer candidate shall conduct an analysis of the casework of a Case Manager.~~

~~(b) The candidate will conduct his or her analysis on a case which shall be randomly selected and agreed upon jointly by the candidate and his or her supervisor, and is to be selected from the candidate's unit or program area caseload. Under no circumstances shall a candidate be assigned to evaluate a case on which he or she provided supervision or consultation prior to the assessment.~~

~~(c) The case shall be a judicial case with findings, which was staffed and referred for on-going case management service provision, and to which a Case Manager was assigned at the time of or shortly after the Early Services Intervention/Case Transfer Staffing, and for which a Case Manager continues to have primary responsibility.~~

~~(d) The case may be an out-of-home case, where the child was removed and is living with a relative, non relative, legal custodian, or foster parent; or the case may be an in-home case, where the child is living with one or both parents, under court ordered supervision.~~

~~(e) I. Demonstration of core competency elements through skilled critical analysis of the strengths, omissions and errors in the case, in addition to identification of the improvements needed in the work product(s) analyzed per the following case criteria, is required for successful completion of the casework component of the Performance Assessment by a Child Protection Case Management Supervisor, Specialist, Quality Assurance Professional, or Field Trainer candidate:~~

~~2. Each of the following must be analyzed using the requirements of statute, rule and policy (including applicable time frames), and the guidelines set forth below:~~

~~a. Information gathering, to include:~~

~~I. Home visits (announced/unannounced) as required;~~

~~II. Frequency of visits/contact with child, caregivers and birth parent(s), as required;~~

~~III. Quality of engagement of child and parents during visits/contact;~~

~~IV. Level of supervision or other intervention is consistent with risk;~~

~~V. Thorough assessment of safety and on going risk factors at each home visit/contact;~~

~~VI. Safety Plan (if applicable), addresses all identified safety concerns;~~

~~VII. Background records checks (as required);~~

~~VIII. Contacts are purposeful and address case plan goal appropriateness as well as progress/degree of compliance of all parties.~~

~~b. Documentation, to include:~~

~~I. Case record contents are well organized and easy to understand;~~

~~II. All demographic, participant, and relationship information in the printed, hard copy of the case file, as well as that which is in the SACWIS system of record (FSFN) is correct and current;~~

~~III. The case documentation in the printed, hard copy of the case file, as well as that which is in the SACWIS system of record (FSFN) is of good quality, accurate, relevant, well written, and the entries have consistently been completed in a timely manner;~~

~~IV. The Pre-Disposition Study/Report (or similar document, containing similar information), if applicable to the case being evaluated, meets all statutory and rule requirements; and the content is accurate, informative, timely and well written;~~

~~V. The Case Plan meets all statutory requirements for format, content, and timeframes; the content is accurate, timely, and well written; the goal is current and appropriate for the case; services are relevant and accessible; tasks are achievable and individualized; desired outcomes are measurable; and the case plan has been updated when appropriate;~~

~~VI. The Judicial Review Social Study Report meets all statutory requirements for format, content, and timeframes; the content is accurate, timely, and well written; and the document includes all attachments and assurances as required;~~

~~VII. The material included in the Home Study for relative or non relative placement, if applicable (or either the Adoptive Home Study, or Child Study, as applicable for Adoption Case Managers), is of such quality that it: includes enough relevant information to support appropriate decision-making; addresses special placement or other considerations, including matching the strengths of the family to the needs of the child; addresses all safety and risk factors as appropriate; and includes all applicable background checks completed within required time frames.~~

~~e. Assessment, to include:~~

~~I. The initial Family Assessment (and updated Family Assessment, if applicable), includes complete information on all family and household members and other relevant individuals. The information in the Family Assessment(s) is of~~

~~such quality that it supports appropriate decision-making, addresses the strengths and needs of all family and appropriate decision-making; addresses special placement or other considerations, including matching the strengths of the family to the needs of the child; addresses all safety and risk factors as appropriate; and includes all applicable background checks completed within required time frames. The initial and on-going assessments of the family and home address potential immediate safety and long-term risks to children (which includes present and emerging dangers, child vulnerability, and caregiver protective capacity implications), and the information is updated and documented with sufficient thoroughness at each home visit/contact to identify possible risks, and enable development of a safety plan if needed;~~

~~H. A Safety Plan (if applicable) is documented, and safety planning is addressed appropriately (if necessary);~~

~~III. The documentation of identified issues, strengths and needs provides accurate and relevant information for immediate and long-term safety planning, case planning, and permanency considerations;~~

~~IV. Case activity/documentation reflects that intervention was consistent with risk, that appropriate referral(s) were initiated in a timely manner, that services were provided consistent with needs in a timely manner, and that there was appropriate follow up to verify service provision (including documentation as to why such identified/needed services were not provided or accessed).~~

~~d. Decision-Making, to include:~~

~~I. Placement activities (if required), considered the needs of the child, engaged the family (when appropriate), and were conducted consistent with risk and as required by statute and rule;~~

~~II. Case activity/documentation reflects that there was preparation for and participation in both internal (agency) and external (e.g., IEP) staffings as appropriate;~~

~~III. Case documentation reflects that there was discussion with the supervisor (and other high-level agency personnel, if necessary) regarding case issues, if applicable.~~

~~IV. The case goal is current, appropriate and achievable.~~

~~(f)1. For Child Protection Case Management Supervisor candidates, the successful completion of the "Supervising for Excellence" curriculum as addressed in Rule 65C 33.007, F.A.C., is an additional requirement for certification; the "Supervising for Excellence" curriculum is not a requirement for certification of Child Protection Case Management Specialist, Quality Assurance Professional, or Field Trainer candidates.~~

~~2. A Child Protection Case Management Supervisor candidate shall successfully complete the Performance Assessment prior to participating in the required "Supervising for Excellence" training.~~

~~(13) Casework Component of the Performance Assessment for Child Protection Licensing Counselor candidates.~~

~~(a) The case for evaluation shall be selected and agreed upon jointly by the candidate and his or her supervisor, and will be identified early enough in the case flow process for the candidate to personally complete all of the case documents being evaluated.~~

~~(b) The case shall be that of an actively licensed foster home for which the candidate completed both the licensing checklist and the licensing home study, and for which the candidate has primary responsibility.~~

~~(c)1. Demonstration of core competency elements through skilled performance of the following minimum applicable key case activities is required for successful completion of the casework component of the Performance Assessment by a Child Protection Licensing Professional:~~

~~2. All of the following must be completed pursuant to statute, rule and policy, including adhering to applicable time frames:~~

~~a. Information gathering, to include:~~

~~I. Home visits as required;~~

~~II. Frequency of visits with licensed caregivers as required;~~

~~III. Thorough assessment of safety and on-going risk factors at each home visit/contact;~~

~~IV. Safety Plan (if applicable), addresses all identified safety concerns;~~

~~V. Background records checks (as required);~~

~~VI. Contacts are purposeful and address placement and foster home compliance issues.~~

~~b. Documentation, to include:~~

~~I. Case record contents are well-organized, and easy to understand;~~

~~II. All foster family demographic information in the printed, hard copy of the licensing file, as well as that which is in the SACWIS system of record (FSFN) is correct and current;~~

~~III. The case documentation in the printed, hard copy of the licensing file, as well as that which is in the SACWIS system of record (FSFN) is of good quality, accurate, relevant, well-written, and the entries have consistently been completed in a timely manner;~~

~~IV. The Licensing Checklist and the Licensing Home Study include complete information on all family and household members and other relevant individuals. The material in the Home Study is of such quality that it includes enough relevant information to support appropriate decision-making; addresses special placement or other considerations, including matching the strengths of the family~~

to the needs of the child; addresses all safety and risk factors as appropriate; and includes all applicable background checks completed within required time frames:

e. Assessment, to include:

I. The initial assessment of the prospective foster family and home as well as the on-going assessment of the licensed family and home both address potential immediate safety and long-term risks to children (which includes present and emerging dangers, foster child vulnerability, and caregiver protective capacity implications), and the information is updated with sufficient thoroughness at each home visit/contact to identify possible risks, and enable development of a safety plan if needed;

II. A Safety Plan (if applicable) is documented, and safety planning is addressed appropriately (if necessary);

III. The documentation of identified issues, strengths and needs in both the Licensing Checklist and the Licensing Home Study provides accurate and relevant information for licensing/placement purposes, as well as for immediate and long-term safety planning, case planning, and permanency considerations;

IV. Case activity/documentation reflects that intervention (if applicable) was consistent with risk, that appropriate referral(s) were initiated in a timely manner, that services were provided consistent with needs in a timely manner, and that there was appropriate follow-up to verify service provision (including documentation as to why such identified/needed services were not provided or accessed).

d. Decision-Making, to include:

I. Licensing/relicensing decisions were made in accordance with statute, rule and child safety factors;

II. The strengths of the foster family were matched to the needs of the child when possible;

III. Case documentation/activity reflects that there was preparation for and participation in staffings or other agency mechanisms for ensuring that relevant information was reviewed and shared between affected parties (e.g., exit interviews; meeting with case managers who had placed children in the home, etc.);

IV. Case documentation reflects that there was coordination with other individuals or entities in order to help enhance timely service provision or to address concerns.

(14) Casework Component of the Performance Assessment for Child Protection Licensing Professionals (Supervisor, Specialist, Quality Assurance Professional, and Field Trainer candidates):

(a) A Supervisor, Specialist, Quality Assurance Professional, or Field Trainer candidate shall conduct an analysis of the casework of a Licensing Counselor.

(b) The candidate will conduct his or her analysis on a case which shall be randomly selected and agreed upon jointly by the candidate and his or her supervisor, and is to be selected from the candidate's unit or program area caseload. Under no

circumstances shall a candidate be assigned to evaluate a case on which he or she provided supervision or consultation prior to the assessment:

(c) The case shall be that of an actively licensed foster home for which a Licensing Counselor completed the licensing study, and for which a Licensing Counselor has primary responsibility:

(d) I. Demonstration of core competency elements through skilled critical analysis of the strengths, omissions and errors in the case, in addition to identification of the improvements needed in the work product(s) analyzed per the following case criteria, is required for successful completion of the casework component of the Performance Assessment by a Child Protection Licensing Supervisor Specialist, Quality Assurance Professional, or Field Trainer candidate:

2. Each of the following must be analyzed using the requirements of statute, rule and policy (including applicable time frames), and the guidelines set forth below:

a. Information gathering, to include:

I. Home visits as required;

II. Frequency of visits with licensed caregivers as required;

III. Thorough assessment of safety and on-going risk factors at each home visit/contact;

IV. Safety Plan (if applicable), addresses all identified safety concerns;

V. Background records checks (as required);

VI. Contacts are purposeful and address placement and foster home compliance issues:

b. Documentation, to include:

I. Case record contents are well-organized, and easy to understand;

II. All foster family demographic information in the printed, hard copy of the licensing file, as well as that which is in the SACWIS system of record (FSFN) is correct and current;

III. The case documentation in the printed, hard copy of the licensing file, as well as that which is in the SACWIS system of record (FSFN), is of good quality, accurate, relevant, well-written, and the entries have consistently been completed in a timely manner;

IV. The Licensing Checklist and the Licensing Home Study include complete information on all family/household members and other relevant individuals. The material in the Home Study is of such quality that it: includes enough relevant information to support appropriate decision-making; addresses special placement or other considerations, including matching the strengths of the family to the needs of the child; addresses all safety and risk factors as appropriate; and includes all applicable background checks completed within required time frames.

e. Assessment, to include:

~~I. The initial assessment of the prospective foster family and home as well as the on going assessment of the licensed family and home both address potential immediate safety and long-term risks to children (which includes present and emerging dangers, foster child vulnerability, and caregiver protective capacity implications), and the information is updated with sufficient thoroughness at each home visit/contact to identify possible risks, and enable development of a safety plan if needed;~~

~~H. A Safety Plan (if applicable) is documented, and safety planning is addressed appropriately (if necessary);~~

~~III. The documentation of identified issues, strengths and needs in both the Licensing Checklist and the Licensing Home Study provides accurate and relevant information for licensing/placement purposes, as well as for immediate and long-term safety planning, case planning, and permanency considerations;~~

~~IV. Case activity/documentation reflects that intervention (if applicable) was consistent with risk, that appropriate referral(s) were initiated in a timely manner, that services were provided consistent with needs in a timely manner, and that there was appropriate follow-up to verify service provision (including documentation as to why such identified/needed services were not provided or accessed):~~

~~d. Decision-Making, to include:~~

~~I. Licensing/relicensing decisions were made in accordance with statute, rule child safety factors;~~

~~H. The strengths of the foster family were matched to the needs of the child when possible;~~

~~III. Case documentation/activity reflects that there was preparation for and participation in staffings or other agency mechanisms for ensuring that relevant information was reviewed and shared between affected parties (e.g., exit interviews; meeting with case managers who had placed children in the home, etc.);~~

~~IV. Case documentation reflects that there was coordination with other individuals or entities in order to help enhance timely service provision or to address concerns.~~

~~(e)1. For Child Protection Licensing Supervisor candidates, the successful completion of the "Supervising for Excellence" curriculum as addressed in Rule 65C-33.007, F.A.C., is an additional requirement for certification; the "Supervising for Excellence" curriculum is not a requirement for certification of Child Protection Licensing Specialist, Quality Assurance Professional, or Field Trainer candidates.~~

~~2. A Child Protection Licensing Supervisor candidate shall successfully complete the Performance Assessment prior to participating in the required "Supervising for Excellence" training.~~

~~(12)(15) Interpersonal Skills Component of the Performance Assessment.~~

(a) It is the responsibility of the candidate to select the interaction(s) for the interpersonal skills evaluation(s) and to schedule the observation(s). Each interaction may take place in any setting in which the candidate typically engages in a professional interaction with others as part of his or her job.

1. For Child Protective Investigator, Child Protection Case Manager, and Child Protection Licensing Counselor candidates, the interpersonal skills evaluation(s) ~~shall~~ may be scheduled in a client or family home, in the candidate's office, or in any other professional setting in which the candidate interacts with children and adult clients.

2. For Child Protection Case Manager candidates, the interpersonal skills evaluation(s) shall be scheduled in a client or family home, during a home visit.

3. For Child Protection Licensing Counselor candidates, the interpersonal skills evaluation(s) shall be scheduled in the home of a family that is seeking licensure or relicensure.

~~4.2. For Supervisor and Specialist Supervisor, Specialist, Quality Assurance Professional and Field Trainer candidates~~ in each of the position classifications, the interpersonal skills evaluations ~~shall~~ may be scheduled in the candidate's office or the field, where the candidate interacts with staff, peers, or other professionals.

(b) The interpersonal skills evaluation(s) may be scheduled at any time after the Performance Assessment has begun, as long as there is sufficient time for both portions of the Assessment (including any re-takes, if necessary) to be completed no later than one (1) year "window" period opens, from no sooner than six (6) months from the date of the candidate's hire into the position, or successful completion of the waiver or post-test (whichever is later), to no later than nine (9) months from the date of the candidate's hire into the position, or successful completion of the waiver or post-test, whichever is earlier later.

(e)1. There is no requirement that the first-tier evaluator supervisor and the independent evaluator observe separate interactions, although they may do so, based upon such factors as scheduling availability and sensitivity to the needs of clients and families.

2. If the first-tier evaluator supervisor and independent evaluator observe separate interactions, either evaluator's observation may be completed first the supervisor's observation must be completed prior to the independent evaluator conducting his or her evaluation.

(d) For all candidates for certification, the interpersonal professional interactions shall be evaluated per the criteria set forth in the Department-approved Performance Assessment most applicable to each candidate's job function, in terms of each of the following minimum applicable key activities which must be demonstrated in a manner consistent with generally accepted standards of professional conduct:

1. ~~Demonstration of advanced preparation for the interaction;~~

- ~~2. Performance of introduction(s);~~
- ~~3. Knowledge and explanation of the purpose of the visit/interaction;~~
- ~~4. Ability to maintain an objective, professional approach;~~
- ~~5. Ability to engage children (as appropriate for age and developmental level) and caregivers/family members in discussion and planning;~~
- ~~6. Ability to communicate professionally with all visit/meeting participants;~~
- ~~7. Demonstration of active listening skills;~~
- ~~8. Ability to maintain the focus of the interaction;~~
- ~~9. Ability to appropriately respond to unexpected events as necessary;~~
- ~~10. Ability to verbalize participants' strengths and needs;~~
- ~~11. Demonstration of knowledge about and ability to offer service/provider alternatives to children and families;~~
- ~~12. Ability to conduct closing activities at conclusion of interaction.~~

~~(13)(16)~~ Completion of the Performance Assessment.

(a) All initial and subsequently attempted Performance Assessment activities and evaluations must be concluded no later than one (1) year ~~12 months~~ from the date the individual was hired into the position, or passed the waiver or post-test (whichever is earlier ~~later~~), by which time the individual shall have either achieved Child Protection Professional certification or shall be removed from any position requiring such certification.

(b)1. All portions of the Performance Assessment, including any agency-designed and agency-required additional components, must be successfully completed in order for the Child Protection Professional to fulfill the minimum performance standards required for initial certification ~~as a Child Protection Professional.~~

2. Successful completion requires that both the first-tier evaluator ~~individual's supervisor~~ and the assigned independent evaluator concur that the candidate effectively demonstrated the knowledge, skills and priorities, values and attitudes necessary for the competent performance of the duties required by his or her position.

(c) At such time as the independent evaluator has completed both the casework and interpersonal evaluations, he or she, along with the first-tier evaluator and the supervisor (if different) shall meet to review and discuss their findings, prior to meeting with the candidate to present the results.

1. If both the ~~i~~Independent ~~e~~Evaluator and the first-tier evaluator ~~candidate's supervisor~~ agree that the individual successfully completed all portions of the Performance Assessment, the candidate has met the standard for initial certification as a Child Protection Professional in the applicable position classification and certification designation,

and the necessary paperwork shall be completed per the process set forth in Rule 65C-33.009, F.A.C., in order for the candidate to be issued his or her certificate.

2. If both the independent evaluator and the first-tier evaluator ~~candidate's supervisor~~ agree that the individual did not successfully complete all portions of the Performance Assessment (including any agency-designed additional components), the candidate may engage in one (1) more attempt to demonstrate those skill areas which he or she did not pass the first time during the initial assessment.

a. If a candidate passes only one portion of the Performance Assessment (either the Casework or the Interpersonal Skills portion), it is not necessary for the candidate to take the entire assessment again; he or she will only need to re-take the failed portion of the assessment.

I. On the casework portion of the Performance Assessment, each of the written work products and criteria included in one standard (e.g., Documentation) must be passed in order to have passed that standard.

II. All standards must be passed in order to successfully complete the casework portion of the Performance Assessment.

III. Any standard(s) not passed may be attempted a second time in a re-take of the Casework portion of the Performance Assessment.

b. Inasmuch as a candidate's second Performance Assessment casework attempt shall not be conducted on the same case as previously evaluated, the employing agency will have established a protocol for ~~random~~ case selection for re-takes of any standards of the Casework component of the Performance Assessment.

c. Should a second attempt at the Interpersonal Skills portion of the Performance Assessment be necessary, the second attempt shall be observed during a professional interaction between the candidate and different participants than those observed in the first attempt.

I. As in the initial attempt, it is the responsibility of the candidate to select the interaction(s) for the Interpersonal Skills evaluation(s) and to schedule the observation(s); there is no requirement that the first-tier evaluator ~~Supervisor~~ and the independent evaluator observe separate interactions, however they may do so.

II. If, during the first attempt of the Interpersonal Skills evaluation, the first-tier evaluator ~~Supervisor~~ and the ~~i~~Independent ~~e~~Evaluator(s) observed different interactions, and only one of them failed the candidate, more than one evaluator ~~both the Supervisor and the Independent Evaluator~~ must evaluate the second attempted interaction.

d. ~~Absent special or other circumstances,~~ The employing agency shall make arrangements for the second attempt of any ~~the~~ failed portion(s) of the Performance Assessment to be conducted within a time frame that allows for remediation

while adhering to the established one-year period during which certification must be achieved 30 calendar days following the date on which the initial Performance Assessment was failed.

e. Upon failing the first attempt of either portion of the Performance Assessment and ~~At the beginning of the 30 calendar day period prior to the individual's second attempt, the candidate, his or her Supervisor, the independent evaluator(s), and a Certified Child Welfare Trainer shall may, at the discretion of the employing agency, enter into a Certification Plan to identify the areas of deficiency and develop the strategy for remediation; absent special circumstances, no second attempt of the Performance Assessment shall extend the one-year period during which certification must be achieved.~~

3. ~~a.~~ The employing agency shall have established a protocol for the resolution of differences which arise in the event that, after a review of their findings, the first-tier evaluator and the independent evaluator(s) ~~Independent Evaluator and the candidate's Supervisor~~ differ in their perspective on whether or not the candidate successfully completed all components ~~portions~~ of the Performance Assessment.

b. ~~Such agency protocol may include convening a review panel, consisting of agency executive staff, to evaluate the same work products or skills assessed during the initial evaluation; or some similar resolution process, the decision made by which is binding.~~

a. Such agency protocol should include convening a Review Panel (or some similar resolution process) consisting of at least three executive staff (supervisory or higher level, at least one of whom must be certified at a supervisory or higher level) from the employing or other agency (who did not participate in initially evaluating the candidate's Performance Assessment), to evaluate the same work products and skills assessed during the initial evaluation.

b. Within three (3) business days of the request for a Review Panel, all Performance Assessment work product materials (including all completed first and second-tier evaluation forms) shall be forwarded to the agency-designated senior member of the panel by the candidate's supervisor.

c. Within five (5) business days of receipt of the Performance Assessment materials by the agency-designated senior panel member, the Panel shall meet, review the materials and make a determination as to whether or not the candidate successfully completed the Performance Assessment. The Panel must conclude its evaluation of all work products no later than 15 business days after having been notified that the Tier 1 and Tier 2 evaluators disagree on their findings.

I. As part of the panel's decision-making process, the panel may request that both the first and second-tier evaluators appear and discuss their findings.

II. In the case of a difference of opinion between the panel members as to whether or not the candidate successfully completed the Performance Assessment, the agency-designated senior panel member shall make the final decision.

d. Within two (2) business days of the panel having reached a decision, the agency-designated senior member of the Panel shall return all Performance Assessment materials to the candidate's supervisor. Within two (2) business days of having the materials returned to him/her, the candidate's supervisor shall meet with the candidate to officially present the determination of the Review Panel. The Panel decision shall be final and binding.

4. ~~Absent special or other circumstances, T~~ the first-tier evaluator and independent evaluator(s) for the individual's second Assessment attempt shall not be the same individual(s) as those who participated in rating who served as Independent Evaluator for the candidate's first attempt of the Performance Assessment, unless a team approach is utilized by the agency for the independent evaluation process.

(17) ~~Absent special or other circumstances, should the Child Protection Professional fail to successfully complete the second Performance Assessment attempt (either portion), the employing agency shall do one of the following:~~

(a) ~~Afford the individual the opportunity to enter into a one time, time limited Performance Improvement Plan ("PIP") with his or her immediate and next level Supervisor, a Certified Child Welfare Trainer, and the Independent Evaluator, in order to best decide on a plan of action, which may, at the discretion of the employing agency, include one final Performance Assessment attempt.~~

1. ~~The time frame for completion of the Performance Improvement Plan (including, if applicable, the individual's one final Performance Assessment attempt), shall be no longer than 60 calendar days from the date the individual failed the second attempted Performance Assessment, or 12 months from the date of having successfully completed the waiver or post-test, whichever occurs first, absent special or other circumstances accommodated by the employing agency.~~

2. ~~There are no second Performance Improvement Plans applicable under this section.~~

(b)1. ~~Terminate the individual from the agency, or remove the individual from any position requiring Child Protection Certification no later than ten (10) business days from the date of receipt of the results of the second failed Performance Assessment, absent special or other circumstances accommodated by the employing agency.~~

2. ~~If special or other circumstances exist, it is up to the sole discretion of the employing agency as to the accommodation, if any, to be extended to the individual, within these guidelines:~~

~~a. Under no circumstances shall any individual in one of the Child Protection Professional positions of Protective Investigator, Case Manager or Licensing Counselor, who has failed to achieve certification due to two unsuccessful attempts to successfully complete the Performance Assessment, carry a caseload, be assigned any cases, be responsible for any assessment of risk, conduct any unaccompanied or unsupervised home visits, perform any home studies or interviews of children or adults, or otherwise have either primary or secondary responsibility for any investigation, child, family or case.~~

~~b. Similarly, under no circumstances shall any individual in one of the Child Protection Professional positions of Supervisor, Specialist, Quality Assurance Professional, or Field Trainer, who has failed to achieve certification due to two unsuccessful attempts to successfully complete the Performance Assessment, be responsible for any assessment of risk, any oversight or approval of the work of others, or otherwise provide oversight of any investigation, child, family or case.~~

(14) Absent special circumstances, should a Child Protection Professional fail to successfully complete the second Performance Assessment attempt (either portion), the employing agency shall remove the individual from any position requiring such Child Protection Certification no later than ten (10) business days from the date of receipt of the results of the second failed Performance Assessment.

(15) Once it is known that an individual in a position requiring certification has failed to achieve certification due to two unsuccessful attempts to successfully complete the Performance Assessment, under no circumstances shall that individual carry a caseload, assign or be assigned responsibility for any cases, conduct any unaccompanied or unsupervised home visits, perform any unsupervised home studies or interviews of children or adults, be ultimately responsible for any assessment of risk, be tasked with any oversight or approval of the work of others, or otherwise have either primary or secondary responsibility for or provide oversight of any investigation, child, family or case.

Rulemaking Authority 402.40, ~~402.731(1)~~, ~~39.0121~~ FS. Law Implemented 402.40, 402.731(1) FS. History—New _____.

65C-33.007 Additional Requirements for Supervisor Certification.

(1) Absent special ~~or other~~ circumstances ~~accommodated by the employing agency~~, each Child Protection Professional who occupies a supervisory position must meet all of the training and certification requirements to become certified as a Supervisor in that position classification (Protective Investigations; Case Management; Licensing) within one year of hire into the supervisory position, or within one year of passing the waiver or post-test for the position, whichever is earlier ~~later~~.

(2) In order to achieve certification as a Protective Investigations, Case Management, or Licensing Child Protection Professional Supervisor, each candidate occupying a supervisory position must:

(a)1. Successfully complete both the Casework and Interpersonal Skills portions of the Performance Assessment applicable to his or her position classification (Protective Investigations; Case Management; Licensing), developed for Supervisor and; Specialist, ~~Quality Assurance Professional, and Field Trainer~~ candidates, as described in Rule 65C-33.006, F.A.C.; and

2. Should the individual fail to successfully complete both portions of the Performance Assessment, the process to be followed is set forth in subparagraph 65C-33.006(13)(16)(c)2., F.A.C.

(b) Successfully complete the Office of Family Safety-approved child-welfare “Supervising for Excellence” or other Department-approved supervisory classroom training curriculum.

1. Absent special ~~or other~~ circumstances, successful completion of the ~~child-welfare~~ “Supervising for Excellence” curriculum is achieved by the individual attending and participating in all classroom training sessions of the course, completing all assignments, and completing and presenting the project component as required by the curriculum. All missed classes shall be made up by the individual prior to the conclusion of the course.

a. All efforts should be taken to ensure that individuals hired into supervisory positions are provided with an opportunity to participate in the Office of Family Safety-approved “Supervising for Excellence” or other Department-approved curriculum early in their tenure as supervisors, prior to completing their supervisory Performance Assessments, when possible. However, based upon such factors as scheduling and availability of the training, a candidate for supervisory certification may complete the “Supervising for Excellence” curriculum either before or after his or her completion of the Performance Assessment.

b. Inasmuch as the certification requirement for individuals performing licensing functions was instituted long after the establishment of certification requirements for other position classifications, any Licensing Supervisor who is not yet certified as such, and who, as of the effective date of this rule, has successfully completed both the casework and interpersonal components of an approved licensing Performance Assessment for supervisory certification, but who has not yet completed the Office of Family Safety-approved “Supervising for Excellence” or other Department-approved supervisory classroom training, shall be exempt from the “Supervising for Excellence” initial certification requirement and his or her certification as a Licensing Supervisor shall not be contingent upon successful completion of said curriculum.

I. Individuals meeting these criteria shall complete the “Supervising for Excellence” or other Department-approved supervisory curriculum as a part of the ongoing professional development training required during their first supervisory recertification period.

II. The employing agency is required to track this information and verify that the individual’s successful completion of the “Supervising for Excellence” training has been documented in the SkillNET or other Department-approved tracking system prior to submitting the supervisor’s name for recertification.

c. Existing Licensing Supervisors not meeting the above criteria are required to successfully complete both the casework and interpersonal components of an approved licensing Performance Assessment for supervisory certification as well as the Office of Family Safety-approved “Supervising for Excellence” or other Department-approved supervisory classroom training as part of their initial supervisory certification requirement, within one year of the effective date of this rule.

d. Any Licensing Supervisor hired into the position on or after the effective date of this rule shall be required to participate in and successfully complete the Office of Family Safety-approved “Supervising for Excellence” or other Department-approved supervisory classroom training as part of his or her initial supervisory certification requirement, within one (1) year of the date of hire into the supervisory position, or within one (1) year of passing the waiver or post-test for the position, whichever is earlier.

2.a. At the discretion of the employing agency, should any the candidate for certification as a supervisor fail to successfully complete the child welfare “Supervising for Excellence” or other Department-approved curriculum, supervisory classroom training within the time frames set forth in this rule, the employing agency shall either:

a.b. Afford the individual the opportunity to enter into a one-time, time-limited Certification Plan with his or her immediate and next level Supervisor, a Certified Child Welfare Trainer, and any other appropriate agency personnel interested parties, in order to help identify the issue(s) and develop a specific plan for remediation which may, at the discretion of the employing agency, include one final attempt to successfully complete the child welfare “Supervising for Excellence” curriculum.

I. The time frame for completion of the Certification Plan (including, if applicable, the individual’s one final “Supervising for Excellence” attempt), shall be no longer than 60 calendar days from the date the individual failed to successfully complete the first attempted “Supervising for Excellence” curriculum, or within one (1) year of hire into the supervisory position, or within one (1) year of passing the

waiver or post-test for the supervisory position, whichever is earlier later, absent special or other circumstances accommodated by the employing agency.

II. There are no additional Certification Plans applicable under this section.

b.(b) Remove the individual from any position requiring supervisory Child Protection Certification no later than ten (10) business days from the date the candidate failed to successfully complete the Office of Family Safety-approved child welfare “Supervising for Excellence” or other Department-approved supervisory curriculum, absent special or other circumstances accommodated by the employing agency.

1. If special or other circumstances exist, it is up to the sole discretion of the employing agency as to the accommodation, if any, to be extended to the individual, within these guidelines. Requests for accommodation shall be handled by the employing agency on a case-by-case basis.

2. Under no circumstances shall any individual who has failed to achieve certification as a Supervisor due to two or more unsuccessful attempts to successfully complete the child welfare “Supervising for Excellence” curriculum be responsible for any assessment of risk, any approval of the work of others, or otherwise provide oversight of any investigation, child, family or case.

c. If no Certification Plan is entered into and the individual is to be removed from any position requiring supervisory Child Protection Certification, he or she shall immediately stop performing any client or case-related supervisory functions or conducting any investigative, casework, or licensing-related supervisory activities.

(e) Terminate the individual from the agency within ten (10) business days of notice to the individual that the requirements of certification have not been met within the required period of time.

(3) Within 30 calendar days of a Child Protective Investigations, Case Management, or Licensing Supervisor Protection Professional having successfully completed the supervisory certification process, the employing agency Training Manager or designee shall forward to the Office of Family Safety a completed and signed Department-generated “Request for Certificate” form, number CF-FSP 5329, effective April 2010, which is incorporated by reference in Rule 65C-33.009, F.A.C., attesting to the fact that the individual successfully completed all requirements necessary for certification as a Child Protective Investigations Investigator Supervisor, a Child Protection Case Management Supervisor, or a Child Protection Licensing Supervisor.

(4) The complete process to be followed for the request and issuance of all certificates is set forth in Rule 65C-33.009, F.A.C.

(5) The recertification requirements for a Child Protection Professional Supervisor and the implications of not achieving timely recertification are identical to those for any other Certified Child Protection Professional, as set forth in Rule 65C-33.008, F.A.C.

Rulemaking Authority 402.40, ~~402.731(1), 39.0124~~ FS. Law Implemented 402.40, ~~402.731(1)~~ FS. History—New _____.

65C-33.008 Recertification.

(1) ~~Rec~~Certification is a condition of employment for those positions requiring certification.

(2) In order to be eligible for recertification ~~achieve recertification~~, it is required that every Certified Child Protection Professional continue to fulfill his or her job requirements and participate in a minimum of 48 hours of professional development (“in-service”) training every three (3) years from the date of his or her most recent certification, in order to help enhance professional growth and development on an on-going basis, and as the means by which to fulfill the training requirements for recertification. Unless accommodations are made by the employing agency to address an individual’s special ~~or other~~ circumstances, each individual in a position requiring certification must be recertified within three (3) years of the date of the most recent certification, or be removed from any position requiring such certification.

(3) The employing agency shall ensure that obtaining recertification every three (3) years through the fulfillment of job requirements and documented professional development training is included as a performance standard for each Certified Child Protection Professional, and that each individual employed in a position requiring certification is made aware of the ramifications of not meeting the requirement.

(4)(a) It is the responsibility of the employing agency to ensure that each Certified Child Protection Professional is notified of and encouraged to attend and participate in a variety of professional development training opportunities in order to help enhance each individual’s professional evolution on an on-going basis, as well as to meet recertification requirements.

(b) An individual may hold certification not be recertified in more than one position classification (Protective Investigations; Case Management; Licensing) or in more than one certification designation (e.g., Protective Investigator; Supervisor) at the same time, and may be eligible for recertification in multiple position classifications or certification designations. In those instances in which an individual, by virtue of transferring, promoting, or being hired into another position requiring certification, is actively, concurrently certified in more than one position classification or certification designation, and meets the requirements for recertification, the individual’s recertification shall ~~only~~ be

granted in each position classification or certification designation for which he or she is eligible ~~his or her current position classification and current certification designation~~.

(5)(a) Individuals shall not be initially certified in positions which they do not currently occupy, however, they may be eligible for recertification in positions they held previously, as long as they meet the requirements for recertification.

(b) There is no limit to the number of position classifications or certification designations in which an individual may be recertified, and no limit to the length of time an individual may hold multiple Child Protection certifications, as long as the individual continues to meet the following recertification requirements:

1. Achieved initial certification in each of the position classifications or certification designations as indicated by possession of a valid, original certificate, and

2. Is currently employed in a Florida child welfare/child protection position in good standing, and

3. Has not been decertified for cause in any position requiring certification, and

4. Participates in and maintains documentation in the SkillNET system (or other Department approved tracking database) of a minimum of 48 hours of professional development training every three (3) years for recertification in each of the position classifications or certification designations in which the individual seeks and meets the criteria for recertification.

~~(6)(5)~~ The employing agency is responsible for verifying attendance and maintaining documentation of each individual’s professional development training hours.

~~(7)(6)~~ The Department will not review or approve professional development (“in-service”) training courses.

~~(8)(7)~~ It is the responsibility of the employing agency to validate professional development training course content as to subject relevance, with regard to each individual’s position classification, job requirements, and identified or observed needs.

(9) In order to be eligible for recertification credit for any one (1) position classification or certification designation, an individual’s minimum of 48 professional development training hours shall include a minimum of four (4) hours of professional ethics; a minimum of six (6) hours of legal; and a minimum of 24 hours of practice skills training.

(a) Each separate recertification requires a minimum of 48 hours of professional development training hours; no more than 24 hours may overlap by counting toward recertification in more than one position classification or certification designation.

(b) For recertification in two (2) position classifications or certification designations, an individual meeting the criteria for recertification in each shall participate in and maintain documentation of 96 professional development training hours.

which shall include a minimum of eight (8) hours of professional ethics; a minimum of 12 hours of legal; and a minimum of 48 hours of practice skills training.

~~(10)(8)~~ Although there are no specific course requirements for the mandatory 48 hours of professional development training required for each separate recertification, employing agencies shall provide or make available training opportunities which address a wide variety of core competency elements (e.g., ~~ethics~~, interpersonal skills, conflict resolution, law and policy issues, cultural diversity, and investigative and casework practice-related processes) in addition to the minimum ethics, legal and practice skills training required, in order to help expand the knowledge, proficiency and awareness of each Certified Child Protection Professional.

(a) Professional development training hours may be obtained by attending relevant workshops, conferences, other trainings, or participating in pertinent on-line learning opportunities approved by the employing agency. In some cases whereby individuals are pursuing undergraduate or graduate degrees, certain courses may be pre-approved by the employing agency to count as a portion of the individual's professional development training hours, as long as the course and the degree sought are relevant to the individual's current position classification (Protective Investigations; Case Management; Licensing).

1. Professional development training hours garnered through agency-approved, successfully completed college or graduate-level courses shall be credited as the number of total credit hours for the course; for example, a three (3) credit-hour course shall be credited as three (3) professional development training hours toward recertification.

2. No more than 25% of the required 48 professional development training hours required for each separate recertification may come from college or graduate-level courses in which the individual is enrolled as a degree-seeking or non-degree seeking student.

(b) No individual may take the pre-test, post-test or waiver test in lieu of all or any part of the required 48 hours of professional development training hours.

(c) No individual may attend pre-service classes that he or she previously attended as part of the pre-service curriculum or waiver plan in order to obtain any professional development ("in-service") training hours.

1. Pre-service curriculum courses that are new, or in which the individual has not previously participated (including relevant on-line instruction that may be a new part of the pre-service curriculum, but was not included in the individual's previous pre-service experience) may be considered as professional development training hours which count toward meeting the requirement for recertification.

2.a. Training provided by the Department on updated statutory, administrative code and policy requirements may be considered as professional development training hours which count toward meeting the requirement for recertification.

b. In order to help promote each individual's professional development, enhancement of skills and assimilation of information beyond that which is routinely required as part of each individual's job function, no more than 50% of the mandatory minimum 48 professional development training hours required for each separate recertification may be credited from trainings which are required by the Department.

~~(11)(9)~~ The employing agency is responsible for the tracking of all professional development trainings, activities and recertification information for every Certified Child Protection Professional employed by the agency.

(a) The official tracking system that shall be used by the Department, the Training Academy and all agencies to document training is SkillNET, or other Department-approved tracking database.

(b) Each individual shall enter and regularly maintain all professional development training information in SkillNET, or other Department-approved tracking database.

~~(12)(10)~~ Every Supervisor of a Certified Child Protection Professional shall ensure, prior to the expiration of the individual's certification, that his or her professional development training hours are appropriate and sufficient to meet job performance expectations and recertification requirements.

(a) Absent accommodated special ~~or other~~ circumstances, when professional development training or other identified requirements for recertification are not met, the Certified Child Protection Professional whose certification has expired may, ~~at the discretion of the employing agency:~~

1. Enter into a Recertification Plan with his or her Supervisor and a Certified Child Welfare Trainer, in order to identify available courses and specific time frames for satisfactorily meeting the requirement, as well as to help ensure that the individual has access to the resources and supports necessary to do so. The formulation of a Recertification Plan is applicable in those cases where, in the judgment of the employing agency, compelling circumstances exist that warrant the allowance of limited additional time for the fulfillment of recertification requirements to be afforded the individual in order to provide every possible opportunity for his or her successful completion of the recertification process within the prescribed time frame.

a. The agency-designed Recertification Plan must identify the roles and responsibilities of all plan participants, must address each of the training, activities, and other steps necessary in order for the Child Protection Professional to satisfy the job performance requirements and achieve recertification, and must include a specific time frame (not to exceed 60 days from the date of expiration of the individual's

most recent certification) within which the individual must either complete all requirements for recertification, or be removed from any position requiring that certification, ~~or be terminated from the agency (absent any special or other circumstances accommodated by the employing agency).~~

b. A copy of the Recertification Plan will be placed into the individual's personnel file, and a copy will be sent to the employing agency's Training Manager or designee, who will provide one copy each to the Training Academy and the Office of Family Safety.

c. There is a limited process for "provisional certification," the informal certification status of the individual during the period of time between entering into the Recertification Plan and the 60th day after the date of expiration of the individual's most recent certification. While provisionally certified (for a period not to exceed 60 days), the individual may carry a caseload and continue to perform his or her job responsibilities, but must complete all of the trainings and other recertification activities identified in the Recertification Plan within the specified time frame, or be removed from any position requiring that certification.

2. Be removed from the position within ten (10) business days of notice to the individual by the employing agency that the requirements of recertification have not been met within the required period of time.

~~(13)(11)~~(a) Upon any of the following: an individual's loss of or inability to achieve certification; promotion, demotion or transfer to a position not requiring certification; decertification; termination from the position or agency; or other such status-changing event, the employing agency Training Manager or designee shall notify the Training Academy in writing of the individual's status within five (5) ~~three (3)~~ business days of the effective date of the event.

(b) Within two (2) business days of same notification, the Training Academy will update the individual's status in the SkillNET or other Department-approved tracking database system.

~~(12) For any individual whose certification expired prior to June 24, 2005, his or her certification status is not active, unless recertification requirements were met and documented prior to the expiration date of his or her most recent certificate.~~

~~(a) If recertification requirements were not met prior to the expiration date of the most recent certificate, the individual is not certified, and as such, must successfully complete either the waiver test or the pre-service curriculum (including the post test) and the Performance Assessment, as well as any other certification requirements in order to obtain initial certification. Absent special or other circumstances accommodated by the employing agency, any individual to whom this is applicable shall successfully complete all initial certification requirements and become certified in his or her~~

~~current position classification no later than one (1) year from the date of having passed the waiver or post test (whichever is later).~~

~~(b) Should an individual covered under this section fail to successfully complete any portion of the initial certification process (including the waiver or post test, the casework or interpersonal portions of the Performance Assessment), the appropriate steps shall be followed, as set forth in the applicable sections of this Rule.~~

(14)(13) For any individual who is currently employed in a Florida child welfare/child protection position for which certification is either required or optional pursuant to Rule 65C-33.002, and whose most recent State of Florida Child Protection certification expired prior to the effective date of this rule, the individual shall be eligible for recertification in that position classification and certification designation, if, as of one (1) year from the effective date of this rule, either the individual's SkillNET record accurately reflects that he or she was previously certified in that position classification and certification designation, or the individual is in possession of a signed and dated original Child Protection certificate or signed and dated Assessment Results Form indicating successful completion of a Department-approved Performance Assessment, as evidence that the individual was eligible to be certified and is subsequently eligible to be recertified in that position classification and certification designation, and between June 24, 2005 and the effective date of this Rule, his or her certification status is active until January 1, 2010, at which time the individual shall be eligible for recertification in his or her current position classification and certification designation, provided that:

(a) He or she is currently has been actively employed in a Florida child welfare/child protection position in good standing (regardless of whether or not the individual's current position requires certification), and

(b) During the period of time between the date on which the Department suspended recertification (June 24, 2005) and one (1) year from the effective date of this rule, the individual has participated in and documented a minimum of 48 hours of agency-approved professional development training in the SkillNET or other Department-approved tracking database system and has documented those 48 hours in the SkillNET or other Department-approved tracking database system, and

(b) Within 30 calendar days before January 1, 2010, the employing agency Training Manager or designee forward to the Office of Family Safety a signed, completed Department generated "Request for Certificate" form, (Attachment A), attesting to the fact that the individual successfully completed all requirements necessary for recertification.

(c) The individual has not been decertified for cause.

(d) Upon verification and notification by the employing agency of the individual's eligibility for recertification, the Department will verify the individual's certification status, certification type, and documented professional development training hours in SkillNET. If confirmed, the Department will recertify the individual and a request for issuance of a certificate will be forwarded to the Training Academy pursuant to the process set forth in Rule 65C-33.009, F.A.C.

~~(14) For any individual whose most recent certification date was between June 24, 2005 and January 1, 2007, his or her certification status is active until January 1, 2010, at which time the individual shall be eligible for recertification in his or her current position classification and certification designation, provided that:~~

~~(a) He or she has been actively employed and has participated in and documented a minimum of 48 hours of professional development training in the SkillNET or other Department approved tracking database system, and~~

~~(b) Within 30 calendar days before January 1, 2010, the employing agency Training Manager or designee forward to the Office of Family Safety a signed, completed Department-generated "Request for Certificate" form (Attachment A), attesting to the fact that the individual successfully completed all requirements necessary for recertification.~~

~~(15) For any individual who is certified, whose most recent certification date was after January 1, 2007, his or her certification status is active for three (3) years from the date of the certificate, at which time the individual shall be eligible for recertification in that his or her current position classification and certification designation, provided that:~~

~~(a) He or she is currently has been actively employed in a Florida child welfare/child protection position in good standing, and~~

~~(b) The individual has not been decertified for cause, and~~

~~(c)(b) The individual has participated in and documented a minimum of 48 hours of agency-approved professional development training in the SkillNET or other Department-approved tracking database system, and~~

~~(d)(b) Within 30 calendar days before either the expiration date of the individual's certificate, or three (3) years from the issuance date of the certificate (if there is no expiration date), the employing agency Training Manager or designee forward to the Office of Family Safety a signed, completed and signed Department-generated "Request for Certificate" form, CF-FSP 5329, effective April 2010 (Attachment A), attesting to the fact that the individual has successfully completed all requirements necessary for recertification, along with a copy of the individual's most recent, Department-issued certificate for the position in which the individual is seeking recertification.~~

Rulemaking Authority 402.40, 402.731(1), 39.0424 FS. Law Implemented 402.40, 402.731(1) FS. History—New _____.

65C-33.009 Certificate Issuance.

(1) Within 30 calendar days after any Child Protection Professional has successfully completed all requirements of the certification or recertification process, the employing agency Training Manager or designee shall forward to the Office of Family Safety a completed and signed Department-generated "Request for Certificate," form CF-FSP 5329, effective April 2010 (~~Attachment A~~), attesting to the fact that the individual successfully completed all requirements necessary for certification or recertification. If a community based care provider chooses to use its own form, that form must contain all of the elements of CF-FSP 5329, PDF 04/2010, which is hereby incorporated by reference. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, FL.

(a) The completed "Request for Certificate" form shall include:

1. The date of the request;
2. The name of the employing agency;
3. The individual's full name as it appears in SkillNET;
4. The name of the individual's supervisor;
5. The name of the employing agency's Training Manager or designee;
6. The effective date of the individual's certification/recertification;
7. The individual's position classification (Child Protective Investigations; Child Protection Case Management; Child Protection Licensing);
8. The individual's certification designation (~~Professional; e.g., Supervisor; Specialist; QA Professional; Field Trainer~~); and
9. The signature of the individual, his or her Supervisor, the Program Administrator or agency head, and the employing agency's Training Manager or designee.

(b) The signed, completed "Request for Certificate" form may be faxed, mailed, or sent by electronic mail by the employing agency's Training Manager or designee to the Office of Family Safety.

~~(2) In addition to the "Request for Certificate" form, the Training Manager or designee shall forward to the Office of Family Safety a copy of the signed Assessment Results form from the individual's successfully-completed Performance Assessment (for initial certification), or a copy of the individual's most recent Department-issued certificate (for recertification).~~

~~(3)(2) Within 30 calendar days from the date of receipt of the signed, completed "Request for Certificate" and either the Assessment Results form (for initial certification), or a copy of the individual's most recent Department-issued certificate (for recertification) by the Office of Family Safety, the Department will verify that the individual has met the requirements for certification or recertification, and a request for issuance of a certificate will be forwarded to the Training Academy for~~

~~processing an electronic certificate will be issued for the individual named on the request form, and will be sent via electronic mail to the Training Academy for forwarding to the individual's employing agency.~~

(a) In order to issue a certificate, the name of the individual on the "Request for Certificate" form must be the same name as that which is listed in the SkillNET or other Department-approved tracking system for that individual.

(b) In those cases where an individual's name may have changed during the employment or certification period, it is the responsibility of the employing agency to ensure that the individual's current and correct name is reflected in the SkillNET or other Department-approved tracking system, ~~and is identical to the name on the "Request for Certificate,"~~ prior to ~~forwarding~~ sending the "Request for Certificate" to the Office of Family Safety.

~~(4)(3)~~ Within 15 calendar days from the date of receipt of the ~~verification electronic certificate~~ by the Training Academy, the electronic certificate and congratulatory letter will be forwarded via electronic mail by the Academy to the employing agency's Training Manager or designee, to be printed and provided to the newly-certified Child Protection Professional.

~~(5)(4)~~ All issues or questions about a Child Protection Professional's certification or recertification status shall come to the Office of Family Safety through the employing agency's Training Manager or designee.

Rulemaking Authority 402.40, ~~402.731(1), 39.012+~~ FS. Law Implemented 402.40, ~~402.731(1)~~ FS. History—New _____.

Proposed as Rule 65C-33.011 and substantially reworded to read as:

65C-33.010 Waiver Process.

(1) The waiver process is the procedure by which individuals who may already meet certain educational and experiential criteria as set forth in this rule and as determined by the employing agency may be eligible to take a waiver test and enter into an individualized waiver plan in lieu of participating in all of the training, activities, pre-test and post-test requirements of the pre-service curriculum.

(2) Within the established guidelines set forth in this rule, the employing agency is responsible for the oversight of the waiver process including verification of credentials, authorization of the waiver test, and development of the individualized waiver plan.

(3) There is no loss of certification when an individual experiences a break in service of less than three (3) years, unless the certification has expired, or the individual has failed to meet or no longer meets the qualifications for certification or recertification.

(a) It is not required that a currently certified individual who experiences no break in service or any break in service for a period of up to (but not to exceed) three years, and who is

subsequently hired (by the same or different agency) into the same position classification as that in which he or she was certified be administered a waiver test upon hire, however the employing agency shall require specific training, based upon the length of break in service and the individual's identified needs, to bring the individual's knowledge up to current standards.

(b) It is not required that a currently certified individual who experiences no break in service or any break in service for a period of up to (but not to exceed) three years, and who is subsequently hired (by the same or different agency) into a different position classification as that in which he or she was certified be administered a waiver test upon hire, however the employing agency shall require that the individual enter into a waiver plan which will include, at a minimum, that the individual participate in all pre-service training and activities for the new position classification into which he or she has been hired.

(4) In order for the employing agency to consider exercising the waiver option, the individual for whom the waiver process is to be utilized must not have been decertified for cause pursuant to paragraph 65C-33.011(1)(b), F.A.C., and shall:

(a) Be a previously Certified Florida Child Protection Professional whose certification has expired due to having failed to maintain the required 48 hours of professional development (in-service) training every three (3) years, who is hired into any position classification or certification designation after experiencing no break in service or a break in service for any period of up to (but not to exceed) two (2) years; or

(b) Be a Florida Child Protection Professional in any position classification or certification designation, who, after having successfully completed the pre-service training and having passed the post-test, but prior to having achieved certification, experienced no break in service or a break in service for any period of up to (but not to exceed) one (1) year; or

(c) Be any individual who meets established employment criteria, and for whom it can be verified that within the one (1) year period immediately preceding his or her date of hire, the individual completed all classroom instruction of the Department-approved State of Florida Child Welfare Pre-Service Training Program curriculum, trained by a currently-certified Child Welfare Trainer whose certification was granted by the Child Welfare Training Academy (whether or not the individual was administered the post-test); or

(d) Be any individual who meets the educational and experiential criteria set forth in this rule for whom it can be verified that he or she was actively engaged in relevant training, education or comparable employment in child welfare/child protection, human services, investigations, or law

enforcement in Florida or another state for at least one (1) year during the two (2) year period immediately preceding the individual's date of hire.

(5) Regardless of education or experience, any individual who does not meet the criteria for agency employment of the waiver process option pursuant to the above established timeframes or who, meeting the criteria, fails the waiver test on his or her first and only attempt, shall participate in the entire pre-service curriculum, and shall successfully complete all pre-service training requirements of the position classification into which he or she is hired (including passing the post-test), prior to the assignment of primary responsibility for any investigation, child, family or case.

(6) Although an individual may meet the criteria and be considered for the waiver process by virtue of his or her certification status, educational credentials or employment experience, the employing agency shall require the participation in the entire pre-service training and post-test process of any individual for whom training needs or known job performance deficits have been identified, prior to the assignment of primary responsibility for any investigation, child, family or case.

(7) In the event the employing agency hires an individual who had been previously certified and who was decertified for cause, the waiver process shall not be utilized; any individual hired in this circumstance must successfully complete all pre-service requirements of the position classification into which he or she is hired (including passing the post-test), prior to the assignment of primary responsibility for any investigation, child, family or case.

(8) Any individual for whom the waiver process is utilized must:

(a) Pass the waiver test upon the first and only attempt, and

(b) Enter into a waiver plan with his or her Supervisor and a Certified Child Welfare Trainer prior to the assignment of primary responsibility for any investigation, child, family or case.

(9) The Waiver Test.

(a) The waiver test is designed both to measure the level of the individual's basic knowledge of Florida child protection laws, principles and policies, and to assess the individual's ability to appropriately integrate and apply fundamental child welfare/child protection concepts in his or her decision-making, when determining how best to meet the safety, permanence and well-being needs of a child.

(b)1. There shall be no waiver test preparation classes conducted or pre-service curriculum study materials provided to any individual in order to help prepare him or her for the waiver test.

2. Training staff at the Department, Training Academy, Sheriff's Offices, Community-Based Care lead or subcontracted agencies, or any other agency providing child

welfare training or services may only conduct waiver test preparation classes in emergency staffing situations, and only then with the prior written approval of the Office of Family Safety.

(c) The waiver test must be administered within ten (10) business days of the individual's start date in the position into which he or she was hired.

(d) The employing agency shall maintain written documentation of the individual's applicable educational and employment experience as verification of the employee's eligibility to take the waiver test.

(10) An individual may take the waiver test only once during any one period of employment.

(a) The waiver test taken by an individual shall be the version designed for the position classification into which the individual is hired (Investigations; Case Management; Licensing).

(b) An individual authorized to take the waiver test must pass the test on the first attempt; there are no subsequent re-take attempts of a failed waiver test.

(c) If the individual fails the waiver test, no waiver plan is developed, and the individual must participate in the pre-service training in trainee status, regardless of any prior education or previous experience. As such, the individual shall not carry a caseload, be assigned responsibility for any cases, conduct any unaccompanied or unsupervised home visits, perform any unsupervised home studies or interviews of children or adults, be ultimately responsible for any assessment of risk, or otherwise have primary responsibility for any investigation, child, family or case until successful completion of the pre-service training, including having passed the post-test.

(11) The minimum established passing score of the waiver test is determined by the Department and shall be posted on the Training Academy website.

(12) The waiver test is scored by the SkillNET system, and upon conclusion of the waiver test, the test proctor is responsible for providing the individual with his or her waiver test score. Each employing agency shall develop its own protocols with regard to the dissemination of an individual's waiver test score to appropriate personnel within the agency.

(13) The Waiver Plan.

(a) The employing agency is responsible for ensuring that, upon successful completion of the version of the waiver test designed for the position classification into which the individual is hired, every individual for whom the waiver process is employed enters into an agency-designed waiver plan.

(b) Within five (5) business days of having passed the waiver test, the Child Protection Professional shall meet with his or her supervisor and a Certified Child Welfare Trainer in order to enter into and sign an individualized Waiver Plan, which, at a minimum, shall address:

1. The requirement that the individual participate in those pre-service classes and activities in the track of the new position classification that he or she had not previously attended or completed, and participate in any other identified classroom, field and online training and activities needed to bring the individual up to the current standard of a Florida Child Protection Professional in the same position classification;

2. The requirement that the Performance Assessment and all other certification activities for the individual's position classification or new certification designation, if applicable, be completed within one (1) year of the date of hire into the new position or the date of passing the waiver test, whichever is earlier; and

3. The roles, tasks, responsibilities and specific time frames for completion assigned to each party, in order to address identified needs and enhance or update current knowledge in order to help ensure that the individual has access to the resources and supports necessary for his or her successful job performance and completion of the certification process.

(14) As part of any waiver plan, the employing agency may require that an individual participate in additional trainings and activities, regardless of certification status, education or experience. These additional requirements depend upon such factors as the type, length and degree of the individual's previous child welfare or other applicable experience; the individual's prior job performance history; duration of the individual's break in service (if applicable); and changes in Florida law, policy and practice which may have occurred since the individual last attended pre-service training.

(15) Regardless of certification status or any prior education or previous experience, until such time as the waiver plan has been reviewed, completed and signed by all parties, the Child Protection Professional who has passed the waiver test shall not carry a caseload, assign or be assigned responsibility for any cases, conduct any unaccompanied or unsupervised home visits, perform any unsupervised home studies or interviews of children or adults, be ultimately responsible for any assessment of risk, be tasked with any oversight or approval of the work of others, or otherwise have primary responsibility for or provide oversight of any investigation, child, family or case.

(16) Each Child Protection Professional who passes the waiver test shall be required to be given a protected training caseload for 30 calendar days following successful completion of the waiver test, as described in paragraph 65C-33.005(2)(b), F.A.C.

(a) Beginning caseload size shall be based upon information identified in the individual's waiver plan as well as the supervisor's and trainer's assessment of the individual's knowledge, skills, abilities and priorities as they relate to Florida child welfare/child protection and job performance.

(b) In determining beginning caseload size, the supervisor shall also consider the type, length and degree of the individual's previous child welfare or other applicable experience, as well as the duration of the individual's break in service (if applicable), including any changes in law, policy and practice which may have occurred since the individual last attended pre-service training and in which the individual may need specific instruction.

(17) There is no waiver procedure for either the Performance Assessment portion of the certification process, or for the 48 professional development training hours required every three (3) years for recertification.

Rulemaking Specific Authority 402.40, 402.731(1)-39-0124 FS. Law Implemented 402.40, 402.731(1) FS. History-New _____.

65C-33.011 Decertification.

(1) Regardless of any additional action which may be taken by the employing agency, the Department shall decertify a certified child protection professional when he or she no longer meets the qualifications for certification pursuant to Section 402.731, Florida Statutes.

(2) The department shall also decertify an individual for cause, which is defined as: incompetence, negligence, or serious personal, professional, or ethical misconduct, including failure to responsibly discharge assigned duties; falsification of records; use of professional authority to exploit others; engaging in conduct punishable under Florida law by more than one year in jail, whether or not criminally charged or convicted of such conduct; insubordination; theft or misuse of agency property; or violation of agency rules and regulations.

(a) When an individual who is concurrently certified in more than one position classification (e.g., Protective Investigations and Case Management), or in more than one certification designation (e.g., Case Manager and Case Management Supervisor) and is decertified for cause, he or she shall be decertified in all certifications held.

(b) When a decertification for cause becomes final agency action, the decertified individual shall immediately be removed from any position requiring child protection professional certification.

(3) Within five days of an individual's decertification becoming final agency action, the Department shall provide written notification of the effective date of the decertification to the employing agency's Training Manager or designee and to the Training Academy. Within two business days of same notification, the Training Academy will update the individual's status in the SkillNET or other Department-approved tracking database system.

(4) The Department shall provide the individual with written notification of the decision to decertify him or her. The written notice must include the reason for the decertification.

and must advise the individual of his or her option to challenge the decertification decision as provided in Chapter 120, Florida Statutes.

Rulemaking Authority 402.40, 402.731(1) FS. Law Implemented 402.40, 402.731(1) FS. History—New _____.

65C-33.012 Child Welfare Trainer Certification.

(1) In order to ensure that Child Welfare Trainers have the proficiency and support necessary to help provide Child Protection Professionals with the knowledge, skills, abilities and priorities, values and attitudes needed to make decisions that provide Florida children with safe and permanent homes, every trainer of the State of Florida Child Welfare Pre-Service Training Program curriculum shall be certified by the Department-approved Training Academy under contract at that time.

(2) The Child Welfare Training Academy is responsible for the training and certification of Child Welfare Trainers and the administration of the State of Florida's Child Protection Professional Certification Program.

(a) In order to be eligible to apply for consideration to be a Child Welfare Trainer, the following requirements must be met:

1. The candidate must have been previously certified as a Child Welfare Trainer in the state of Florida; or

2. The candidate must have passed the State of Florida Child Welfare Pre-Service Training post-test (or waiver test); and

3. The candidate must be a Florida Certified Child Protection Professional, with two (2) or more years of experience; or

4.~~a.~~ The candidate must have two (2) years of child welfare/child protection experience, or two (2) years of verifiable, comparable criminal child abuse/neglect related experience.

~~b. At the discretion of the Training Academy, any candidate who is not a Florida Certified Child Protection Professional at the time of hire may be required to successfully complete both the casework and interpersonal skills portions of the Performance Assessment for Field Trainers in the individual's area of expertise (Protective Investigations; Case Management; Licensing) prior to achieving certification as a Child Welfare Trainer.~~

(b) In order to achieve Child Welfare Trainer certification, within one (1) year of the date of hire as a Child Welfare Trainer, the candidate:

1. Shall attend and successfully complete all Train-the-Trainer course requirements mandated by the Training Academy within specified time frames; ~~and unless specific course requirements are waived by the Academy upon approval by the Department, based upon an individual's comparable education and experience; and~~

2. Shall be proficient in the use of the SACWIS system of record (FSFN), and be able to demonstrate proficiency in training the FSFN system; and

3. Shall successfully complete at least one mandatory observation of his or her pre-service curriculum classroom training skills by ~~an Certified Academy Training Manager or Master~~ Trainer, utilizing a standardized observation rating tool.

(c) Unless accommodations are made by the employing agency to address an individual's special ~~or other~~ circumstances, ~~e~~Each individual in a position requiring certification must be recertified within three (3) years of the date of the most recent certification, or be removed from any position requiring such certification; this includes Certified Child Welfare Trainers.

(d) In order to achieve recertification, every Certified Child Welfare Trainer shall:

1. Continue to successfully fulfill the job requirements;

2.a. Participate in a minimum of 48 hours of professional development ("in-service") training every three (3) years from the date of his or her most recent trainer certification;

b. Same professional development training to be verified and tracked by the employing agency, documented in the SkillNET or other Department-approved tracking system by the individual, and overseen by the Training Academy.

3.~~a.~~ Successfully complete at least two (2) mandatory, separate observations of his or her pre-service curriculum classroom training skills, one by ~~an Certified Academy Training Manager or Master~~ Trainer, and one by a training peer (from the same or different agency), utilizing the standardized observation rating tool; and

~~b.4.a.~~ Successfully complete at least one (1) mandatory observation of a training peer (from the same or different agency); utilizing the standardized observation rating tool, and provide the observed trainer with documented feedback on his or her observed pre-service curriculum classroom training skills.

4.~~a.~~ For each one-half day of being observed by an Academy Trainer or a training peer, observation of the trainer's pre-service curriculum classroom training skills will count as four (4) hours of professional development training recertification credit for the trainer being observed; for each full day observation by an Academy Trainer or a training peer, same observation of the trainer's pre-service curriculum classroom training skills will count as eight (8) hours of professional development training recertification credit for the trainer being observed.

~~b.~~ For each one-half day spent observing the pre-service curriculum classroom training skills of a training peer, completing the observation tool, and providing the observed trainer with documented feedback, the observing trainer will acquire two (2) hours of professional development training hours of recertification credit; for each full day spent observing the pre-service curriculum classroom training skills of a

training peer, completing the observation tool, and providing the observed trainer with documented feedback, the observing trainer will acquire four (4) hours of professional development training recertification credit.

5.a. After feedback is provided by the observing trainer to the observed trainer, a copy of the completed observation tool shall be provided by the observing trainer to the observed trainer, the observed trainer's supervisor, and the Training Academy within 15 business days of the observation date.

b. Any identified concerns shall immediately be brought to the attention of the observed trainer, his or her supervisor, and the Training Academy. The Training Academy shall develop a Department-approved remediation process to be utilized in cases where trainer deficiencies are noted; same process shall be posted on the Academy website.

(3) A minimum of ten (10) business days' advanced notice shall be provided to the training entity, and approval by the training entity shall be provided in a timely manner to the requestor(s) in order to schedule a pre-service curriculum classroom training observation by a peer trainer (for recertification purposes) or an Academy Trainer (for certification and recertification purposes) Although classroom observation shall not require prior authorization from the agency training entity, No more than two (2) individuals shall observe the same class session at any one time, and the observer(s) shall neither disrupt the class nor interact with the trainer(s) or class participants at any time while the class is in session.

(4) In addition to observing other trainers, being observed, and participating in professional development training (including mandatory Department trainings), certified trainers may also obtain a portion of their required 48 hours of professional development every three (3) years by engaging in and documenting research and self-study in preparation for the development of new curriculum for new trainings to be conducted. No more than 25% of the mandatory 48 professional development training hours required for trainer recertification may be credited from this documented research and self-study.

Rulemaking Authority 402.40, ~~402.731(1), 39.0124~~ FS. Law Implemented 402.40, ~~402.731(1)~~ FS. History–New_____.

65C-33.013 “Supervising for Excellence” Trainer Certification.

(1) It is not required that a trainer of the “Supervising for Excellence” classroom curriculum be a Florida Certified Child Welfare Trainer.

(2)(a) In order to be certified to train the Office of Family Safety approved “Supervising for Excellence” curriculum, an individual shall have at least one (1) year of prior child welfare/child protection supervisory experience, and shall have

successfully completed both the Train-the-Trainer course and a “Trainer Tools and Techniques” course provided by the Training Academy.

(b) This criteria does not preclude an agency from contracting with a credentialed expert trainer to train some portions of the “Supervising for Excellence” curriculum, provided that a trainer certified by the Training Academy to train “Supervising for Excellence” or other Department-approved curriculum is present at all times during the training.

(3) Every trainer who has the required prior supervisory experience and who currently trains the Office of Family Safety-approved “Supervising for Excellence” curriculum shall become certified by the Training Academy within nine (9) months of the effective date of this ~~rule~~, by either the successful completion of the Training Academy’s Train-the-Trainer and “Trainer Tools and Techniques” courses, or by meeting the requirements of subsections (4) or (5) below.

(4) Any trainer who has the required prior supervisory experience, and who was a participant in the 2009 workgroup responsible for the redesign of the Office of Family Safety-approved “Supervising for Excellence” classroom curriculum may be certified to train it upon approval from the Department and the Training Academy was issued a Certificate of Completion during the 2006 “Supervising for Excellence” ~~Train-the-Trainer pilot may submit a copy of that certificate to the Training Academy for certification to train the~~ “Supervising for Excellence” curriculum.

(5) Any trainer who has the required prior supervisory experience and who has been certified by an entity other than the Training Academy may request Academy certification to train the Office of Family Safety-approved “Supervising for Excellence;” classroom curriculum by submitting to the Academy documented verification of his or her experience and credentials.

(6)(a) The Department may approve other supervisory training curricula, which shall, at a minimum, contain the same elements as those trained in the Office of Family Safety-approved “Supervising for Excellence;” classroom curriculum.

(b) In order to request approval of other training curricula, said curricula as well as trainer credentials must be submitted to the Department. The trainer shall have been approved to train the substitute curriculum by the entity responsible for the development of the curriculum, and the trainer shall have at least one (1) year of prior child welfare/child protection supervisory experience.

Rulemaking Authority 402.40, ~~402.731(1), 39.0124~~ FS. Law Implemented 402.40, ~~402.731(1)~~ FS. History–New_____.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NOS.:	RULE TITLES:
69O-236.001	Annual Report Card
69O-236.002	Definitions
69O-236.003	Methodology
69O-236.004	Limitations and Exclusions
69O-236.005	Data Sources

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 47, November 25, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF FINANCIAL SERVICES

Finance

RULE NO.:	RULE TITLE:
69V-40.002	Adoption of Forms

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 32, August 13, 2010 issue of the Florida Administrative Weekly.

In the body of the Notice of Change, item #4 references “69V-49.002(1)(b)5., F.A.C.” The correct reference is “69V-40.002(1)(b)5., F.A.C.”

**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 EDUCATION

NOTICE IS HEREBY GIVEN THAT on August 11, 2010, the Department of Education has issued an order.

On July 16, 2010, Taylor County Christian Academy filed an Emergency Petition for a One-Time Variance or Waiver from subsection 6A-6.03315(2), F.A.C. (DOE Agency Case No.: DOE-2010-2121). The notice of the receipt of the emergency petition was noticed in the July 30, 2010, Florida Administrative Weekly. The Department issued an order on August 11, 2010, Denying Emergency Petition for Variance or Waiver of Rule 6A-6.03315, F.A.C., Private School Scholarship Compliance, with the conclusion that the Petition does not identify any specific facts constituting an emergency required by paragraph 28-104.004(2)(a), F.A.C., and the Petition does not allege that any immediate danger to the public health, safety, or welfare exists. Also on August 11, 2010, the Department issued an Order Denying Petition for Variance or Waiver of subsection 6A-6.03315(2), F.A.C., Private School Scholarship Compliance, with the conclusion that the purpose of the underlying statutes cannot be achieved through the means requested, the application of the rule does not create a substantial hardship, and that application of subsection 6A-6.03315(2), F.A.C., does not violate principles of fairness.

A copy of the Order may be obtained by contacting: Lynn Abbott, Agency Clerk at (850)245-9661 or lynn.abbott@fldoe.org. A copy may also be obtained from the Department’s website at: https://app1.fldoe.org/DOE_Calendar/default.aspx?WhichCalendar=4.

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN THAT on August 12, 2010, the Criminal Justice Standards and Training Commission has issued an order.

On June 29, 2010, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of paragraph 11B-20.0014(3)(d), F.A.C., by Brevard Community College on behalf of breath test instructor, Robert Wagner. The rule requires specialized topics instructors to meet certain criteria prior to teaching courses in their specialized topic area, in this case, alcohol breath tests. Petitioner asserts that instructor Wagner completed all aspects of certification as a specialized topics instructor and submitted paperwork to the College’s Program Specialist for Breath Test Operator certification. That specialist left employment with the College without submitting the paperwork to the CJSTC for processing. Petitioner believed that his certification as a breath test instructor had been granted and taught five separate breath test operator courses for the College from June 8, 2009 to February 1, 2010. The Petitioner and the College argue that the failure to comply with all administrative requirements of the rule did not jeopardize the delivery of instruction by Petitioner. Petitioner requested a permanent waiver of paragraphs 11B-20.001(3)(d) and 11B-20.0016(1)(a)-(c), F.A.C., and that his certification as a breath test instructor be recognized as

dating from June 1, 2009. Notice of receipt of the petition was published in the Florida Administrative Weekly Vol. 36, No. 28, on July 16, 2010.

On August 12, 2010, at its regularly scheduled business agenda meeting held in Tampa, Florida, the Commission found that the Petitioner's situation is unique. The Petitioner demonstrated that the strict application of the Commission's rules in this case would violate the principles of fairness resulting in the need to for the Petitioner to dispense with the services of a well-qualified instructor and re-qualify officers who passed instructor Wagner's course all because of an administrative oversight. The Commission found that the purposes of the underlying statute, to ensure that officers are properly trained, will be met by granting this waiver request. The Commission granted the Petitioner's request to back date instructor Wagner's certification to June 1, 2009.

A copy of the Order may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302-1489, (850)410-7687.

NOTICE IS HEREBY GIVEN THAT on August 12, 2010, the Criminal Justice Standards and Training Commission has issued an order.

A petition for permanent waiver of paragraph 11B-27.00213(4)(b), F.A.C., was received from Eduardo Fernandez on June 29, 2010. Petitioner requested a waiver of the rule requiring him to wait four years after quitting one temporary employment authorization (TEA) before beginning another TEA. Notice of the petition was published in the Florida Administrative Weekly, Vol. 36, No. 29, on July 23, 2010. Paragraph 11B-27.00213(4)(b), F.A.C., requires individuals who have not completed a TEA to have a four-year break in service from the last date worked prior to beginning another TEA. Section 943.131(1)(a), F.S., requires those employed on a TEA to complete basic recruit training within 18 months of commencing basic recruit training, and to pass the State Officer Certification Examination within 180 days of completing basic recruit training. Section 943.131(1)(b), F.S., makes it impossible for a person to be employed on at TEA for more than 30 months, or to change employers while on a TEA. Petitioner is currently employed on a TEA with a private correction corporation. His employer has turned over its facilities to another private correction corporation that does not permit TEAs. Petitioner finds himself unable to look for work with another entity because he cannot become employed unless he is fully certified or eligible for a TEA. He is not yet fully certified and cannot complete certification without being on a TEA.

The Commission found that the application of the rule to Petitioner's situation would violate the principles of fairness because it would affect him in a manner different from the way that is affects other similarly situated persons who are subject

to the rule. The Criminal Justice Standards and Training Commission granted the Petitioner a permanent waiver of paragraph 11B-27.00213(4)(b), F.A.C., in its order issued August 12, 2010. The order grants Petitioner a waiver of that portion of the rule requiring those who have failed to complete one temporary employment authorization to wait four years before beginning a new temporary employment authorization.

A copy of the Order may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32327, (850)410-7676.

NOTICE IS HEREBY GIVEN THAT on August 12, 2010, the Criminal Justice Standards and Training Commission has issued an order.

Pursuant to Section 120.542, F.S., a petition for a waiver of subsection 11B-27.002(4), F.A.C., was received from Duane Miller on June 22, 2010. Notice of receipt of this petition was published in the Florida Administrative Weekly, Vol. 36, No. 26, on July 2, 2010. No public comment was received. Subsection 11B-27.002(4), F.A.C., requires recruits to successfully complete basic recruit training, pass the State Officer Certification Examination, and obtain employment within four years of beginning basic recruit training. Petitioner has requested thirty additional days to obtain employment because he relied upon incorrect information in an older version of the curriculum as to how long he had to obtain employment. On August 12, 2010, at its regularly scheduled business agenda meeting held in Tampa, Florida, the Criminal Justice Standards and Training Commission granted a 30 day waiver of this rule to Duane Miller, in a final order, OGC File No.: VAR 2010-14. This rule waiver was granted because the petitioner demonstrated that a strict application of the rule would result in undue hardship to the Petitioner or would affect him differently than other similarly situated applicants and because the Petitioner could successfully fulfill the requirements of Section 943.13, F.S., by other means. Specifically, Petitioner relied to his detriment upon outdated written information in the curriculum concerning how long he had to obtain employment. The Commission found that it would violate the principles of fairness to enforce the rule upon Petitioner because Petitioner would be affected differently than other similarly situated individuals who are subject to the rule because Petitioner was given incorrect written information upon which he relied.

A copy of the Order may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302-1489, (850)410-7676.

NOTICE IS HEREBY GIVEN THAT on August 12, 2010, the Criminal Justice Standards and Training Commission has issued an order.

A Petition for Waiver of Rule 11B-20.0014, F.A.C., was received from Northwest Florida State College and Tony Simpson, on June 29, 2010. Notice of the Petition was published in the Florida Administrative Weekly, Vol. 36, No. 7, July 9, 2010. The rule requires law topics instructors who are practicing attorneys and who wish to be exempted from other instructor requirements to complete an internship and have student evaluations on file prior to being hired as law topics instructors. Northwest Florida State College hired practicing attorney Tony Simpson and assigned him to teach law topics to a basic recruit class without having him first complete the internship and evaluations. As soon as the school became aware of the deficiency, it had Tony Simpson complete the internship and student evaluations. The Petitioner college stated that Mr. Simpson met all the requirements for correctly teaching the law topics courses at issue, but failed to complete all administrative aspects of exemption as outlined in the rule. Mr. Simpson was at all times qualified to instruct the course, he had only failed to complete the internship and student evaluations.

The Commission found that the Petitioner's situation is unique. The Petitioner demonstrated that the strict application of the Commission's rules in this case would violate the principles of fairness resulting in the need to re-qualify many working officers who suffered no disability in training as a result of the failure to complete the administrative aspects of the rule. The Commission found that the purposes of the underlying statute, to ensure that criminal justice training is carried out uniformly throughout all Commission-certified training schools, would be served by permitting a waiver of a clerical, as opposed to tactical training, requirement. Accordingly, the Commission granted Petitioner's request for a waiver of Rule 11B-20.0014, F.A.C., on August 12, 2010, at its regularly scheduled Business Agenda meeting in Tampa, Florida.

A copy of the Order may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32327, (850)410-7676.

NOTICE IS HEREBY GIVEN THAT on August 12, 2010, the Criminal Justice Standards and Training Commission has issued an order.

This matter concerned a request for a permanent waiver of subsection 11B-27.00212(14), F.A.C., by Miami-Dade Police Department and Eney Castellanos. The rule requires officers to successfully complete firearms qualification every two years unless an officer is injured in the line of duty, which would grant the officer two additional years to complete the qualification. Petitioner Castellanos received an injury in an off-duty vehicle accident which prevents her from completing her firearms qualification. Petitioner Castellanos and her agency requested a waiver of the operation of the rule in her

case. Notice of receipt of the petition was published in the Florida Administrative Weekly Vol. 36, No. 26, on July 2, 2010.

On August 12, 2010, at its regularly scheduled business agenda meeting held in Tampa, Florida, the Commission found that the Petitioners' situation is unique. The Petitioners demonstrated that the strict application of the Commission's rules in this case would violate the principles of fairness resulting in the need to for the Petitioner to qualify while undergoing medical treatment for serious injuries. The Commission found that the purposes of the underlying statute, to ensure that officers are properly trained, will be met by granting this waiver request. The Commission granted Petitioner Castellanos two extra years to complete her firearms requalification.

A copy of the Order may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32327, (850)410-7676.

NOTICE IS HEREBY GIVEN THAT on August 12, 2010, the Criminal Justice Standards and Training Commission has issued an order.

This matter concerned a request for a permanent waiver of subsection 11B-27.00212(14), F.A.C., by Barbara Smith. The rule requires officers to successfully complete firearms qualification every two years unless an officer is injured in the line of duty, which would grant the officer two additional years to complete the qualification. The Petitioner has a life-threatening illness which prevents her from completing her firearms qualification. The Petitioner requested a waiver of the operation of the rule in her case. Notice of receipt of the petition was published in the Florida Administrative Weekly Vol. 36, No. 7, on July 9, 2010. On August 12, 2010, at its regularly scheduled business agenda meeting held in Tampa, Florida, the Commission found that the Petitioner's situation is unique. The Petitioner demonstrated that the strict application of the Commission's rules in this case would violate the principles of fairness resulting in the need to for the Petitioner to qualify while undergoing medical treatment for a life-threatening illness. The Commission found that the purposes of the underlying statute, to ensure that officers are properly trained, will be met by granting this waiver request. The Commission granted the Petitioner two extra years to complete her firearms requalification.

A copy of the Order may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32327, (850)410-7676.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT on August 12, 2010, the South Florida Water Management District (District), received a petition for waiver from Mathias and Maria Cecilia Staubli, Right of Way Occupancy Permit Application No.: 10-0812-2, for utilization of Works or Lands of the District known as the C-100A Canal for a proposed fence within the south right of way of the C-100A Canal, Section 11, Township 55 South, Range 40 East, Miami-Dade County. The petition seeks relief from subsections 40E-6.011(4), (6) and paragraph 40E-6.221(2)(j), Florida Administrative Code, which governs the placement of permanent or semi-permanent above-ground encroachments within 40 feet from the top of 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, Attn.: Juli Russell, Office of Counsel.

NOTICE IS HEREBY GIVEN THAT on August 6, 2010, the South Florida Water Management District (District), received a petition for waiver from Palm Beach County Roadway Production, Application No.: 10-0128-1, Permit (MOD) Number 8388, for utilization of Works or Lands of the District known as the C-51. The County requests authorization to relocate an existing high mast street light, mast arm traffic signalization pole and associated above ground pull boxes located within the northeasterly bridge quadrant in conjunction with the SR7/US 441 bridge widening crossing the C-51 Canal; Section 36, Township 43 South, Range 41 East, Palm Beach County. The petition seeks relief from subsections 40E-6.011(4), (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)682-6268 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, Attn.: Juli Russell, Office of Counsel.

NOTICE IS HEREBY GIVEN THAT on August 12, 2010, the South Florida Water Management District (District) Governing Board has issued an order.

SFWMD Order No.: 2010-151-DAO-ROW was issued to Adele J. Gold (Application No.: 10-0505-1M). The petition for waiver was received by the District on May 5, 2010. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 36, No. 21, on May 28, 2010. An amended petition was received by the District on June 20, 2010. Notice of receipt of the amended petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 36, No. 27, on July 9, 2010. No public comment was received. This Order provides a waiver of the District's criteria to allow an existing fence enclosure, fabric tube erosion barrier, removable tables, and various trees and shrubs within the north right of way of the C-17 Canal; Section 16, Township 42 South, Range 43 East, Palm Beach County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6), 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 within works of 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 would 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 email: jurussel@sfwmd.gov.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN THAT on August 5, 2010, the Agency for Health Care Administration, received a petition for Variance or Waiver from of subsection 59A-1.005(35), Florida Administrative Code, from ALLOSOURCE, INC. The petition requests a variance of rule provisions requiring HTLV testing for donor tissue. The specific provision on which the waiver is sought is subparagraph 59A-1.005(35)(a)2., Florida Administrative Code. The Petitioner in its request seeks a permanent variance from the rule due to substantial hardship.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jamie L. Jackson, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #3, Tallahassee, Florida 32308.

NOTICE IS HEREBY GIVEN THAT on August 2, 2010, the Agency for Health Care Administration has issued an order.

The order is on the petition for variance or waiver filed by James Mark on May 3, 2010 and published in Vol. 36, No. 20, Florida Administrative Weekly on May 21, 2010. The petition was assigned Agency Case Number: 2010004701. The Agency has granted a temporary waiver from subsection 59A-18.006(1), F.A.C. to James Mark for a period of 2 years upon a finding that the purpose of the underlying statute will be achieved by other means and that an application of the rule would violate the principles of fairness.

A copy of the Order may be obtained by contacting: Richard Shoop, Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, MS #3, Tallahassee, Florida 32308.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on August 11, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from Lakeside at Lochmoor Condo, Bldg. D, filed May 4, 2010, and advertised in Vol. 36, No. 21, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-292).

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 August 11, 2010 the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from Three Oaks Buildings 2 & 3, filed May 13, 2010, and advertised in Vol. 36, No. 25, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for

Variance grants the Petitioner a variance from Rule 3.11.3 and 2.7.4 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations and restricted door openings until April 1, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-324).

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 August 11, 2010 the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from Lake Davis Apartments, filed May 13, 2010, and advertised in Vol. 36, No. 25, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.7.4, 3.3.2 and 3.9.1 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the restricted door openings, platform guards and normal terminal stopping devices until May 7, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-325).

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 August 13, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from Santa Maria Condo, filed May 17, 2010, and advertised in Vol. 36, No. 25, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until August 1, 2014, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-328).

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 August 13, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from Mg Tower, LLC d/b/a Clearwater Garden Tower, filed May 17, 2010, and advertised in Vol. 36, No. 24, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until December 31, 2015, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-330).

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 August 13, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from Shands UF, filed May 17, 2010, and advertised in Vol. 36, No. 24, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.3.2 ASME A17.3, 1996 edition and from Rules 1206.7 and 204.4b ASME A17.1a, 1997 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for platform guards, maintenance of fire fighter's service and door and gate electric contacts until December 31, 2012, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-331, VW 2010-332, VW 2010-333).

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 August 13, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from Shands UF, filed May 17, 2010, and

advertised in Vol. 36, No. 24, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 204.4b ASME A17.1a, 1997 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for door and gate electric contacts until December 31, 2010, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-334).

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 August 16, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from Gainesville Downtown Inn Venture, filed May 18, 2010, and advertised in Vol. 36, No. 24, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until July 1, 2011, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-335).

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 August 16, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from Fortune Street Partners, LTD, filed May 18, 2010, and advertised in Vol. 36, No. 24, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until July 1, 2013, because the Petitioner has demonstrated that

the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-337).

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 August 16, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from St. Petersburg/Clearwater Airport Assoc., LLC, filed May 18, 2010, and advertised in Vol. 36, No. 24, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until July 1, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-339).

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 August 16, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from The Ambassador Hotel Cooperative Apartment Corp., filed May 21, 2010, and advertised in Vol. 36, No. 25, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-345).

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 August 16, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition

for Variance from Crown House Assoc., Inc., filed May 21, 2010, and advertised in Vol. 36, No. 25, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until January 1, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-346).

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 August 16, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from Labcorp Bldg., filed May 24, 2010, and advertised in Vol. 36, No. 25, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3, 2.7.4, 3.10.4(t) and 2.6.2 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations, restricted door openings, in-car stop switch and closing of hoistway doors until January 1, 2015, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-350).

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 August 16, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from Southbay Condo Assoc., filed May 24, 2010, and advertised in Vol. 36, No. 25, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 and 2.7.4 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations and restricted door openings until August 1, 2015, because the Petitioner has

demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-351).

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 August 16, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from The Home Assoc., filed May 24, 2010, and advertised in Vol. 36, No. 25, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.10.4(e) and 2.3.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for the stop switch on top of car until May 18, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-352).

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 August 16, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from Internal Operations Center One, filed May 27, 2010, and advertised in Vol. 36, No. 25, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until December 31, 2011, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-365).

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 August 16, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition

for Variance from Oxford House Apts., filed June 1, 2010, and advertised in Vol. 36, No. 25, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.7.4 and 3.3.2 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators with restricted door openings and platform guards until March 1, 2012, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-367).

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 August 16, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from See Ray Shores Condo, filed June 7, 2010, and advertised in Vol. 36, No. 26, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until May 30, 2015, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-376).

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 August 16, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from Le Chateau Royal Condo Assoc., filed June 1, 2010, and advertised in Vol. 36, No. 26, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.1(a)(2), 3.11.3 and 2.7.4 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for two-way communication, firefighters' emergency operations and restricted door openings until March 1, 2013, because the

Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-386).

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 August 16, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from Mellon Bank Bldg., filed June 10, 2010, and advertised in Vol. 36, No. 26, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until June 30, 2011, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-400).

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 August 16, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from AT&T Tower, filed June 10, 2010, and advertised in Vol. 36, No. 26, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 and 2.7.4 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations and restricted door openings until August 1, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-403).

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 August 16, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has

issued an order. The Final Order was in response to a Petition for Variance from Viewpoint On-The-Bay, filed June 11, 2010, and advertised in Vol. 36, No. 26, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3, 3.3.2 and 2.7.4 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations, platform guards and restricted door openings until July 1, 2015, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-404).

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 August 16, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from Lakecrest Office Bldg., filed June 15, 2010, and advertised in Vol. 36, No. 26, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until November 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-413).

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 August 16, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from Gulfstream of Lake Worth, filed June 16, 2010, and advertised in Vol. 36, No. 26, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations

until January 1, 2015, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-415).

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 August 16, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from AAA Auto Club South, filed June 21, 2010, and advertised in Vol. 36, No. 29, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-423).

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 August 16, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from Cheffy Passidomo Bldg, filed June 21, 2010, and advertised in Vol. 36, No. 29, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.18.5, 2.20.4 and 8.11.2.1.3(cc)1&3 ASME A17.1, 2005 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for specific rope requirements because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-426).

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 August 16, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition

for Variance from June 21, 2010, filed June 21, 2010, and advertised in Vol. 36, No. 29, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until August 1, 2014, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-427).

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 August 16, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from First Financial Plaza, filed June 21, 2010, and advertised in Vol. 36, No. 29, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 and 2.7.4 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations and restricted door openings until July 1, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-429).

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 August 11, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from Tallahassee Professional Building, filed June 29, 2010, and advertised in Vol. 36, No. 29, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.18.5.1 and 2.20.1 ASME A17.1, 2004 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires that the elevator car be suspended from metallic ropes because the Petitioner has demonstrated that the purpose of the

statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-446 and VW 2010-447).

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 August 16, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from Hilton Tampa Airport Westshore, filed July 1, 2010, and advertised in Vol. 36, No. 29, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until August 30, 2010, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-450).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 16, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from Manatee Co. Judicial Center, filed July 1, 2010, and advertised in Vol. 36, No. 29, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until June 28, 2015, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-451).

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 August 16, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition

for Variance from 933 Office Bldg. A, filed July 1, 2010, and advertised in Vol. 36, No. 29, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until July 1, 2012, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-452).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 16, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from Mayfair of Boca Raton, filed July 2, 2010, and advertised in Vol. 36, No. 29, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until January 1, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-454).

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 August 16, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from Washington Towers – Sea Towers, filed July 2, 2010, and advertised in Vol. 36, No. 29, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 and 2.7.4 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations and restricted door openings until July 1, 2013, because the Petitioner has demonstrated that the purpose of the statute

underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-455).

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 August 11, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from Ciega Cove Condo Assoc., filed July 12, 2010, and advertised in Vol. 36, No. 30, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until August 1, 2015, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-466).

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 August 13, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from Bayport Plaza, filed July 14, 2010, and advertised in Vol. 36, No. 31, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until December 31, 2012, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-469).

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 August 13, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition

for Variance from Poe Parking Garage, filed July 14, 2010, and advertised in Vol. 36, No. 31, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 and 3.10.4(t) ASME A17.3, 1996 edition and from Rule 303.4(a) ASME A17.1a, 1997 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations, in-car stop switch and shut-off valve until July 1, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-470).

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 August 16, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from Long Key Townhouse, filed July 19, 2010, and advertised in Vol. 36, No. 31, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until July 1, 2015, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-476).

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 August 16, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from Suntrust Bldg., filed July 21, 2010, and advertised in Vol. 36, No. 32, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until December 31, 2014,

because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-480).

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 August 11, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from Clarion Hotel Maingate, filed July 13, 2010, and advertised in Vol. 36, No. 33, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3, 3.3.2 and 2.7.4 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations, platform guards and restricted door openings until July 1, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-482).

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 August 16, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from Halifax Professional Bldg., filed July 25, 2010, and advertised in Vol. 36, No. 33, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.7.4 ASME A17.3, 1996 edition and from Rule 1002.2(f) ASME A17.1, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until July 31, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-486).

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 August 16, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from UCF – Arts Complex II, filed July 26, 2010, and advertised in Vol. 36, No. 33, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.2.2.5 ASME A17.1a, 2005 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators with a sump pump because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-487).

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 August 16, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from UCF – Public Safety, filed July 26, 2010, and advertised in Vol. 36, No. 33, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.2.2.5 ASME A17.1a, 2005 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators with a sump pump because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-488).

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 August 16, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from Halifax Professional Building, LLC, filed July 28, 2010, and advertised in Vol. 36, No. 33, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations

until July 31, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-489).

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 August 16, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from Harbor Oaks Professional Center, filed July 30, 2010, and advertised in Vol. 36, No. 33, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.2.2.5 ASME A17.1a, 2005 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators with a sump pump because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-496).

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 August 16, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from Waters Edge IV, Bldg A, filed August 2, 2010, and advertised in Vol. 36, No. 33, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 and 3.3.2 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations and platform guards until July 15, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-498).

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 August 16, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has

issued an order. The Final Order was in response to a Petition for Variance from Menorah Manor, filed August 2, 2010, and advertised in Vol. 36, No. 33, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until June 1, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-499).

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 August 16, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from Waters Edge IV, Bldg B, filed August 2, 2010, and advertised in Vol. 36, No. 33, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 and 3.3.2 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations and platform guards until July 15, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-501).

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 August 16, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from Robb & Stucky Bldg., filed August 2, 2010, and advertised in Vol. 36, No. 33, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until January 1, 2013, because the Petitioner has demonstrated that the purpose of the

statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-503).

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 August 2, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for The Ocean Club. Petitioner seeks a variance of the requirements of ASME 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), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-505).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 6, 2010, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subsection 61C-4.010(6), Florida Administrative Code, Paragraph 6-501.115(A), 2001 Food Code from Crab's, Gulf Breeze, FL. The above referenced F.A.C. addresses the requirements that live animals are not allowed on the premise of a public food service establishment except as specifically provided in rule. They are requesting to have forty live hermit crabs on the premise from March 1st through September 30th each year.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lydia.Gonzalez@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on August 5, 2010, the Electrical Contractors' Licensing Board, received a petition for Larry J. Andrews, seeking a variance or waiver of Rule 61G6-6.017, Florida Administrative Code, which requires for the purpose of certification, a passing examination score on any part of the examination shall be valid only for a period of two (2) years from the date of the examination.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juanita Chastain, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street,

Tallahassee, FL 32399-0783. Comments on this petition should be filed with the Electrical Contractors' Licensing Board within 14 days of publication of this notice.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

The Board of Dentistry hereby gives notice that it has received a petition, filed on August 11, 2010, by Romina L. Valguarnera, seeking a waiver or variance of paragraph 64B5-2.0135(1)(a), F.A.C., with respect to the following licensure requirement: that each applicant for a Florida dental license successfully complete all portions of the examination within a thirteen month period in order to qualify for licensure. Comments on this petition should be filed with the Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

For a copy of the petition, contact: Susan Foster, Executive Director, at the above address or telephone (850)245-4474.

NOTICE IS HEREBY GIVEN THAT the Petition for Waiver or Variance filed by Aparna Dole, M.D., on June 8, 2010, has been withdrawn, upon request of the Petitioner. The Notice of Petition for Waiver or Variance was published in Vol. 36, No. 25, of the June 25, 2010, issue of the F.A.W.

The person to be contacted regarding this Petition is: Larry McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

NOTICE IS HEREBY GIVEN THAT on August 16, 2010, the Department of Health has issued an order.

The order was issued in response to a petition for a variance filed on May 19, 2010, by Daniel Hernandez, Esq., representing Infiltrator Systems, Incorporated, regarding the "treatment receptacle bulkhead stiffening member". Petitioner sought a variance from paragraph 64E-6.013(2)(a), Florida Administrative Code, which requires all receptacle stiffening members such as ribs to be a homogenous part of the structure. Notice of the petition was published in the June 4, 2010, edition of the Florida Administrative Weekly.

The Department found that the Petitioner demonstrated that the underlying intent of the statute could be achieved by alternative means and that strict application of the rules would create a substantial hardship in the Petitioner's particular circumstance. Therefore, pursuant to the requirements of

Section 120.542(2), Florida Statutes, the Department GRANTED WITH STIPULATIONS Petitioner's request for a variance.

A copy of the Order may be obtained by contacting: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN THAT on August 11, 2010, the Florida Housing Finance Corporation, received a petition for Waiver/Variance from NVC Spring Hill, LTD. The petition is seeking a waiver from paragraph 67-48.004(14)(g), F.A.C., which requires that certain information be included in a Universal Application and prohibits revisions to that information, and a variance to the Universal Application section which requires an applicant to select a specific Development Type.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Della Harrell, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing's website at: flidahousing.org. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

FISH AND WILDLIFE CONSERVATION COMMISSION

NOTICE IS HEREBY GIVEN THAT on July 8, 2010, the Florida Fish and Wildlife Conservation Commission, received a petition for a variance from portions of the Sarasota County manatee protection rule (Rule 68C-22.026, Florida Administrative Code) that establish Slow Speed boat speed zones in the Sarasota Bay and Little Sarasota Bay to Venice Bypass Canal areas. The petition was submitted by Sarasota Crew, and seeks authorization for the applicant and associated parties to operate small, outboard-driven safety launches (generally a 16-foot johnboat or semi-v boat with a 25 horsepower engine) at speeds greater than Slow Speed (and less than 20 MPH except in emergencies) while accompanying rowing boats and shells during training and competitions. Generally there is one safety launch per one to four shells. Comments regarding the petition will be accepted for no less than 14 days from the date of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mr. Scott Calleson, Florida Fish and Wildlife Conservation Commission, Imperiled Species Management Section (6A), 620 South Meridian Street, Tallahassee, FL 32399-1600, (850)922-4330.

**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: September 14, 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; rulemaking under Title 18 of the Florida Administrative Code 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

DEPARTMENT OF STATE

The **Division of Historical Resources**, Historic Preservation Grants-in-Aid Program announces a workshop to which all persons are invited.

DATE AND TIME: September 9, 2010, 2:00 p.m. (ET)

PLACE: Webinar (register online: www.flheritage.com/grants)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Grants Management.

A copy of the agenda may be obtained by contacting: Historic Preservation Grants Staff at 1(800)847-7278 or bhpggrants@flheritage.com.

The **Friends of Mission San Luis, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 9, 2010, 6:00 p.m. – conclusion

PLACE: Mission San Luis Conference Room, 2100 West Tennessee Street, Tallahassee, FL 32304

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will meet to discuss fall events, La Pluma, budgets, and other Friends business.

A copy of the agenda may be obtained by contacting: Jessica Shiver at (850)487-1666.

Pursuant to the provisions of 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: Jessica Shiver at (850)487-1666. If you are 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: Jessica Shiver at (850)487-1666 or jibshiver@dos.state.fl.us.

The **National Register Review Board** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, September 14, 2010, 1:00 p.m. – conclusion

PLACE: 500 S. Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review National Register nominations.

A copy of the agenda may be obtained by contacting: Pam Stanley at (850)245-6302.

Pursuant to the provisions of 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: Pam Stanley at (850)245-6302. If you are 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: Pam Stanley at (850)245-6302.

The **Florida Historical Commission** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, September 15, 2010, 9:00 a.m. – conclusion

PLACE: 500 S. Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business meeting.

A copy of the agenda may be obtained by contacting: Pam Stanley at (850)245-6302.

Pursuant to the provisions of 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: Pam Stanley at (850)245-6302. If you are 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: Pam Stanley at (850)245-6302.

The **Division of Historical Resources**, Bureau of Historic Preservation, Friends of Florida Main Street announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 17, 2010, 1:30 p.m.

PLACE: Charlotte Harbor Event and Conference Center, 75 Taylor Street, Punta Gorda, Florida 33950

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the organization.

A copy of the agenda may be obtained by contacting: Joan Jefferson, Florida Main Street Coordinator, Department of State, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, 1(800)847-7278.

Pursuant to the provisions of 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: Joan Jefferson, Florida Main Street Coordinator, Department of State, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250,

1(800)847-7278. If you are 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: Joan Jefferson, Florida Main Street Coordinator, Department of State, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, 1(800)847-7278.

The **Division of Cultural Affairs and Citizens for Florida Arts, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September, 14, 2010, 9:00 a.m.

PLACE: MOCA (Museum of Contemporary Art) Jacksonville, 333 North Laura Street, Jacksonville, Florida 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: This Summit will bring together stakeholders in the cultural community to discuss the future of arts and cultural funding and to determine next steps for cultural programs in the state.

A copy of the agenda may be obtained by contacting: Morgan Lewis at mblewis@dos.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Laura Blischke at llblischke@dos.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Morgan Lewis at mblewis@dos.state.fl.us or (850)245-6356.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Pest Control Enforcement Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: October 4, 2010, 9:30 a.m.

PLACE: Florida Department of Agriculture and Consumer Services, Eyster Auditorium, 3125 Connor Boulevard, Tallahassee, Florida 32399-1650, (850)488-8731 and by Teleconference/WebEx: 1(888)808-6959, Conference Code: 9219088#; WebEx Information: <https://suncom.webex.com/suncom/j.php?ED=143528272&UID=0&PW=NYmI2YjkxMjU2&RT=MIMxMQ%3D%3D>, Meeting Password: pestcontrol

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the business of the Council.

A copy of the agenda may be obtained by contacting: Mr. Michael J. Page, Chief of Bureau of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Tallahassee, Florida, 32301, (850)617-7997.

The Florida **Coordinating Council on Mosquito Control** announces a public meeting to which all persons are invited.

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

PLACE: Florida Department of Agriculture and Consumer Services, Eyster Auditorium, 3125 Conner Blvd., Tallahassee, Florida 32399-1650; (850) 488-8731 Teleconference/WebEx. The Teleconference information is as follows:

Phone number: 1(888)808-6959

Conference Code: 9219088#

WebEx Information: <https://suncom.webex.com/suncom/j.php?ED143420847&UID=0&PW=NMzg4YTc5YjQ4&RT=MIMxMQ%3D%3D>;

Meeting Password: mosquito

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the business of the Council.

A copy of the agenda may be obtained by contacting: Mr. Michael J. Page, Chief of Bureau of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Tallahassee, Florida, 32301, (850)617-7997.

The **Division of Standards** announces a public meeting to which all persons are invited.

DATE AND TIME: September 15, 2010, 2:00 p.m.

PLACE: Disney's Grand Republic B, Contemporary Resort & Convention Center, 4600 North World Drive, Lake Buena Vista, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting of the Florida Amusement Device and Attraction Advisory Committee.

A copy of the agenda may be obtained by contacting: Allan Harrison, 3125 Conner Boulevard, Suite N, Tallahassee, Florida 32399-1650, (850)488-9790.

Pursuant to the provisions of 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: Allan Harrison at (850)488-9790. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF EDUCATION

The Florida **Department of Education** and the **State Board of Education** announces the first in a series of workshops titled "What's Working in Effective Teaching and Leadership" to which all persons are invited.

DATE AND TIME: September 13, 2010, 4:00 p.m. – 6:00 p.m. (CDT)

PLACE: Gulf Coast Community College, 5230 West Highway 98, Conference Center Student Union East, 2nd Floor, Panama City, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this workshop is to offer the opportunity for dialogue, information sharing, and feedback from educators and stakeholders on the subject of Value Added Measures. The keynote speaker for this workshop is George Noell, Executive Director for Strategic Research and Analysis, Louisiana Department of Education.

For more information, you may contact: Lynn Abbott at (850)245-9661, email: lynn.abbott@fldoe.org or website: <http://www.fldoe.org/whatworks/>.

The **Florida State College at Jacksonville**, District Board of Trustees announces the following meetings to which the public is invited.

STRATEGIC CONVERSATION:

DATE AND TIME: September 7, 2010, 12:00 Noon – 2:00 p.m.

PLACE: Advanced Technology Center, Room T-140, 401 W. State St., Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: Advanced Academic Technology.

REGULAR MONTHLY BOARD MEETING:

DATE AND TIME: September 7, 2010, 2:00 p.m. – 3:00 p.m.

PLACE: Administrative Offices, Board Room 405, 501 W. State St., Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting.

DISCUSSION OF COLLEGE OPERATIONAL MATTERS:

DATE AND TIME: September 7, 2010, 3:00 p.m. – 5:00 p.m.

PLACE: Administrative Offices, Room 403A, 501 W. State St., Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: College operational matters.

Copies of the agenda for the regular monthly Board meeting will be available for inspection on and after Tuesday, August 31, 2010, and copies will be provided upon written request and the payment of approved duplicating charges.

Any person wishing to address agenda items at the Board of Trustees meeting will be provided an opportunity to do so by appearing before the Board at the meeting. All objections to this notice or the propriety of the scheduled public meetings should be filed in writing with the: College President, Florida State College at Jacksonville, on or before September 7, 2010. All legal issues should be brought to the: College's Attention, and an attempt made to resolve them prior to the public meeting. Any person wishing to appeal a decision made by the Board with respect to any matter considered at this meeting will need a record of the proceeding for such an appeal and may, therefore, need to ensure that a verbatim record is made.

Through the months of September and October 2010, the Board will hold informal meetings each Thursday from 12:00 Noon – 4:00 p.m., at the Administrative Offices, Room 403A, for the purpose of discussing College business as appropriate.

The College does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services and is an equal access/equal opportunity/affirmative action college. If special accommodations are required, please advise human resources 24 hours in advance of the meeting.

FLORIDA STATE COLLEGE AT JACKSONVILLE

Dr. Steven R. Wallace

College President

DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Building Commission**, "The Commission" announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 21, 2010, 10:00 a.m. – completion

PLACE: MEETING TO BE CONDUCTED USING COMMUNICATIONS MEDIA TECHNOLOGY, specifically by Conference Call Conference Call Telephone Number: (888)808-6959, Code: 1967168#

Public Point of Access: Department of Community Affairs, Room 250L, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rule adoption hearing on Chapter 9N-3, F.A.C., if requested.

A copy of the agenda may be obtained by contacting: Ms. Jennifer Drake, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Fax: (850)414-8436, or see the Commission's website: www.floridabuilding.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824 or Fax: (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ms. Jennifer Drake, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs,

2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Fax: (850)414-8436, or see the Commission's website: www.floridabuilding.org.

The **State Emergency Response Commission**, Training Task Force announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, September 8, 2010, 10:00 a.m. – 12:00 Noon (EDT)

PLACE: This is a telephone conference call which can be attended via the internet and telephone. Go to the web site: <https://www2.gotomeeting.com/join/654121795>, then dial 1(888)808-6959, Password: 4148565, Meeting ID: 654-121-795

GENERAL SUBJECT MATTER TO BE CONSIDERED: Topics up for discussion are:

- Finalization of Haz Mat FOG.
- Update SERT FOG with information from the Haz Mat FOG as requested by Director Halstead.
- Review the Training Task Force project board.

A copy of the agenda may be obtained by contacting: Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399, (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, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399, (850)413-9970. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF LAW ENFORCEMENT

The Florida **Department of Law Enforcement** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, September 13, 2010, 12:00 Noon – 2:00 p.m.

PLACE: Florida State Capitol Building, 22nd Floor, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The quarterly Missing Endangered Persons Information Clearinghouse Advisory Board (MEPICAB) Formal Meeting.

A copy of the agenda may be obtained by contacting: Ms. Dawn Mikola at 1(888)356-4774.

Pursuant to the provisions of 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: Ms. Dawn Mikola at 1(888)356-4774. If you are

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: Ms. Dawn Mikola or Ms. Gwen Johnson at 1(888)356-4774.

The **Criminal and Juvenile Justice Information Systems (CJJIS)** Council announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 23, 2010, 9:00 a.m.

PLACE: Florida Department of Law Enforcement Headquarters, 2331 Phillips Road, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Various topics related to the criminal justice community. Topics include, but not limited to, the Council's strategic plan, discussion of HB 5401 as it relates to the statute table and the CJJIS Council, national criminal justice projects, electronic license plate enforcement and data center consolidation.

A copy of the agenda may be obtained by contacting: Rachel Truxell at (850)410-7116 or racheltruxell@fdle.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: Rachel Truxell at (850)410-7116. If you are 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: Rachel Truxell at (850)410-7116 or racheltruxell@fdle.state.fl.us.

DEPARTMENT OF TRANSPORTATION

The Florida **Statewide Passenger Rail Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: September 7, 2010, 1:00 p.m.

PLACE: Turnpike Headquarters, Turkey Lake Service Plaza-Mile Marker 263, Florida's Turnpike, Auditorium A and B, Ocoee, FL 34761

GENERAL SUBJECT MATTER TO BE CONSIDERED: This first meeting of the Commission will focus on organizational issues.

A copy of the agenda may be obtained by contacting: Kevin J. Thibault, P.E., Executive Director, Florida Rail Enterprise, Florida Department of Transportation, 605 Suwannee Street, M.S. 57, Tallahassee, FL 32399-0450, (850)414-5210.

Pursuant to the provisions of 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: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee

Street, Mail Station 58, Tallahassee, Florida 32399-0458. If you are 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 **Commercial Motor Vehicle Review Board** announces a public meeting to which all persons are invited.

DATE AND TIME: September 9, 2010, 8:30 a.m.

PLACE: Florida Department of Transportation, Burns Building Auditorium, 605 Suwannee St., Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a monthly meeting of the Commercial Motor Vehicle Review Board for the purpose of reviewing penalties imposed upon any vehicle or persons under the provisions of Chapter 316, Florida Statutes, relating to weights imposed on the highway by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.

A copy of the agenda may be obtained by contacting: Christine Jones, Executive Assistant, Commercial Motor Vehicle Review Board, 325 John Knox Rd., Bldg. K, Tallahassee, FL 32303.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 days before the workshop/meeting by contacting: Christine Jones at (850)728-5917. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Department of Transportation**, District 4 announces a public meeting to which all persons are invited.

DATE AND TIMES: Tuesday, September 14, 2010, 3:30 p.m. – 5:30 p.m.; 6:00 p.m. – 8:00 p.m.

PLACE: Raymond F. Kravis Center for the Performing Arts, 701 Okeechobee Boulevard, West Palm Beach, Florida

DATE AND TIME: Wednesday, September 15, 2010, 6:00 p.m. – 8:00 p.m.

PLACE: McDonald Center, 17051 N. E. 19th Avenue, North Miami Beach, Florida

DATE AND TIME: Thursday, September 16, 2010, 6:00 p.m. – 8:00 p.m.

PLACE: Boca Raton Community Center, 150 Crawford Boulevard, Boca Raton, Florida

DATE AND TIMES: Tuesday, September 21, 2010, 3:30 p.m. – 5:30 p.m.; 6:00 p.m. – 8:00 p.m.

PLACE: Miami-Dade College Wolfson Campus, Building 2, James K. Batten Room 2106, 300 N. E. 2nd Avenue, Miami, Florida

DATE AND TIMES: Wednesday, September 22, 2010, 3:30 p.m. – 5:30 p.m.; 6:00 p.m. – 8:00 p.m.

PLACE: Holiday Park, 1150 G. Harold Martin Drive, Fort Lauderdale, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford the public the opportunity to participate in a public hearing for Phase 2 of a multi-phased study known as the South Florida East Coast Corridor Transit Analysis (SFECCTA) Study. This study is designed to evaluate transit improvements within the SFEC corridor. The study area extends from the Town of Jupiter in northern Palm Beach County to downtown Miami generally centered on the Florida East Coast Railway. Phase 1 and Phase 2 of the SFECCTA study followed an Alternative Analysis (AA) – Early Scoping process to be completed in 2010. The approach for the early consideration of environmental factors for this study was developed in consultation with the Federal Transit Administration (FTA) and resource agencies via the FDOT Efficient Transportation Decision Making (ETDM) process. Phase 2 of the AA-Early Scoping process has examined transit technologies, including regional rail, rapid rail, light rail, and bus rapid transit; station locations and types; railroad grade crossing issues; maintenance facility and yard locations; waterway crossings, locations for interconnecting passenger services between the existing South Florida Rail Corridor (SFRC) that is served by Tri-Rail Commuter Services and the Florida East Coast (FEC) Railway corridor; costs; funding; ridership; economic development; land use; conceptual engineering; and environmental factors in the corridor. FDOT has evaluated alternatives for transportation improvements in the study area that do not involve significant capital investment including the low cost/Transportation System Management (TSM) Alternative and the implications of taking no action (i.e., the “No Build” Alternative). It is the purpose of this AA-Early Scoping process to identify mode and general alignment in the SFEC corridor identified as “Alternatives,” leading to the selection of a locally preferred alternative (LPA) by the three county Metropolitan Planning Organizations. The Draft AA Report and a Draft Detailed Environmental Screening Report (ESR) for Phase 2 are available on the study’s website: www.sfecstudy.com.

An electronic copy of these interim reports are available upon request from: Scott P. Seeburger, Project Manager, Florida Department of Transportation, District 4, Office of Planning and Environmental Management, 3400 West Commercial Boulevard, Fort Lauderdale, FL 33309-3421, (954)777-4632, Toll-Free 1(866)336-8435, ext. 4632; Fax: (954)777-4671, email: scott.seeburger@dot.state.fl.us. In addition, bound copies of the Draft AA Report and ESR will be available for public review, between August 24, 2010 – October 2, 2010, at the following locations: Florida Department of Transportation, District 4, Office of Planning and Environmental Management, 3400 West Commercial Boulevard, Fort Lauderdale, FL

33309-3421, (954)777-4632; Florida Department of Transportation, District 6, Planning and Environmental Management Office, 1000 N. W. 111th Avenue, Miami, FL 33172, (305)470-5220. In addition, copies will be available for review in Miami-Dade County at the following locations: Miami-Dade County Main Public Library, 101 W. Flagler St., Miami; Lemon City Branch Library, 430 N. E. 61st St., Miami, FL; Northeast Branch Library, 19200 W. Country Club Drive, Aventura, FL; Broward County at the following locations: Hallandale Beach Branch Library, 300 S. Federal Highway, Hallandale Beach, FL; Broward County Main Library, 100 S. Andrews Ave., Fort Lauderdale, FL; Pompano Beach Branch Library, 1213 E. Atlantic Blvd., Pompano Beach, FL; Palm Beach County at the following locations: Delray Beach Branch Library, 100 W. Atlantic Ave., Delray Beach, FL; Lake Worth Public Library, 15 North "M" St., Lake Worth, FL; Palm Beach County Governmental Center, 301 N. Olive Ave., West Palm Beach, FL; Jupiter Branch Library, 705 Military Trail, Jupiter, FL.

A copy of the agenda may be obtained by contacting: Florida Department of Transportation, District 4, Attention: Scott Seeburger, Project Manager at (954)777-4632.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least seven days before the workshop/meeting by contacting: Florida Department of Transportation, District 4, Attention: Scott Seeburger, Project Manager at (954)777-4632. If you are 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: Florida Department of Transportation, District 4, Attention: Scott Seeburger, Project Manager at (954)777-4632.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: September 14, 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 those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on the conference agenda may be allowed to address the Commission, either informally or by oral argument, when those items are taken up for discussion at the conference, pursuant to Rules 25-22.0021 and 25-22.0022, F.A.C.

A copy of the agenda may be obtained by any person who requests a copy and pays the reasonable cost of the copy (\$1.00, see Copying Charges for Commission Records), by contacting: Office of Commission Clerk at (850)413-6770 or writing: Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. The agenda and recommendations are also accessible on the PSC Website: <http://www.floridapsc.com> at no charge.

Persons deciding to appeal any decisions made by the Commission with respect to any matter considered at this conference will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact the Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

The Florida **Public Service Commission** announces its Internal Affairs meeting to which all interested persons are invited.

DATE AND TIME: September 14, 2010, Immediately following the Commission Conference which commences at 9:30 a.m. in Joseph P. Cresse Hearing Room 148.

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs meeting may be obtained by contacting: Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact: 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/>.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Florida Energy and Climate Commission** announces a public meeting. Staff will conduct the meeting where members of the public are invited to attend.

DATE AND TIME: Wednesday, September 8, 2010, 1:00 p.m. – until completion

PLACE: Toni Jennings Room, 110 Senate Office Building, 404 South Monroe Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Energy and Climate Commission (Commission) will hold a special advisory group meeting to discuss the Clean Energy Grant Application guidelines and procedures.

A copy of the agenda may be obtained by contacting: Brittany Cummins at (850)487-3800.

Pursuant to the provisions of 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: Brittany Cummins at (850)487-3800. If you are 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: Brittany Cummins at (850)487-3800.

The **Office of Drug Control** announces a telephone conference call to which all persons are invited.

DATES AND TIME: September 9 and 23, 2010; October 14, 28, 2010, 4:00 p.m. – 5:00 p.m.

PLACE: 2105, The Capitol, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Prescription Drug Monitoring Program.

A copy of the agenda may be obtained by contacting: Claude Shipley at (850)414-8820.

Pursuant to the provisions of 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: Claude Shipley at (850)414-8820. If you are 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: Claude Shipley at (850)414-8820.

REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: September 8, 2010, 4:00 p.m.

PLACE: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Audit 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 **Northeast Florida Regional Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 9, 2010, 8:30 a.m., Planning & Growth Management Committee; Thursday, September 9, 2010, 10:30 a.m., Personnel, Budget & Finance Committee; Thursday, September 9, 2010, 11:00 a.m., Full Board of Directors; Thursday, September 9, 2010, Legislative Committee immediately following the Board Meeting

PLACE: 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Meetings.

A copy of the agenda may be obtained by contacting: Sheron Forde at (904)279-0880 or email: sforde@nefrc.org.

The **Putnam County Transportation Disadvantaged Local Coordinating Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, September 13, 2010, 10:00 a.m.

PLACE: Putnam County Governmental Complex, 2509 Crill Avenue, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Quarterly Meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, Mr. Ed Lehman at (904)279-0880.

Pursuant to the provisions of 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. Ed Lehman at (904)279-0880. If you are 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 Clay County Transportation Disadvantaged Local Coordinating Board announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, September 13, 2010, 2:00 p.m.

PLACE: Clay County Council on Aging, 604 Walnut Street, Green Cove Springs, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Quarterly Meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, Mr. Ed Lehman at (904)279-0880.

Pursuant to the provisions of 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. Ed Lehman at (904)279-0880. If you are 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 Flagler County Transportation Disadvantaged Local Coordinating Board announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 14, 2010, 10:00 a.m.

PLACE: Flagler County Government Services Building, Building #2, 1769 East Moody Blvd., Bunnell, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Quarterly Meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, Mr. Ed Lehman at (904)279-0880.

Pursuant to the provisions of 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. Ed Lehman at (904)279-0880. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **St. Johns County Transportation Disadvantaged Local Coordinating Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 14, 2010, 2:00 p.m.

PLACE: River House Board Room, 179 Marine Street, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Quarterly Meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, Mr. Ed Lehman at (904)279-0880.

Pursuant to the provisions of 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. Ed Lehman at (904)279-0880. If you are 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 Central Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: September 8, 2010, 9:30 p.m.

PLACE: Okeechobee County Courthouse, County Commission Chambers, 304 N. W. 2nd Street, Okeechobee, FL 34972

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting of the Central Florida Regional Planning Council and/or its Executive Committee.

A copy of the agenda may be obtained by contacting: Kathryn Hall at khall@cfrpc.org or (863)534-7130, ext. 129.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Patricia M. Steed, Executive Director, 555 East Church Street, Bartow, FL 33830, (863)534-7130, or psteed@cfrpc.org.

The Tampa Bay Regional Planning Council, Agency on Bay Management announces a public meeting to which all persons are invited.

DATE AND TIME: September 9, 2010, 9:00 a.m.

PLACE: 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Agency On Bay Management's Full Agency.

A copy of the agenda may be obtained by contacting: www.tbrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Wren Krahl at (727)570-5151, ext. 22. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Suzanne Cooper at (727)570-5151, ext. 32 or suzanne@tbrpc.org.

The Southwest Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 1, 2010, 9:00 a.m.

PLACE: Southwest Florida Regional Planning Council, 2nd Floor, Meeting Room, 1926 Victoria Avenue, Fort Myers, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Change in date for the Council's Lower West Watersheds Implementation Committee from September 2nd to the 1st.

A copy of the agenda may be obtained by contacting: Nichole Gwinnett at (239)656-7720.

The Southwest Florida Regional Planning Council, Lee County MPO announces a public meeting to which all persons are invited.

DATE AND TIME: September 10, 2010, 1:30 p.m.

PLACE: Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Lee County Metropolitan Planning Organization's Transportation Disadvantaged Local Coordinating Board will be holding its quarterly board meeting.

A copy of the agenda may be obtained by contacting: Brian Raimondo at (239)338-2550, ext. 211 or e-mail: braimondo@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 48 hours before the workshop/meeting by contacting: Brian Raimondo at (239)338-2550, ext. 211 or e-mail: braimondo@swfrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Visit our website: <http://www.mpo-swfl.org/>.

The Jackson County Transportation Disadvantaged Coordinating Board announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, September 13, 2010, 10:00 a.m. (Central Time)

PLACE: JTrans Office, 3988 Old Cottondale Road, Marianna, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: In addition to its regular business, the agenda will include the annual community transportation coordinator evaluation, annual operating report, and the actual expenditure report. A time for public comments will be afforded to anyone wishing to address the board.

A copy of the agenda may be obtained by contacting: Vanita Anderson, ARPC Transportation Disadvantaged Coordinator at (850)674-4571, arpc7@fairpoint.net.

Pursuant to the provisions of 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: Apalachee Regional Planning Council at (850)674-4571. If you are 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 Calhoun County Transportation Disadvantaged Coordinating Board announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, September 13, 2010, 2:00 p.m. (Central Time)

PLACE: Calhoun County Senior Citizens Center, 16859 N. E. Cayson Street, Blountstown, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: In addition to its regular business, the agenda will include the annual community transportation coordinator evaluation, annual operating report, and the actual expenditure report. A time for public comments will be afforded to anyone wishing to address the board.

A copy of the agenda may be obtained by contacting: Vanita Anderson, ARPC Transportation Disadvantaged Coordinator at (850)674-4571, arpc7@fairpoint.net.

Pursuant to the provisions of 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: Apalachee Regional Planning Council at (850)674-4571. If you are 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 Wakulla County Transportation Disadvantaged Coordinating Board announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 14, 2010, 10:00 a.m. (Eastern Time)

PLACE: Wakulla County Public Library, 4330 Crawfordville Highway, Crawfordville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: In addition to its regular business, the agenda will include the annual community transportation coordinator evaluation, annual operating report, and the actual expenditure report. A time for public comments will be afforded to anyone wishing to address the board.

A copy of the agenda may be obtained by contacting: Vanita Anderson, ARPC Transportation Disadvantaged Coordinator at (850)674-4571, arpc7@fairpoint.net.

Pursuant to the provisions of 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: Apalachee Regional Planning Council at (850)674-4571. If you are 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 **Liberty County Transportation Disadvantaged Coordinating Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 14, 2010, 2:00 p.m. (Eastern Time)

PLACE: Veterans Memorial Park Civic Center, 10405 N. W. Theo Jacobs Way, Bristol, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: In addition to its regular business, the agenda will include the annual community transportation coordinator evaluation, annual operating report, and the actual expenditure report. A time for public comments will be afforded to anyone wishing to address the board.

A copy of the agenda may be obtained by contacting: Vanita Anderson, ARPC Transportation Disadvantaged Coordinator at (850)674-4571, arpc7@fairpoint.net.

Pursuant to the provisions of 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: Apalachee Regional Planning Council at (850)674-4571. If you are 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 **Franklin County Transportation Disadvantaged Coordinating Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 15, 2010, 10:00 a.m. (Eastern Time)

PLACE: Franklin County Courthouse Annex Courtroom, 33 Market Street, Apalachicola, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: In addition to its regular business, the agenda will include the annual community transportation coordinator evaluation, annual TD Service Plan update, annual operating report, and the actual expenditure report. A time for public comments will be afforded to anyone wishing to address the board.

A copy of the agenda may be obtained by contacting: Vanita Anderson, ARPC Transportation Disadvantaged Coordinator at (850)674-4571, arpc7@fairpoint.net.

Pursuant to the provisions of 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: Apalachee Regional Planning Council at (850)674-4571. If you are 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 **Gulf County Transportation Disadvantaged Coordinating Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 15, 2010, 1:00 p.m. (Eastern Time)

PLACE: Gulf County Transportation Office, 122 Water Plant Road, Port St. Joe, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: In addition to its regular business, the agenda will include the annual community transportation coordinator evaluation, annual operating report, and the actual expenditure report. A time for public comments will be afforded to anyone wishing to address the board.

A copy of the agenda may be obtained by contacting: Vanita Anderson, ARPC Transportation Disadvantaged Coordinator at (850)674-4571, arpc7@fairpoint.net.

Pursuant to the provisions of 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: Apalachee Regional Planning Council at (850)674-4571. If you are 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 **Jefferson County Transportation Disadvantaged Coordinating Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 16, 2010, 10:00 a.m. (Eastern Time)

PLACE: Jefferson County Health Department Annex, 1175 West Washington Street, Monticello, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: In addition to its regular business, the agenda will include the annual community transportation coordinator evaluation, annual TD Service Plan update, annual operating report, and the actual expenditure report. A time for public comments will be afforded to anyone wishing to address the board.

A copy of the agenda may be obtained by contacting: Vanita Anderson, ARPC Transportation Disadvantaged Coordinator at (850)674-4571, arpc7@fairpoint.net.

Pursuant to the provisions of 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: the Apalachee Regional Planning Council at (850)674-4571. If you are 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 **Gadsden County Transportation Disadvantaged Coordinating Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 16, 2010, 2:00 p.m. (Eastern Time)

PLACE: William A. McGill Library, 732 Pat Thomas Parkway, Quincy, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: In addition to its regular business, the agenda will include the annual community transportation coordinator evaluation, annual TD Service Plan update, annual operating report, and the actual expenditure report. A time for public comments will be afforded to anyone wishing to address the board.

A copy of the agenda may be obtained by contacting: Vanita Anderson, ARPC Transportation Disadvantaged Coordinator at (850)674-4571, arpc7@fairpoint.net.

Pursuant to the provisions of 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: the Apalachee Regional Planning Council at (850)674-4571. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

METROPOLITAN PLANNING ORGANIZATIONS

The **Metropolitan Planning Organization**, Advisory Council announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 2, 2010, 10:30 a.m.

PLACE: FL Transportation Builder's Association, 1007 DeSoto Park Drive, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Develop recommendations for addressing the issues of revenue for surface transportation (transit & highway).

A copy of the agenda may be obtained by contacting: Rebecca Bosco at bosco@cutr.usf.edu or (813)974-9777.

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: Rebecca Bosco at bosco@cutr.usf.edu or (813)974-9777.

WATER MANAGEMENT DISTRICTS

The **Northwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 14, 2010, 5:05 p.m. (Central Time)

PLACE: Crestview Field Office, 800 Hospital Drive, Crestview, Florida 32539, (850)683-5044

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Adoption of Proposed Millage Rate for Fiscal Year 2010-2011 and Consideration of Adoption of the District's Fiscal Year 2010-2011 Tentative Proposed Budget.

A copy of the agenda may be obtained by contacting: Robin Tucker at (850)539-5999, email: robin.tucker@nwfwm.district.fl.us or Internet: www.nwfwm.district.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 72 hours before the workshop/meeting by contacting: Ms. Jean Whitten at (850)539-5999. If you are 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 **Suwannee River Water Management District (District)** announces a public meeting to which all persons are invited.

DATES AND TIME: September 14, 2010; September 28, 2010, 3:00 p.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: September 14, 2010:

3:00 p.m. Governing Board meeting to consider District business and conduct public hearings on regulatory and land acquisition matters.

5:30 p.m. First public hearing on Fiscal Year 2010-2011 budget and proposed millage rate.

September 28, 2010:

3:00 p.m. Governing Board workshop.

5:30 p.m. Final public hearing on Fiscal Year 2010-2011 budget and proposed millage rate.

A copy of the agenda may be obtained by contacting: Lisa Cheshire or Kristel Callahan at (386)362-1001 or 1(800)226-1066 (Florida Only) or on the District's website: www.mysuwanneeriver.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Lisa Cheshire at (386)362-1001 or 1(800)226-1066 (Florida Only). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **St. Johns River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 14, 2010, 9:00 a.m.

PLACE: The Committee meetings and the Governing Board Meeting will be conducted by means of communications media technology at District Headquarters, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177. One or more Governing Board members may attend and participate in the meeting via telephone or web conferencing technology. Members of the public should attend in person at the District Headquarters

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting, including Public Hearing on Land Acquisition; Finance, Administration and Audit Committee; Projects and Land Committee; and Regulatory Committee. Meetings will include a discussion and consideration of District business including regulatory and non-regulatory matters. Staff may recommend approval of external amendments which affect the adopted budget.

A copy of the agenda may be obtained by contacting: Missy McDermont, 4049 Reid Street, Palatka, Florida 32177, (386)329-4101, or by visiting the District's website: www.floridaswater.com.

For more information, or if you wish to submit written or other physical evidence during the proceedings, you may contact Missy McDermont at the above referenced address or phone number.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: District Clerk at (386)329-4500. If you are hearing

or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **St. Johns River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 14, 2010, 5:05 p.m.

PLACE: This is a meeting conducted by means of communications media technology at District Headquarters, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177. One or more Governing Board members may attend and participate in the meeting via telephone or web conferencing technology. Public should attend in person at the District Headquarters.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official presentation of the FY 2010-2011 tentative millage rate and tentative budget and opportunity to receive public comment prior to consideration and adoption by the Governing Board.

A copy of the agenda may be obtained by contacting: Missy McDermont, 4049 Reid Street, Palatka, Florida 32177, (386)329-4101, or by visiting the District's website: www.floridaswater.com. A copy of the FY 2010-2011 Tentative Budget may be obtained by contacting: Vicki Kroger, Office of Budget and Management Reporting at (386)329-4217.

For more information, or if you wish to submit written or other physical evidence during the proceeding, you may contact: Missy McDermont at the above referenced address or phone number.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: District Clerk at (386)329-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 7, 2010, 3:30 p.m.

PLACE: Springs Coast Environmental Education Center, 9170 Cortez Boulevard, Weeki Wachee, Florida 34607

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Discussion of task force business for the Hernando County Task Force of the Citrus/Hernando Waterways Restoration Council.

A copy of the agenda may be obtained by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604, (352)796-7211 or 1(800)423-1476 (Florida Only), extension 4227.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: (352)796-7211 or 1(800)423-1476 (Florida Only), extension 4702; TDD (Florida Only) 1(800)231-6103 or email: ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Southwest Florida Water Management District (SWFWMD)** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, September 13, 2010, 1:00 p.m.
PLACE: SWFWMD Tampa Service Office, 7601 Highway 301 North, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Environmental Advisory Committee meeting to discuss committee business.

A copy of the agenda may be obtained by contacting: Watermatters.org-Boards, Meetings & Event Calendar; or the Planning Department 1(800)423-1476 (FL Only) or (351)796-7211.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: SWFWMD Human Resources Director at 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4702; TDD (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).

For more information, you may contact: Teri.Hudson@watermatters.org or 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4402 (AD Order #25868).

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

Audit & Finance Committee Meeting
DATE AND TIME: September 8, 2010, 10:00 a.m.
PLACE: SFWMD Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406

Project & Lands Committee Meeting
DATE AND TIME: September 8, 2010, 11:00 a.m.
PLACE: SFWMD Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406

Workshop Meeting
DATE AND TIME: September 8, 2010, 12:00 Noon
PLACE: SFWMD Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406

Regular Business Meeting
DATE AND TIME: September 9, 2010, 9:00 a.m.
PLACE: SFWMD Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406

All or part of these meetings may be conducted as a teleconference in order to permit maximum participation by Governing Board members. The Governing Board may take official action at the meeting on any item appearing on the agenda and on any item that is added to the agenda as a result of a change to the agenda approved by the presiding officer of the meeting pursuant to Section 120.525, Florida Statutes. If Workshop items are not discussed on 9/8, the items may be discussed on 9/9.

PLACE: SFWMD Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Governing Board to discuss and consider District business, including regulatory and non-regulatory matters, and may include an amendment to the District's Fiscal Year 2010 budget to revise revenues and expenditures.

A copy of the agenda may be obtained by contacting: Jacki McGorty, (561)682-2087 or website: http://my.swfwmd.gov/portal/page/portal/pg_grp_govboard/pg_paa_gbgroup_archives.

Pursuant to the provisions of 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: Jacki McGorty, District Clerk 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.

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

Public Hearing on FY 2010-11 Tentative Millages and Tentative Budget
DATE AND TIME: September 8, 2010, 5:15 p.m.
PLACE: SFWMD Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406

Public Hearing on FY 2010-11 Final Millages and Final Budget

DATE AND TIME: September 21, 2010, 5:15 p.m.

PLACE: SFWMD Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406

All or part of these meetings may be conducted as a teleconference in order to permit maximum participation by Governing Board members. The Governing Board may take official action at the meeting on any item appearing on the agenda and on any item that is added to the agenda as a result of a change to the agenda approved by the presiding officer of the meeting pursuant to Section 120.525, Florida Statutes.

PLACE: SFWMD Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: On 9/8 the Governing Board will review and receive public comment on tentative millage rates and tentative budget for FY 2010-11. On 9/21 the Governing Board will receive public comment and vote on the final FY 2010-11 millage rates and budget.

A copy of the agenda may be obtained by contacting: Jacki McGorty, (561)682-2087 or website: <http://www.sfwmd.gov/portal/page/portal/sfwmdmain/home%20page>.

Pursuant to the provisions of 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: Jacki McGorty, District Clerk 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: Jacki McGorty at (561)682-2087 or jmcgorty@sfwmd.gov.

The **South Florida Water Management District** announces a hearing to which all persons are invited.

DATE AND TIME: September 9, 2010, 9:00 a.m.

PLACE: South Florida Water Management District, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continuation of public hearing to adopt amendments to Rules 40E-63.400, 40E-63.401, 40E-63.402, 40E-63.404, 40E-63.406, 40E-63.415, 40E-63.420, 40E-63.430, 40E-63.444, F.A.C., Repeal: Rules 40E-63.432, 40E-63.434, 40E-63.436, 40E-63.440, 40E-63.442, 40E-63.450, 40E-63.452, 40E-63.454, 40E-63.456, 40E-63.458, 40E-63.460, 40E-63.470, F.A.C., New: Rules 40E-63.435,

40E-63.437, 40E-63.438, 40E-63.439, 40E-63.441, 40E-63.443, 40E-63.446, 40E-63.461, 40E-63.462, 40E-63.464, F.A.C., and the materials incorporated by reference, regarding the Everglades Regulatory Program: C-139 Basin.

A copy of the agenda may be obtained by contacting: South Florida Water Management District Clerk, P. O. Box 24680, West Palm Beach, FL 33416, 1(800)432-2045, ext. 2087 or (561)682-2087.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: South Florida Water Management District Clerk, Post Office Box 24680, West Palm Beach, Florida 33416, 1(800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Carmela Bedregal, Engineer Supervisor, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416, 1(800)432-2045, ext. 2737 or (561)682-2737, email: ebedrega@sfwmd.gov.

EXPRESSWAY AUTHORITIES

The **Miami-Dade Expressway Authority (MDX)** announces a workshop to which all persons are invited.

DATE AND TIME: September 21, 2010, 6:00 p.m. – 8:00 p.m.

PLACE: Country Walk Clubhouse, 14601 Country Walk Drive, Miami, FL 33196

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Miami-Dade Expressway Authority (MDX) has scheduled a Public Alternatives Workshop for the SR 874/Don Shula Expressway Ramp Connector Project Development and Environment (PD&E) Study to discuss the different alternatives being evaluated for the connection between the existing SR 874/Don Shula Expressway at the Homestead Extension of the Florida's Turnpike (HEFT) with S. W. 137th Avenue. The improvements proposed will alleviate traffic congestion and provide the travelling public with an additional alternative to travel to and from the area and offer a safer and more efficient roadway system.

The Public Alternatives Workshop will give property owners, residents and interested parties an opportunity to discuss and comment on the various alternatives being proposed and evaluated during this phase of the study. Your participation and input are appreciated.

A copy of the agenda may be obtained by contacting: Ms. Tere Garcia at (786)277-9292 or e-mail: tgarcia@mdxway.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: Ms. Tere Garcia at (786)277-9292 or e-mail: tgarcia@mdxway.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: Ms. Tere Garcia at (786)277-9292 or e-mail: tgarcia@mdxway.com. You can also write: Mayra Diaz at MDX 3790 N. W. 21st Street, Miami, FL 33142.

DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs, Long-Term Care Ombudsman Program** announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 2, 2010, 10:00 a.m. – 11:30 a.m. (EDT)

PLACE: Conference Call: 1(888)808-6959, Conference Code: 9382152028#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Ombudsman Program, Advocacy Committee business.

A copy of the agenda may be obtained by contacting: Aubrey Posey, Department of Elder Affairs, 4040 Esplanade Way, Ste. 280R, Tallahassee, FL 32399, (850)414-2323 or email: poseya@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: Aubrey Posey, Department of Elder Affairs, 4040 Esplanade Way, Ste. 280R, Tallahassee, Florida 32399, (850)414-2323 or email: poseya@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: Aubrey Posey, Department of Elder Affairs, 4040 Esplanade Way, Ste. 280R, Tallahassee, FL 32399, (850)414-2323 or email: poseya@elderaffairs.org.

The **Department of Elder Affairs, Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATES AND TIME: September 7, 2010; October 5, 2010; November 9, 2010; December 7, 2010, 9:30 a.m. – 10:45 a.m. (EDT)

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 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 Avenue, Room 152, Ft. Myers, Florida 33901, (239)338-2563 or 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 Avenue, Room 152, Ft. Myers, Florida 33901, (239)338-2563 or email: prioed@elderaffairs.org.

The **Department of Elder Affairs, Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATES AND TIME: September 8, 2010; October 13, 2010; November 10, 2010; December 8, 2010, 10:00 a.m. – 11:00 a.m. (EDT)

PLACE: 210 North Palmetto Avenue, Room 148, Daytona Beach, FL 32114

GENERAL SUBJECT MATTER TO BE CONSIDERED: First Coast South District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Bryan Morgan, Department of Elder Affairs, 210 N. Palmetto, Ste. 403, Daytona Beach, Florida 32114, (386)226-7846 or email: morganb@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: Bryan Morgan, Department of Elder Affairs, 210 North Palmetto, Suite 403, Daytona Beach, Florida 32114, (386)226-7846, or email: morganb@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: Bryan Morgan, Department of Elder Affairs, 210 North Palmetto, Ste. 403, Daytona Beach, Florida 32114, (386)226-7846 or email: morganb@elderaffairs.org.

The **Department of Elder Affairs, Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATES AND TIME: September 9, 2010; October 14, 2010; November 18, 2010; December 9, 2010, 10:30 a.m. – 12:00 Noon (EDT)

PLACE: North Miami Beach Public Library, 1601 N. E. 164th Street, North, North Miami Beach, FL 33162

GENERAL SUBJECT MATTER TO BE CONSIDERED: North Dade District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Ramon Keppis, Department of Elder Affairs, 7270 N. W. 12th Street, Suite 550, Miami, Florida 33126, (786)336-1418 or email: keppisra@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: Ramon Keppis, Department of Elder Affairs, 7270 N. W. 12th Street, Suite 550, Miami, Florida 33126, (786)336-1418 or email: keppisra@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: Ramon Keppis, Department of Elder Affairs, 7270 N. W. 12th Street, Suite 550, Miami, Florida 33126, (786)336-1418 or email: keppisra@elderaffairs.org.

The **Department of Elder Affairs, Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATES AND TIME: September 9, 2010; October 14, 2010; November 18, 2010; December 9, 2010, 12:00 Noon – 2:00 p.m. (EDT)

PLACE: Mayor William Beardall Senior Center, 800 South Delaney Avenue, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: East Central District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Lashea Heidelberg, Department of Elder Affairs, 988 Woodcock Road, Ste. 198, Orlando, Florida 32803, (407)228-7752 or email: heidelbergl@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: Lashea Heidelberg, Department of Elder Affairs, 988 Woodcock Road, Ste. 198, Orlando, FL 32803, (407)228-7752 or email: heidelbergl@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: Lashea Heidelberg, Department of Elder Affairs, 988 Woodcock Road, Ste. 198, Orlando, Florida 32803, (407)228-7752 or email: heidelbergl@elderaffairs.org.

The **Department of Elder Affairs, Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATES AND TIME: September 9, 2010; October 14, 2010; November 4, 2010; December 9, 2010; 2:00 p.m. – 3:00 p.m. (EDT)

PLACE: United Way of Central Florida, 5605 US Hwy. 98 South, Highland City, FL 33846

GENERAL SUBJECT MATTER TO BE CONSIDERED: South Central District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Tresa Johnston, Department of Elder Affairs, 200 N. Kentucky Ave., #224, Lakeland, Florida 33801, (863)413-2764 or email: johnstont@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: Tresa Johnston, Department of Elder Affairs, 200 N. Kentucky Ave., #224, Lakeland, FL 33801, (863)413-2764 or email: johnstont@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: Tresa Johnston, Department of Elder Affairs, 200 N. Kentucky Ave., #224, Lakeland, Florida 33801, (863)413-2764 or email: johnstont@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: Tuesday, August 31, 2010, 1:00 p.m.

PLACE: Agency for Health Care Administration, Fort Knox Business Center, 2727 Mahan Drive, Bldg. 3, Conference Room C, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Medical Care Advisory Committee Meeting.

A copy of the agenda may be obtained by contacting: Carla Sims, Office of the Deputy Secretary, Medicaid at (850)412-4013 or by email at simsc@ahca.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: Carla Sims, Office of the Deputy Secretary, Medicaid at (850)412-4013 or email: simsc@ahca.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: Carla Sims, Office of the Deputy Secretary, Medicaid at (850)412-4013 or email: simsc@ahca.myflorida.com.

The **Medicaid Drug Utilization Review Board** and Prescribing Pattern Preview Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 23, 2010, 1:00 p.m. – 2:00 p.m.

PLACE: Conference Call: accessible from any location in the U.S., no reservation is required. At the specified date and time Toll Free: 1(888)808-6959, when prompted enter Conference Code: 8509227702 followed by the # sign

GENERAL SUBJECT MATTER TO BE CONSIDERED: This conference call will consist of updates and reviews of drug use criteria and standards recommended and discussed for implementation at the last DUR/PPRP meeting held in Tampa on August 7, 2010.

A copy of the agenda may be obtained by contacting: Vern Hamilton at Vern.Hamilton@ahca.myflorida.com.

The **Agency for Health Care Administration**, Pharmaceutical and Therapeutics Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 29, 2010, 9:00 a.m. – 2:30 p.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Recommendations for drugs to be included on the Preferred Drug List are made at this meeting.

Members of the public who wish to testify at this meeting must contact: Mark Gibson at Mark.Gibson@ahca.myflorida.com. The number of speakers will be limited and will be accommodated in order of notification to Mr. Gibson. Because

of unforeseen events that may cause changes, interested parties are encouraged to watch the web site at: http://www.fdhc.state.fl.us/Medicaid/Prescribed_Drug. Procedures for speakers to follow are also available on the website.

A copy of the agenda may be obtained by contacting: Mark Gibson at Mark.Gibson@ahca.myflorida.com.

DEPARTMENT OF MANAGEMENT SERVICES

The **Agency for Workforce Innovation**, Early Learning Information System, Project Steering Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 8, 2010, 2:00 p.m. – 3:30 p.m.

PLACE: Caldwell Building, AWI Caldwell Executive Room 114, 107 E. Madison Street, Tallahassee, Florida 32399 and via Conference Call: 1(888)808-6959, Conference Code: 9997256#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular recurring meeting to review project status and act on any decisions required of the Committee.

A copy of the agenda may be obtained by contacting: <http://www.floridajobs.org/earlylearning/index.html>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Dianne Corbett at (850)245-7285. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Board of Auctioneers** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 23, 2010, 9:00 a.m.

PLACE: InterContinental Tampa, 4860 West Kennedy Blvd., Tampa, Florida 33609-2524

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Board of Auctioneers at (850)922-5012 or Fax: (850)617-4458.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Board of Auctioneers at (850)922-5012 or Fax: (850)617-4458. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Board of Auctioneers at (850)922-5012 or Fax: (850)617-4458.

The **Department of Business and Professional Regulation, Board of Employee Leasing Companies** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, October 20, 2010, 10:00 a.m. or soon thereafter

PLACE: Conference Call: 1(888)808-6959, Conference Code: 9226020#

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business of the Board.

A copy of the agenda may be obtained by contacting: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767, (850)487-1395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: The Board office at (850)487-1395. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Florida Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

The **Department of Business and Professional Regulation, Board of Employee Leasing Companies** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 17, 2010, 10:00 a.m. or soon thereafter

PLACE: Sheraton Orlando North Hotel, 600 North Lake Destiny Drive, Maitland, Florida 32751

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business of the Board.

A copy of the agenda may be obtained by contacting: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767, (850)487-1395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: The Board office at (850)487-1395. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Florida Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

The **Department of Business and Professional Regulation, Board of Employee Leasing Companies** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, December 22, 2010, 10:00 a.m. or soon thereafter

PLACE: Conference Call: 1(888)808-6959, Conference Code: 9226020#

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business of the Board.

A copy of the agenda may be obtained by contacting: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767, (850)487-1395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: The Board office at (850)487-1395. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Florida Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

The **Board of Pilot Commissioners** announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 3, 2010, 9:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 4878197#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Deputy Pilot Advancement Committee.

A copy of the agenda may be obtained by contacting: Board of Pilot Commissioners, 1940 N. Monroe St., 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 **Florida Engineers Management Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 6, 2010, 9:00 a.m. (EST)

PLACE: Hyatt Regency Tampa, Two Tampa City Center, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the corporation.

A copy of the agenda may be obtained by contacting: Rebecca Sammons at (850)521-0500.

Pursuant to the provisions of 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: Rebecca Sammons. If you are 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: Rebecca Sammons at rsammons@fbpe.org.

The Florida **Board of Professional Engineers** announces a public meeting to which all persons are invited.

DATES AND TIMES: Wednesday, October 6, 2010, 1:00 p.m.; – Thursday, October 7, 2010, 8:30 a.m.

PLACE: Hyatt Regency Tampa, Two Tampa City Center, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the board.

A copy of the agenda may be obtained by contacting: Rebecca Sammons at (850)521-0500.

Pursuant to the provisions of 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: Rebecca Sammons at (850)521-0500. If you are 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: Rebecca Sammons at rsammons@fbpe.org.

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 Florida **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, September 13, 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 or by phone (850)245-2094, 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).

DEPARTMENT OF HEALTH

The **Correctional Medical Authority** announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 9, 2010, 1:00 p.m. – 2:00 p.m.
PLACE: Conference Call: 1(888)808-6959 (Toll Free),
Conference Code: 5391969#, 4030 Esplanade Way, 2nd Floor,
Room 280, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Continued discussion of issues relating to correctional health
care in the Florida Department of Corrections.

A copy of the agenda may be obtained by contacting:
Correctional Medical Authority at (850)245-4557.

Pursuant to the provisions of 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: Correctional Medical Authority at (850)245-4557.
If you are 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: Correctional Medical
Authority at (850)245-4557.

The Florida **Board of Acupuncture** announces a public
meeting to which all persons are invited.

DATE AND TIME: Friday, September 17, 2010, 9:00 a.m. or
soon thereafter

PLACE: Hyatt Regency Orlando Airport, 9300 Airport
Boulevard, Orlando, FL 32827, (407)825-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: To
conduct general business of the Board.

A copy of the agenda may be obtained by contacting: Board of
Acupuncture, 4052 Bald Cypress Way, Bin C-06, Tallahassee,
Florida 32399-3256.

Pursuant to the provisions of the Americans with Disabilities
Act, any person requiring special accommodations to
participate in this workshop/meeting is asked to advise the
agency at least 5 days before the workshop/meeting by
contacting: Board of Acupuncture at (850)245-4161. If you are
hearing or speech impaired, please contact the agency using the
Florida Relay Service, 1(800)955-8771 (TDD) or
1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the
Board with respect to any matter considered at this meeting or
hearing, he/she will need to ensure that a verbatim record of
the proceeding is made, which record includes the testimony
and evidence from which the appeal is to be issued.

The **Board of Medicine**, Dietetics-Nutrition and Electrolysis
Committee announces a public meeting to which all persons
are invited.

DATE AND TIME: Wednesday, September 8, 2010, 12:00
Noon (Committee meetings may be cancelled prior to the
meeting date. Please check the Board Web Site at
www.flhealthsource.com for cancellations or changes to the
meeting dates.)

PLACE: Conference Call: 1(888)808-6959, Conference Code:
2454131#

GENERAL SUBJECT MATTER TO BE CONSIDERED: To
conduct the general business of this committee.

A copy of the agenda may be obtained by contacting: Whitney
Bowen at whitney_bowen@doh.state.fl.us or call
(850)245-4131 ext. 3517.

Pursuant to the provisions of 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: Whitney Bowen at whitney_bowen@doh.state.fl.us
or call (850)245-4131, ext. 3517. If you are 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** and Osteopathic Medicine Pain
Management, Clinic Standards of Practice Joint Committee
announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 10, 2010, 8:00 a.m.

PLACE: Hyatt Regency Orlando International Airport, 9300
Airport Blvd., Orlando, FL 32827, Hotel: (407)825-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: To
discuss criteria for the recognition of nationally recognized
agencies accrediting pain management clinics and the
maximum number of prescriptions for schedule II or III
controlled substances or Alprazolam that may be written at any
one register pain management clinic during any 24 hour period
subject to the provisions of Laws of Florida 2010-2011. Please
check the Board Web Site: www.flhealthsource.com for
cancellations or changes to meeting dates or call the Board of
Medicine at (850)245-4131 for information.

A copy of the agenda may be obtained by contacting: Crystal
Sanford at crystal_sanford@doh.state.fl.us or call
(850)245-4132.

Pursuant to the provisions of 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: Crystal Sanford at crystal_sanford@doh.state.fl.us

or call (850)245-4132. If you are 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, September 10, 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, September 24, 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, October 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, October 29, 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, November 12, 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, November 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: 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: Thursday, December 16, 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, December 17, 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.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Shared Services Alliance of Okeechobee and the Treasure Coast** announces a public meeting to which all persons are invited.

DATE AND TIME: August 27, 2010, 9:00 a.m. – 11:00 a.m.

PLACE: Children's Home Society, Youth Transition Center, 620 10th Street, Vero Beach, FL 32960

GENERAL SUBJECT MATTER TO BE CONSIDERED: Bi-monthly meeting.

A copy of the agenda may be obtained by contacting: Ellen Higinbotham at (772)467-4176.

Pursuant to the provisions of 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: Ellen Higinbotham at (772)467-4176. If you are 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 Higinbotham at (772)467-4176.

The **Community Alliance Officer Elections Committee** announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 8, 2010, 9:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 6435106#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Officer Elections.

A copy of the agenda may be obtained by contacting: Denise Kelly at (386)238-4648.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Department of Children and Families**, Circuit 10 announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 8, 2010, 2:30 p.m.

PLACE: Department of Children and Families, 1055 US Hwy. 17 North, Bartow, FL 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of Heart of Florida Community Alliance.

A copy of the agenda may be obtained by contacting: Diane Dvorak, DCF at (863)534-7100.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Diane Dvorak, DCF at (863)534-7100. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Diane Dvorak, DCF at (863)534-7100.

The **Department of Children and Families, Division of Refugee Services** announces a public meeting to which all persons are invited.

DATE AND TIME: September 3, 2010, 1:15 p.m.

PLACE: Florida Department of Children and Families, Refugee Services, 1317 Winewood Blvd., Bldg. 5, Room 203, Tallahassee, FL 32399-0700

GENERAL SUBJECT MATTER TO BE CONSIDERED: The opening of replies for Refugee Student Academic Enrichment Services ITNs for Broward (ITN #08K10BS1), Collier (ITN #08K10BS2), Duval (ITN #08K10BS3), Hillsborough (ITN #08K10BS4), Miami-Dade (ITN #08K10BS5), Orange (ITN #08K10BS6), Palm Beach (ITN #08K10BS7), and Pinellas (ITN #08K10BS8) Counties, as provided for in Section 2.6 of the respective ITNs, published on the Vendor Bid System (VBS) on August 17, 2010.

A copy of the agenda may be obtained by contacting: Anna Bethea, Procurement Manager, Florida Department of Children and Families, Refugee Services, 1317 Winewood Blvd., Bldg. 5, Room 203, Tallahassee, FL 32399-0700, Anna_Bethea@dcf.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: Anna Bethea, Procurement Manager, Florida Department of Children and Families, Refugee Services, 1317 Winewood Blvd., Bldg. 5, Room 203, Tallahassee, FL 32399-0700, Anna_Bethea@dcf.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: Anna Bethea, Procurement Manager, Florida Department of Children and Families, Refugee Services, 1317 Winewood Blvd., Bldg. 5, Room 203, Tallahassee, FL 32399-0700, Anna_Bethea@dcf.state.fl.us.

The **Department of Children and Families, Division of Refugee Services** announces a public meeting to which all persons are invited.

DATE AND TIME: September 3, 2010, 3:30 p.m.

PLACE: Florida Department of Children and Families, Refugee Services, 1317 Winewood Blvd., Bldg. 5, Room 203, Tallahassee, FL 32399-0700; Conference Call: 1(888)808-6959, Conference Code: 4883791#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The initial meeting of Department Evaluators for Refugee Student Academic Enrichment Services, as provided for in Section 2.6 of ITNs 08K10BS1, 08K10BS2, 08K10BS3, 08K10BS4, 08K10BS5, 08K10BS6, 08K10BS7, and 08K10BS8, published on the Vendor Bid System (VBS) on August 17, 2010.

A copy of the agenda may be obtained by contacting: Anna Bethea, Procurement Manager, Florida Department of Children and Families, Refugee Services, 1317 Winewood Blvd., Bldg. 5, Room 203, Tallahassee, FL 32399-0700, Anna_Bethea@dcf.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: Anna Bethea, Procurement Manager, Florida Department of Children and Families, Refugee Services, 1317 Winewood Blvd., Bldg. 5, Room 203, Tallahassee, FL 32399-0700, Anna_Bethea@dcf.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: Anna Bethea, Procurement Manager, Florida Department of Children and Families, Refugee Services, 1317 Winewood Blvd., Bldg. 5, Room 203, Tallahassee, FL 32399-0700, Anna_Bethea@dcf.state.fl.us.

The **Refugee Services Program** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 8, 2010, 1:30 p.m. – 3:30 p.m.

PLACE: Department of Children and Families, 5920 Arlington Expressway, Jacksonville, Florida 32211

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the Jacksonville Refugee Task Force meetings is to increase awareness of the refugee populations, share best practices, build collaborations between agencies, spot trends in refugee populations, help create good communication among service providers, get informed about upcoming community events, and discuss refugee program service needs and possible solutions to meeting those needs.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Debbie Ansbacher at email: Debbie_Ansbacher@dcf.state.fl.us, Fax: (904)723-2144, mail: Debbie Ansbacher, 5920 Arlington Expressway, Room 216L, Jacksonville, Florida 32211. If you are 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: Debbie Ansbacher at phone: (904)726-1540, email: Debbie_Ansbacher@dcf.state.fl.us, Fax: (904)723-2144, mail: Debbie Ansbacher, 5920 Arlington Expressway, Room 216L, Jacksonville, Florida 32211; Taddese Fessehayat at email: Taddese_Fessehayat@dcf.state.fl.us.

The **Refugee Services** announces a public meeting to which all persons are invited.

DATE AND TIME: September 10, 2010, 10:00 a.m. – 12:00 Noon

PLACE: Miami-Dade College, 500 N. E. 2nd Avenue, Room 3208-9, Miami, Florida 33132

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to increase awareness of the refugee populations, share best practices, spot trends in refugee populations, build collaborations between agencies, help create good communication among service providers, get informed

about upcoming community events, and discuss refugee program service needs and possible solutions to meeting those needs.

A copy of the agenda may be obtained by contacting: Adria Dilme-Bejel at (305)377-7518 or Lourdes Leconte at (305)376-1947.

Pursuant to the provisions of 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: Adria Dilme-Bejel at (305)377-7518 or Lourdes Leconte at (305)376-1947. If you are 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: Adria Dilme-Bejel at (305)377-7518 or Lourdes Leconte at (305)376-1947.

The **Refugee Services Program** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 16, 2010, 10:00 a.m. – 12:00 Noon

PLACE: To be determined.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the Broward Refugee Task Force meetings is to increase awareness of the refugee populations, share best practices, build collaborations between agencies, spot trends in refugee populations, help create good communication among service providers, get informed about upcoming community events, and discuss refugee program service needs and possible solutions to meeting those needs.

Pursuant to the provisions of 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: Miriam Rosario at email: Miriam_Rosario@dcf.state.fl.us, Fax: (561)837-5106, mail: Miriam Rosario, 111 S. Sapodilla Avenue, West Palm Beach, Florida 33401. If you are 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: Miriam Rosario at (561)837-5022, email: Miriam_Rosario@dcf.state.fl.us, Fax: (561)837-5106, mail: Miriam Rosario, 111 S. Sapodilla Avenue, West Palm Beach, Florida, 33401; Taddese Fessehayee at email: Taddese_Fessehayee@dcf.state.fl.us.

The **Broward Refugee Task Force** announces a public meeting to which all persons are invited.

DATE AND TIME: September 16, 2010, 10:00 a.m. – 12:00 Noon

PLACE: Department of Highway Safety and Motor Vehicles, Division of Driver Licenses, 3708 W. Oakland Park Blvd., Lauderdale Lakes, FL 33311

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to increase awareness of the refugee populations, share best practices, spot trends in refugee populations, build collaborations between agencies, help create good communication among service providers, get informed about upcoming community events, and discuss refugee program service needs and possible solutions to meeting those needs.

A copy of the agenda may be obtained by contacting: Miriam Rosario at (561)837-5022 or Taddese Fessehayee at (407)317-7335.

Pursuant to the provisions of 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: Miriam Rosario at (561)837-5022 or Taddese Fessehayee at (407)317-7335. If you are 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: Miriam Rosario at (561)837-5022 or Taddese Fessehayee at (407)317-7335.

The **Refugee Services Program** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 17, 2010, 10:00 a.m. – 12:00 Noon

PLACE: To be determined.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the Palm Beach Refugee Task Force meetings is to increase awareness of the refugee populations, share best practices, build collaborations between agencies, spot trends in refugee populations, help create good communication among service providers, get informed about upcoming community events, and discuss refugee program service needs and possible solutions to meeting those needs.

Pursuant to the provisions of 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: Miriam Rosario at email: Miriam_Rosario@dcf.state.fl.us, Fax: (561)837-5106, mail: Miriam Rosario, 111 S. Sapodilla Avenue, West Palm Beach, Florida 33401. If you are 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: Miriam Rosario at (561)837-5022, email: Miriam_Rosario@dcf.state.fl.us, Fax: (561)837-5106, mail: Miriam Rosario, 111 S. Sapodilla Avenue, West Palm Beach, Florida 33401; Taddese Fessehaye at email: Taddese_Fessehaye@dcf.state.fl.us.

The **Palm Beach Refugee Task Force** announces a public meeting to which all persons are invited.

DATE AND TIME: September 17, 2010, 10:00 a.m. – 12:00 Noon

PLACE: United Way of Palm Beach County, 26000 Quantum Boulevard, Boynton Beach, Florida 33426

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to increase awareness of the refugee populations, share best practices, spot trends in refugee populations, build collaborations between agencies, help create good communication among service providers, get informed about upcoming community events, and discuss refugee program service needs and possible solutions to meeting those needs.

A copy of the agenda may be obtained by contacting: Miriam Rosario at (561)837-5022 or Taddese Fessehaye at (407)317-7335.

Pursuant to the provisions of 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: Miriam Rosario at (561)837-5022 or Taddese Fessehaye at (407)317-7335. If you are 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: Miriam Rosario at (561)837-5022 or Taddese Fessehaye at (407)317-7335.

DEPARTMENT OF FINANCIAL SERVICES

The **Department of Financial Services, Division of State Fire Marshal** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 15, 2010, 10:00 a.m.

PLACE: Department of Environmental Protection, 13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Florida Fire Safety Board. Previously this meeting was announced and set for a conference call; however the meeting has been changed and scheduled to be held in person.

A copy of the agenda may be obtained by contacting: Donald Rollins, Division of State Fire Marshal, Bureau of Fire Prevention, Regulatory Licensing Section, 200 East Gaines Street, Tallahassee, FL 32399-0342, (850)413-3628.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Donald Rollins at (850)413-3628. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

FINANCIAL SERVICES COMMISSION

The **Office of Insurance Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: September 7, 2010, 1:00 p.m.

PLACE: Senator Jim King Committee Room (401 Senate Office Building), Tallahassee, Florida (adjacent to The Capitol)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Citizens Property Insurance Corporation (“Citizens”) has requested rate increases for its Florida homeowners, mobile homeowners, High-Risk Account (HRA) homeowners, and HRA mobile homeowners programs. The effective date of the proposed rate increases for the HRA filings is February 1, 2011, for new and renewal business. All other filings referred to hereinabove will be effective on January 1, 2011, for new and renewal business. The requested rate increases are not uniform. Any additional rate filings submitted by Citizens and reviewed by the Office prior to the hearing will also be considered. An agenda listing the rate filings subject to this hearing will be posted on the Office’s website at <http://www.flair.com>, on or before August 31, 2010.

Florida law allows the Office of Insurance Regulation to hold a public hearing for any purpose within the scope of the Insurance Code deemed to be necessary. Input from the insurers as well as interested parties will be received at this public hearing. If you are unable to attend this public hearing, please forward your comments to the Office of Insurance Regulation at ratehearings@flair.com; the subject line of your e-mail should read “Citizens.”

A copy of the agenda may be obtained by contacting: Rhoda K. Johnson, Esquire at (850)413-4252 or Cindy Walden at (850)413-2616.

Pursuant to the provisions of 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: Cindy Walden at (850)413-2616 or e-mail: cindy.walden@flair.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: Cindy Walden at (850)413-2616 or e-mail: cindy.walden@flor.com.

AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY

The **Agency for Enterprise Information Technology (AEIT)** Chief Information Officers (CIO) Council announces a workshop to which all persons are invited.

DATE AND TIME: Thursday, September 9, 2010, 1:30 p.m. – 4:30 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Centralization of I.T. procurement, including possible CIO Council recommendations to AEIT.

A copy of the agenda may be obtained by contacting: Margie (Rainey) Drury, Florida Department of Legal Affairs, Office of Information Technology at (850)414-3525, margie.rainey@myfloridalegal.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: Margie (Rainey) Drury at (850)414-3525. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

WEST CENTRAL FLORIDA AREA AGENCY ON AGING

The **West Central Florida Area Agency on Aging** announces a hearing to which all persons are invited.

DATE AND TIME: Monday, September 13, 2010, 10:00 a.m. – 12:00 Noon

PLACE: Lakeland Public Library, 100 Lake Morton Drive, Lakeland, FL 33801

GENERAL SUBJECT MATTER TO BE CONSIDERED: The West Central Florida Area Agency on Aging is hold a Public Hearing for persons residing in Polk, Hardee and Highlands Counties. Attendees will be able to voice their opinions on what older adults need – now and in the future, be invited to comment on how local services will be funded in 2011 and get information about resources for persons 60+, their caregivers and families.

The event is free and open to the public, but space is limited and reservations are required. To make a reservation, contact: Paula Nelson at (813)676-5583.

A copy of the agenda may be obtained by contacting: Paula Nelson at (813)676-5583 or nelsonp@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 5 days before the workshop/meeting by contacting: Paula Nelson at (813)676-5583 or nelsonp@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: Paula Nelson at (813)676-5583 or email: nelsonp@elderaffairs.org.

The **West Central Florida Area Agency on Aging** announces a hearing to which all persons are invited.

DATE AND TIME: Tuesday, September 14, 2010, 10:00 a.m. – 12:00 Noon

PLACE: The Children’s Board of Hillsborough County, 1002 E. Palm Avenue, Tampa, FL 33605

GENERAL SUBJECT MATTER TO BE CONSIDERED: The West Central Florida Area Agency on Aging is holding a Public Hearing for persons residing in Hillsborough and Manatee Counties. Attendees will be able to voice their opinions on what older adults need – now and in the future, be invited to comment on how local services will be funded in 2011 and get information about resources for persons 60+, their caregivers and families.

This event is free and open to the public, but space is limited and reservations are required. To make a reservation, contact: Paula Nelson at (813)676-5583.

A copy of the agenda may be obtained by contacting: Paula Nelson at (813)676-5583 or email: nelsonp@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 5 days before the workshop/meeting by contacting: Paula Nelson at (813)676-5583 or email: nelsonp@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: Paula Nelson at (813)676-5583 or email: nelsonp@elderaffairs.org.

ADVOCACY CENTER FOR PERSONS WITH DISABILITIES, INC.

The **Advocacy Center for Persons with Disabilities, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 24, 2010, 9:00 a.m. – 5:00 p.m.

PLACE: Embassy Suites Orlando Airport, 5835 TG Lee Blvd., Orlando, Florida 32822, (407)888-9339

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Advocacy Center for Persons with Disabilities, Inc., Florida's Protection & Advocacy Programs Joint/Quarterly Meeting of the Board of Directors, Protection & Advocacy for Individuals with Mental Illness (PAIMI) Advisory Council & Members.

A copy of the agenda may be obtained by contacting: Paige Morgan or Leslie Evans (850)488-9071, ext. 9721 or 9707.

Pursuant to the provisions of 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: The Advocacy Center for Persons with Disabilities, Inc., 2728 Centerview Drive, Suite 102, Tallahassee, FL 32301, 1(800)342-0823, (TDD) 1(800)346-4127. If you are 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: Paige Morgan at (850)488-9071, ext. 9721.

NORTHWOOD SHARED RESOURCE CENTER

The **NSRC**, Board of Trustees announces a public meeting to which all persons are invited.

DATE AND TIME: September 2, 2010, 1:30 p.m.

PLACE: DBPR, 1940 N. Monroe Street, Professions Board Room, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting was originally scheduled for 8/26/2010 and advertised in the 7/30/10 issue.

A copy of the agenda may be obtained by contacting: monica_cash@nsrc.myflorida.com.

NOTICE OF CANCELLATION – The **NSRC**, Technical Committee announces a public meeting to which all persons are invited.

DATE AND TIME: September 2, 2010, 3:00 p.m.

PLACE: Department of Juvenile Justice, Knight Building, Room 1134, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting has been CANCELLED.

SOUTHWOOD SHARED RESOURCE CENTER

The **Southwood Shared Resource Center** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 3, 2010, 9:00 a.m.

PLACE: Department of Transportation, 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: Faye Hall at (850)414-4772 or email: faye.hall@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Faye Hall at (850)414-4772 or email: faye.hall@dot.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: Faye Hall at (850)414-4772 or email: faye.hall@dot.state.fl.us.

The **Southwood Shared Resource Center** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 7, 2010, 1:30 p.m.

PLACE: Room 250L, Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, FL 32399-2100

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting of the SSRC Customers and Services Committee.

Pursuant to the provisions of 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: Steve Grantham at (850)922-1475 or email: Steve.Grantham@dca.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: Steve Grantham at (850)922-1475 or email: Steve.Grantham@dca.state.fl.us.

The **Southwood Shared Resource Center** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 7, 2010, 3:00 p.m.

PLACE: Capitol Center Office Center, Betty Easley Building, Suite 180, 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: Ann Barfield at email: ann.barfield@dms.myflorida.com or (850)922-9698.

Pursuant to the provisions of 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: Ann Barfield at email: ann.barfield@dms.myflorida.com or (850)922-9698. If you are 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 Barfield at email: ann.barfield@dms.myflorida.com or (850)922-9698.

FLORIDA ASSOCIATION OF COMMUNITY COLLEGES

The **Florida College System Council of Presidents** announces a public meeting to which all persons are invited.

DATE AND TIME: September 8, 2010, 6:00 p.m.

PLACE: Hyatt Regency Orlando International Airport, 9300 Airport Blvd., Orlando, FL 32827

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues pertaining to Florida’s public state and community colleges.

A copy of the agenda may be obtained by contacting: Tina Ingramm at (850)222-3222.

For more information, you may contact: Michael Brawer, 113 East College Avenue, Tallahassee, FL 32301.

The **Florida College System Council of Presidents** announces a public meeting to which all persons are invited.

DATE AND TIME: September 9, 2010, 8:00 a.m.

PLACE: Hyatt Regency Orlando International Airport, 9300 Airport Blvd., Orlando, FL 32827

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues pertaining to Florida’s public state and community colleges.

A copy of the agenda may be obtained by contacting: Tina Ingramm at (850)222-3222.

FLORIDA WORKERS’ COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC.

The **FWCJUA** announces an Annual Membership and Board of Governors meeting announces a public meeting to which all persons are invited.

DATE AND TIME: September 8, 2010, 9:00 a.m.

PLACE: FWCJUA Office, 6003 Honore Avenue, Suite 204, Sarasota, FL 34238

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics may include 2009 overview with Q&A; approval of minutes; legislative update; officer election; 401k Plan trustee resolution; QwickRate entity authorization; operations and financial reports; and committee reports on the primary bank selection; telecommuting policy; preliminary 2011 business plan & forecast; service provider audit results; IT audit results; disaster recovery; document management; budget expense considerations; 401k Plan administration and management; report on operations; agency authorization process; application submission process; policyholder dividend policy; review of rates, rating plans & policy forms and associated matters to include application forms; Operations Manual; financial auditor selection; Audit Committee Charter procedures checklist; compliance review of current investment portfolio; review of policy and guidelines for investment of

assets and associated matters; 2011 reinsurance program goals and market strategy; reinsurance intermediary confirmation; and commutation matters.

A copy of the agenda may be obtained by contacting: Kathy Coyne, at (941)378-7408 or from the FWCJUA’s website: www.fwcjua.com.

BABCOCK RANCH, INC.

The Development Advisory Committee of the Board of Directors of **Babcock Ranch, Inc.** announces a telephone conference call to which all persons are invited.

DATE AND TIME: August 31, 2010, 9:00 a.m. – 11:00 a.m.

PLACE: Conference Call: (904)596-2362 (not toll-free), When prompted, enter the following Participant ID number: 63683903#. After entering the ID number, the public will be joined to the call. The Board will not be taking public testimony or comments during this call.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a public teleconference meeting in which callers are invited to listen in as an audience only.

The Development Advisory Committee will conduct discussion on preparing a plan regarding, but not limited to, fundraising methods for Babcock Ranch, Inc. to effectively manage ranch operations.

A copy of the agenda may be obtained by contacting: Debbie Upp at (863)465-2571, ext. 251.

Pursuant to the provisions of 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: Debbie Upp at (863)465-2571, ext. 251. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from Paul T. Myers, CBO, Putnam County Building Official on March 30, 2010. The petition seeks the agency’s opinion as to the applicability of Sections 553.73(9)(c), F.S. and 102.2(c), Florida Building Code, Building Volume (2007, with 2009 supplement) as it applies to the petitioner.

The petitioner asks if nonresidential farm buildings retain their exemption from the Florida Building Code if the farm expands its business through the processing of a farm product, business diversification, the construction of an office building, or the change of use of a nonresidential farm building.

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 Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from Paul T. Myers, CBO, Putnam County Building Official, on April 5, 2010. The petition seeks the agency's opinion as to the applicability of Sections 553.73(9)(f), F.S. and 102.2(f), Florida Building Code, Building Volume (2007, with 2009 supplement) as they apply to the petitioner. as it applies to the petitioner.

The petitioner asks if structures or facilities of electric utilities, as defined in Section 366.02, F.S., retain their exemption from the Florida Building Code if they undergo expansions that include offices, restrooms, warehouses, maintenance shops and other accessory structures.

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 Boulevard, Tallahassee, Florida 32399-2100.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Albert Frost, Petitioner/Unit Owner, In Re: Tregate East Condominium Association, Inc., on June 22, 2010. The following is a summary of the agency's declination of the petition:

The Division declined to issue a declaratory statement because the Division cannot issue a declaratory statement concerning events that have already taken place; or because petitioner failed to provide a complete current set of governing documents for review as competent substantial evidence.

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 Louis Gagliardi, Fire Marshal, Town of Longboat Key Fire Rescue Department, In Re: Banyan Bay Club, Inc. on June 1, 2010. The following is a summary of the agency's declination of the petition:

The Division declined to issue a declaratory statement because, the Division cannot issue a statement where persons who will be affected by the decision are not parties to the proceeding, or because it did not have for review a complete current set of governing documents.

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 issued an order disposing of the petition for declaratory statement filed by David R. Lenox, attorney for Legacy Dunes Condominium Association, Inc. on June 2, 2010. The following is a summary of the agency's disposition of the petition:

The Division has issued a Declaratory Statement and finds that unopened ballot envelopes that were not cast and are no longer valid for any election are official records, which are available for unit owner inspection in their sealed condition under Section 718.111(12)(c), Florida Statutes.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal has declined to rule on the petition for declaratory statement filed by Miami-Dade County Fire Rescue Department, Chief Manny C. Mena, Case #111448, on July 6, 2010. The following is a summary of the agency's declination of the petition:

The Department denied the Petition for Declaratory Statement because while having the authority to interpret the relevant statutes, the Department can only interpret statutes in a declaratory statement when provided with a specific fact scenario. Florida Optometric Ass'n v. Department of Professional Regulation, Board of Opticianry, 567 So.2d 928, (Fla. 1st DCA, 1990).

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604 or (850)413-4238; Fax: (850)922-1235 or (850)488-0697 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in case any question arises) or by e-mailing your request to: Lesley.Mendelson@myfloridacfo.com.

Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF EDUCATION

NOTICE TO ARCHITECT/ENGINEERS

The Florida International University Board of Trustees announces that services in the discipline of Architecture/Engineering are required for the project identified below:

Project Name
and Number: BT-814 STOCKER ASTROSCIENCE CENTER
Project Location: Modesto A. Maidique Campus (MMC)
Miami, Florida

Project Description:
This new facility will have a permanently mounted telescope for advanced astronomy students. The main observatory level will be raised above the ground lights, at least 4 stories high. The site will have a limited footprint (25 feet wide) and is adjacent to the Chemistry & Physics and the Owa Ehan buildings. The structure be a tower with a small footprint and rise above the adjacent three story buildings. Spaces required include:

- A rooftop, open air observing pad capable of supporting at least 45 students and 7 telescope mounts. The space must have visibility at least 20 degrees above all horizons. Wheelchair accessible.

- A dome to permanently mount a larger telescope for advanced classes and public outreach.
- An enclosed area immediately below the open air observing pad to store and repair the smaller telescopes, and also area there to address students before observing.
- A laboratory room on the ground floor with computer stations for indoor astronomy labs.
- Office spaces for faculty, students and computer labs.
- An exhibit hall/entry way underneath the dome for public programs, exhibits and receptions.

The AstroScience Center’s observing pad will serve as a place to teach astronomy, enhance research opportunities for advanced students and also be an asset to FIU’s extensive public outreach endeavors.

Plans for future expansion may include a planetarium to the south and southeast of the tower.

Construction cost is estimated to be approximately \$1,800,000.

INSTRUCTIONS:

Firms desiring to apply for consideration shall submit a letter of application. The letter of application should have attached:

1. A completed “Florida International University Professional Qualifications Supplement (FIUPQS).” The official FIUPQS forms must be downloaded from the FIU web site at <http://facilities.fiu.edu/projects/BT-814.htm>. Applications on any other form will not be considered.
2. A copy of the applicant’s current Professional Registration Certificate from the appropriate Governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.

Submit Seven (7) bound copies of the required proposal data and one CD copy in Adobe Acrobat PDF format of the requested qualifications to: Selection Committee, Florida International University, Real Estate Development and Planning, Campus Support Complex, 11555 S. W. 17th St., Room CSC142, Modesto A. Maidique Campus, Miami, Florida 33199. Applications that do not comply with the above instructions will not be considered. Application material will not be returned. The University reserves the right to suspend or discontinue the selection process at any time and to return or reject any or all submissions of qualifications without obligation to the respondent. The award of this contract is subject to availability of funds.

The plans and specifications prepared by the A/E are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in

excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

FIU HAS CREATED STANDARD CONTRACT FORMS AND STANDARD INSURANCE REQUIREMENTS APPLICABLE TO A/E’S FOR A/E SERVICES TO PROVIDE FOR AN EFFICIENT AND EFFECTIVE PROCESS. THESE FORMS ARE AVAILABLE FOR REVIEW AND CAN BE FOUND AT: <http://facilities.fiu.edu/projects/BT-814.htm>.

ALL APPLICANTS SHOULD REVIEW THE APPLICABLE FIU CONTRACT FORM AND STANDARD INSURANCE REQUIREMENTS CAREFULLY PRIOR TO MAKING A DECISION AS TO WHETHER OR NOT TO RESPOND TO THIS ADVERTISEMENT.

The Project Fact Sheet, which describes the selection process schedule for this Project and additional information regarding the Project scope, may be obtained from the website: <http://facilities.fiu.edu/projects/BT-814.htm>. Requests for meetings by individual firms will not be granted. Once the firm acquires the required forms, questions may be directed to: Real Estate Development and Planning at (305)348-4090 or via email: griffith@fiu.edu.

Submittals must be received between 8:30 a.m. and 12:30 p.m. or 1:30 p.m and 4:00 p.m. (Local Time), Friday, September 24, 2010. Submittals will not be accepted before or after the times and date stated above. Facsimile (FAX) submittals are not acceptable and will not be considered.

**NOTICE TO CONSTRUCTION MANAGEMENT SERVICES – Request for Qualifications – RFQ 11-04
Disability Resource Center Addition**

The University of North Florida – Board of Trustees, a public body corporate, announces that Construction Management Services will be required to add a Disability Resource Center building addition to be located at University of North Florida, 1 UNF Drive, Jacksonville, FL 32224.

The scope of services will include working as a cohesive team member with UNF staff and the outside consultants to build a 15,000 square foot two story addition to the College of Education & Human Services building for the utilization as a Disability Resource Center. The space will include offices, lounges, meeting, testing and conference rooms plus the associated support spaces. The architect is currently in the design document stage of the project. The building will be expected to meet or exceed USGBC LEED Silver certification.

The preliminary tentative schedule for this RFQ:

Advertisement	August 27, 2010
Submissions due	September 27, 2010, 2:00 p.m.
Evaluation/Short listing	October 2010
Interviews/Award	October/November 2010

INSTRUCTIONS:

Firms desiring to apply for consideration shall submit a letter of application with all of the appropriate documents from RFQ 11-04 CM Services – Disability Resource Center Addition:

The letter of application should have attached:

1. The most recent version of the “UNF Construction Manager Qualifications Supplement,” completed by the applicant. Applications on any other form will not be considered.
2. A copy of the applicant’s current Florida Contractor’s License from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.
3. Submit six (6) complete copies of the above requested data bound and in the order listed above. Applications which do not comply with the above instructions will be disqualified. Application materials will not be returned.

Minority Business participation is strongly recommended and supported by the University of North Florida.

As required by Section 287.133, Florida Statutes, a construction manager may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction manager must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Construction Manager Qualifications Supplemental forms, descriptive project information, and additional information may be obtained electronically online at the UNF Purchasing department website: http://www.unf.edu/anf/purchasing/bids_and_notices.aspx or by emailing:

Dianna White	AND	Angela Dyal
Dianna.white@unf.edu	University of North Florida	angela.dyal@unf.edu
(904)620-1731	Purchasing Dept.	(904)620-1733
	Bldg. 53, Suite 2950	
	1 UNF Drive	
	Jacksonville, FL 32224	

Submit six (6) complete copies of submittals to the above referenced address. RFQ submittals must be received no later than 2:00 p.m. (Local Time), on September 27, 2010. Facsimile (FAX) or email submittals are not acceptable and will not be considered.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

ADVERTISEMENT FOR BIDS

PROPOSALS ARE REQUESTED FROM QUALIFIED CONTRACTORS BY THE STATE OF FLORIDA, DEPARTMENT OF CORRECTIONS, FOR THE CONSTRUCTION OF:

PROJECT NO: EK-09(STC)

PROJECT NAME & LOCATION: Rehabilitation of 200,000-gallon elevated water storage tank at Reception and Medical Center (RMC) in Lake Butler, located at 7765 S CR 231, Lake Butler, FL 32054

FOR: Reception and Medical Center (RMC) at Lake Butler, Florida

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND: If the construction contract award amount is \$100,000.00 or less, a Performance Bond and a Labor and Material Payment Bond are not required.

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

PREQUALIFICATION: Each bidder whose field is governed by Chapters 399, 489 and 633, Florida Statutes, for licensure or certification must be prequalified in order to bid. Prequalification data must be received as soon as possible. Prequalification must be in effect five (5) calendar days prior to the bid opening date. If your firm has not previously been prequalified by the Department for the current biennium (July 1 through June 30) of odd numbered years, IMMEDIATELY contact: Ms. Sandy Rogers at (850)922-8855 for prequalification requirements. After the bid opening the low

bidder must qualify in accordance with Rule 60D-5.004, F.A.C. A copy of the rule requirements is included in the Instruction to Bidders under Article B-2 "Bidder Qualification Requirements and Procedures".

Sealed bids will be received, publicly opened, and read aloud on:

DATE AND TIME: September 28, 2010, 3:00 p.m., Eastern Standard Time (EST)

PLACE: Tank Engineering and Management (TEAM) Consultants, Inc., 4000 SR 60 East, Mulberry, FL 33860

PROPOSAL: Bids must be submitted in full in accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, which may be examined and obtained from the:

ARCHITECT-ENGINEER:

Tank Engineering And Management (TEAM) Consultants, Inc.
TELEPHONE: (863)354-9010

A non-mandatory pre-bid conference will be held on September 10, 2010, 11:00 a.m. at the Reception & Medical Center's (RMC's) Administration Building Conference Room. Contractors are **STRONGLY ENCOURAGED TO ATTEND**.

Drawings and specifications may be purchased for \$50.00 per set from the Architect/Engineer.

CONTRACT AWARD: Bid Tabulation and Notice of Award Recommendation will be sent to all bidders by Facsimile, Return Receipt Required. If no protest is filed per Article B-20 of the Instructions to Bidders, "Bid Protests, Points of Entry", the contract will be awarded by the Secretary, Department of Corrections. Right is reserved to reject any or all bids.

EXPRESSWAY AUTHORITIES

REQUEST FOR LETTERS OF INTEREST AND QUALIFICATIONS ("RFQ") – GENERAL ENGINEERING CONSULTANT – CONTRACT NO: 19.23-10

The Tampa-Hillsborough County Expressway Authority (Authority or THEA) requires a General Engineering Consultant (Firm or Consultant) to provide on an as-needed basis a wide range of general professional services to include, but not necessarily limited to:

Administration, support and management of engineering, planning, design, environmental, Intelligent Transportation Systems, right-of-way mapping and surveying, construction management, soil exploration, material testing and foundations, contract administration, landscape architecture, public involvement, communications support, and bond financing support services to include preparation of Engineer Reports to the State of Florida and bondholders as required by the Authority's Bond Documents.

A draft Scope of Services is available on THEA's website: www.tampa-xway.com under "Public Notices." Additional instructions to proposers may be posted by August 27, 2010.

Shortlist consideration and selection will be made directly from the RFQs. Shortlisted firms may be requested to provide written or oral technical proposals or both, for the ranking process. After ranking of the consultants, the contract fee will be negotiated in accordance with Section 287.055, F.S. Funding for all projects is subject to Authority Board approval and funding availability.

Experience Requirements: Firm or Consultant (Firm) should have an established office in the Tampa Bay area, and sufficient qualified local staff to provide the anticipated services. Bond financing support services must be provided by a nationally known and recognized engineering firm ("Firm") with experience in the preparation of Engineer's Reports for bond sales and satisfaction of bond covenants. Experience with toll agencies and electronic toll collection systems a plus.

Consideration will be given to only those firms that are qualified pursuant to law and that have been prequalified by Florida Department of Transportation to perform the indicated Major Types(s) of Work. Firms may use pre-qualified subconsultants and other teaming arrangements for PD&E services, bond financing services, survey and mapping, soil exploration, material testing and foundations, and right of way. Code of Ethics and Conflict of Interests: All consultants selected to work with the Authority are required to comply with its Code of Ethics and Conflict of Interests policy as provided in Series 140 of the Authority's Policy and Procedures, a copy of which is available on THEA's website.

Procurement Communication Policy: No person may contact any Board Member or Employee or any selection committee member with respect to this notice or the services to be provided, except as related to the Submittal Requirements detailed herein.

Public Meeting Notice: All public meetings will be held at the offices of the: Authority, 1104 East Twiggs Street, Suite 300, Tampa, Florida 33602, unless otherwise noted. Changes to meeting dates and times will be posted at THEA's website and its offices.

Questions-Answers/Contact Person: All questions regarding this RFQ are to be submitted by Email: Sally Castro at sallyh@tampa-xway.com prior to the deadline for questions. A list of Questions and Answers will be posted on THEA's website without identifying the individual asking the question(s). Interested firms should review the list of questions and answers on a regular basis until the submittal deadline. Questions submitted after the deadline will not be answered.

RFQ Submittal Requirements and Evaluation:

Firms wishing to be considered for short-listing shall submit six (6) sets of the RFQ Submittal and one (1) digital copy of the RFQ Submittal in PDF format in a sealed package by mail or hand delivery to: THEA at 1104 East Twiggs Street, Suite 300, Tampa, Florida 33602 on or before 12:00 Noon (Local Time), October 20, 2010.

Submittals are limited to a maximum of ten (10) pages exclusive of Cover Letter, attachments and resumes. Sealed Packages must include the following information on the outside of the package:

- i. "General Engineering Consultant," Contract No.: 19.23-10.
- ii. Firm/Consultant's (Firm) name, address, phone number and Email address.

Submittals must include the following:

1. Cover Letter – Include primary contact person, phone number, Email address, and proposed responsible office for Consultant.
2. Similar Project Experience/References – Provide the firm's experience in related assignments within the past 5 years, with project start and completion dates, citing specific GEC experience and/or toll agency experience. Provide the Client/Owner, address, phone number and Email address. All references may be checked.
3. Project Approach and Team – Provide a narrative describing the firm's approach to delivering the GEC services. In addition to the narrative, provide a proposed organization chart including subconsultant personnel; and a matrix summarizing proposed personnel experience on similar projects, including registrations/certifications. Resumes shall include no more than three client/owner references for all proposed personnel for the past 5 years.
4. Small Business Enterprise (SBE) Policy – THEA strongly encourages participation of local minority, women, disadvantage business enterprises for all of its projects and includes a policy of nondiscrimination on the basis of race, color, gender, and national origin in its employment and contracting practices. All firms contracting with the Authority are required to have or adopt a similar policy. A copy of the SBE Policy is available on THEA's website: www.tampa-xway.com.
Indicate if the Firm it is a certified or registered minority business enterprise and/or identify any local certified minority and women business enterprises that it proposes to use. Firms requiring assistance or information with regard to the Authority's SBE Policy or DBE/MBE/WBE certification can contact THEA's SBE Consultant for this Project Blackmon Roberts Group, Moises Peraza by email: mperaza@blackmonroberts.com or 1(863)802-1280.
5. Prequalification Documentation – Provide a copy of the Notice of Qualification issued by the Florida Department of Transportation (FDOT) showing Consultant's current qualification or proposed subconsultants in advertised type of work.
Current and Projected Workload – Indicate availability of staff proposed for assignment and indicate, as a percentage, the current/projected workload.

7. Office Location and Corporate Registration – Provide the physical address of the office assigned responsibility for providing the services. It is required that Consultants have an office and key staff located within the Tampa Bay area; and, if incorporated, registered to do business in the State of Florida.

Note: Failure to submit any of the above-required information may be cause for rejection of the package as non-responsive. The Authority reserves the right to reject any or all submittals, issue a new RFQ, and waive any informality or discrepancy.

Review/Evaluation:

The Authority's Review Committee will evaluate and short list the Submittals according to the following:

- Similar Project Experience (25 points)
- Project Approach (25 points)
- Project Team (25 points)
- Proposed SBE (DBE/MBE/WBE/SBE) participation (10)
- Prequalification Documentation (10)
- Office Location (5)

Schedule *

Mandatory Pre-RFQ Meeting	9/10/2010,	Time: 10:00 a.m.
Deadline to submit Potential		
Conflict of Interest Information	9/17/2010,	Time: 5:00 p.m.
Written Question Deadline	9/17/2010,	Time: 5:00 p.m.
Response to Questions and		
Posting of Final RFQ	9/24/2010,	Time: 5:00 p.m.
Deadline to Request Meeting with		
THEA Representatives	9/24/2010,	Time: 5:00 p.m.
Deadline to Submit RFQs	10/20/2010	Time: 12:00 Noon
Review Committee Meeting	10/22/2010,	Time: 10:00 a.m.
Posting of Short-List after		
Board Meeting	10/25/2010,	Time: 1:30 p.m.

*Terms of this RFQ, as well as times, dates and meeting location are subject to change. Changes will be posted on THEA's website and at its office.

Protest Procedures: Any person adversely affected by this RFQ may file a written protest with the Authority within 72 hours, excluding Saturday, Sunday or legal holidays, after receipt of the RFQ, or within 72 hours after the decision by the Board to award a contract. Additional information on bid protest procedures is available on THEA's website.

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 MILITARY AFFAIRS**INVITATION TO BID**

The State of Florida, Department of Military Affairs (DMA), Construction & Facility Management Office (CFMO) requests bids from State of Florida registered licensed General and/or Building Contractors (GC) (as required by Florida Law) for the following projects located at Camp Blanding Joint Training Center (CBJTC), Starke, FL or United States Property and Fiscal Office, St. Augustine, FL

FOR COMPLETE INFORMATION, AND SUBMISSION REQUIREMENTS YOU MUST GO TO THE MYFLORIDA.COM VENDOR BID SYSTEM ON OR AFTER AUGUST 27, 2010 AT http://vbs.dms.state.fl.us/vbs/main_menu.

FUNDING: The State of Florida's performance and obligation to pay under this contract is contingent upon availability of funding and an annual appropriation by the Legislature. These projects will be awarded based upon the availability of Federal Cooperative Agreement End of Year Funding. There is no promise or guarantee these project will be awarded in Fiscal Year 2010 or Fiscal Year 2011 if funds are not received.

BID OPENING DATE: As stated on the Vendor Bid System (late bids will not be accepted)

MANDATORY PRE-BID/SITE VISIT DATE: As stated on the Vendor Bid System

PROJECT LIST:

207003 CST Ready Bays: Attach two additional ready bays to side of existing CBJTC building, requires electrical drops, water line and floor drain. Construct concrete driveways and sidewalk. Construct separate 24 x 20 ft. metal building. Extend parking area. Building additions approx. 2,688 SF; parking additions approx. 1,500 SF.

207080 Main Gate and Fence: Replace CBJTC existing 600' of chain link fence and entry gate with steel security fencing and gate. Steel fence to be comprised of high security ornamental galvanized steel fencing mounted on masonry structure. Fencing material to be coated black with a 25 year or longer life expectant coating. Masonry structure will be 32" x 32" x 9' pillars, 18' on center. Masonry is to be provided by the contractor. Gate must match fence in material and appearance. New fence must meet minimum specifications, in compliance with Army Corp of Engineers physical security design specifications.

210014 USPFO Bathroom: New construction/renovation of the USPFO Warehouse, Building 2400, CBJTC, for construction/renovation/installation of new bathroom and shower facilities.

210015 Construction Additional 15 Parking Spaces at USPFO to be bid together with project.

210016 Remove Berm at USPFO: One General or Site Contractor shall be selected to remove existing berm, clear site, level surfaces, install asphalt parking area at USPFO, St. Augustine.

The Department reserves the right to reject any and all submissions or accept minor irregularities in the best interest of the DMA.

POINT OF CONTACT: Department of Military Affairs, Construction & Facility Management Office, Contracting Branch at (904)823-0255, (904)823-0256 or (904)827-8544, e-mail fmocontracting@ng.army.mil.

CANAVERAL PORT AUTHORITY**PROFESSIONAL SERVICES NOTICE-DESIGN SERVICES FOR ROAD CONSTRUCTION AND IMPROVEMENTS ASSOCIATED WITH GEORGE KING BLVD AND THE COVE ROADS (#RFQ-10-005)**

The Canaveral Port Authority (CPA) is requesting technical proposals and qualifications from consulting firms interested in providing planning and engineering Design Services for ROAD CONSTRUCTION AND IMPROVEMENTS ASSOCIATED WITH GEORGE KING BLVD AND THE COVE ROADS for Port Canaveral and to provide technical support to staff at Port Canaveral, Brevard County, Florida. These services will be acquired in compliance with the Consultants Competitive Negotiations Act, Section 287.055, F.S. The A & E consulting firm will be required to display a recurring knowledge of Roadway, Utility, Site Design, and Infrastructure Improvements. The Consultant will be asked to provide roadway design, site design, stormwater design, utility design, survey, geotechnical design, lighting and landscape design. The Consultant will be coordinating with the Planning Consultant hired by the Port Authority for the Cove Development. This project will be phased as development progresses.

MINIMUM CRITERIA

As a minimum, the firms proposing shall have at least ten (10) years experience in work of a similar nature and must provide references of at least 5 prior successful similar projects.

It is recommended that the firm and all subconsultants have an office within reasonable proximity to the Canaveral Port Authority and demonstrate that they would be able to provide services in a timely manner.

PROPOSAL CONTENT

Each responding consulting firm shall provide six (6) copies and one (1) CD (containing complete proposal in pdf format) of their proposal, giving detailed information on the following:

1. Firm history, location, capabilities, etc. Include this information for all subconsultants.
2. GSA Standard Form 330 or equivalent.

3. Five (5) examples of previous experience with providing similar services in the recent past. Include a brief description of the work and individuals to be contacted with telephone numbers.
4. A list of services which would not be performed in-house and a list of consultants, which would provide these services for the firm.
5. A schedule of current commitments and the degree of completion of each.
6. An organization chart and other information which will be useful in evaluating the proposal service.
7. Outline of methodology for implementation of the proposed scope of work.
8. Resumes of key individuals to be involved in the various aspects of the project and an explanation of each individual's role in the project.
9. Evidence of coverage with at least one million dollars of professional liability insurance.
10. Provide evidence that firm is licensed to do business in the State of Florida.

SUBMITTAL SCHEDULE

Firms desiring to provide such professional services to the CPA must furnish six (6) copies and one (1) CD (containing complete proposal in pdf format) of their expression of interest to:

Canaveral Port Authority
 Attn.: Peggy Gooch, Sr. Administrative Assistant, Engineering
 P. O. Box 267
 445 Challenger Road
 Cape Canaveral, FL 32920

All proposals shall be delivered to the Canaveral Port Authority no later than 3:00 p.m., Tuesday, September 21, 2010. The selected firm will be required to perform all contract services under a standard CPA service contract, a sample of which may be requested by contacting: Peggy Gooch, Senior Administrative Assistant, Engineering, Canaveral Port Authority by email: pgooch@portcanaveral.com or phone: (321)783-7831, ext. 218. All notices will be posted on our website: <http://www.portcanaveral.com/general/bids/php>.

PUBLIC MEETING

A committee established by the Chief Executive Officer will meet on October 6, 2010, 2:00 p.m., in the Port Commission Meeting Room to review and recommend for Commission approval a ranking of qualified firms to the CPA Commission at their regularly scheduled meeting to be held at October 20, 2010, 2:00 p.m., at which time selections will be established.

SCHOOL BOARD OF PASCO COUNTY

INVITATION TO BID

11-046-LR Combination Locks – “As Needed” / FEPC

On behalf of Florida Education Purchasing Consortium

Notice is hereby given that sealed bids will be accepted, and publicly opened thereafter, at the office of the Purchasing Agent, 20430 Gator Lane, Land O’Lakes, FL 34638-2803 on or until September 27, 2010, 2:30 p.m. (EST). Bids will be accepted and publicly opened on September 27, 2010 if date/time stamped 2:30 p.m.; date/time stamps of 2:30:01 p.m. or later will be rejected and returned unopened. Late bids, regardless of reason, will be considered non-responsive.

PROJECT: BID NO.: 11-046-LR, Combination Locks

The intent of this bid is to establish a three-year contract (renewable annually upon mutual consent of both parties) between the District School Board of Pasco County and a supplier for Combination Locks on an “as needed” basis for various members of the Florida Education Purchasing Consortium, throughout the state of Florida. The award of this bid will be based on an “all or none” basis to the lowest and best, responsive and responsible, bidder meeting written specifications for the estimated quantities listed.

DOCUMENTS: Available through
<http://purchasing.pasco.k12.fl.us/>

INSURANCE: Standard Workman’s Comprehensive, General Liability, etc.

PLANS: None

The District School Board of Pasco County reserves the right to waive minor formalities in any bid and to accept any bid which they consider to be in the best public interest, and to reject any part of, or any and all bids. Award will be made to the lowest and best, responsive and responsible, bidder in the opinion and at the option of the Board. Their decision shall be final and conclusive.

/s/ Heather Fiorentino
 Superintendent of Schools
 District School Board of Pasco County

**Section XII
 Miscellaneous**

DEPARTMENT OF COMMUNITY AFFAIRS

**ANNUAL PERFORMANCE REPORT
 FOR HUD FUNDED PROGRAMS**

In July 2010, the Department of Community Affairs (DCA), in cooperation with other agencies, began preparation of an Annual Performance Report (or Performance and Evaluation Report) for Federal Fiscal Year 2009 as required by the U.S. Department of Housing and Urban Development (HUD). Performance reports must be prepared in accordance with the instructions found in 24 CFR 91.520.

The HUD-funded programs covered in the report are the Florida Small Cities Community Development Block Grant Program administered by the Department of Community Affairs, the Emergency Shelter Grant Program administered by the Department of Children and Families, the Housing Opportunities for Persons With AIDS Program administered by the Department of Health, and the Home Investment Partnership Program administered by the Florida Housing Finance Corporation. This annual report, prepared according to HUD guidelines, consists of detailed information on grants made to eligible local governments or other awards to eligible entities.

A public hearing will be held on the proposed performance report before it is submitted to HUD. The hearing will take place at 3:00 p.m. in Room 250L, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, FL on September 10, 2010. A 15-day public comment period will begin on September 10, 2010, and end on September 27, 2010. A draft will be posted to the Department's website: <http://www.florida.communitydevelopment.org/cdbg/ConsolidatedPlan.cfm> on or about September 10, 2010.

A copy of the draft may also be obtained by emailing: judy.peacock@dca.state.fl.us. Comments on the report may be submitted in writing to:

Florida Small Cities CDBG Program
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100.

To be included in the report submitted to HUD, written comments must be received by the Department no later than 5:00 p.m., September 27, 2010. The final report will be submitted to HUD by September 30, 2010.

For additional information, please call Judy Peacock at (850)922-1887 or (850)487-3644 (email: judy.peacock@dca.state.fl.us).

Any person wishing to attend the meeting who requires a special accommodation because of a disability or physical impairment should contact the: Department, (850)487-3644 at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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 Polaris Sales, Inc., intends to allow the establishment of Caddy Carts, Inc., as a dealership for the sale

of low-speed vehicles manufactured by Polaris (POLIS) at 12691 South Tamiami Trail, North Port (Sarasota County), Florida 34287, on or after September 27, 2010.

The name and address of the dealer operator(s) and principal investor(s) of Caddy Carts, Inc., are dealer operator(s): Richard Cucchi, 12691 South Tamiami Trail, North Port, Florida 34287; principal investor(s): Richard Cucchi, 12691 South Tamiami Trail, North Port, Florida 34287.

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: Michael W. Malone, Polaris Sales, Inc., 2100 Highway 55, Medina, Minnesota 55340.

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 Alumacar USA, LLC, intends to allow the establishment of Custom Carts, Inc., as a dealership for the sale of low-speed vehicles manufactured by Alumacar USA, LLC (ALMU) at 2007 51st Street, Sarasota (Sarasota County), Florida 34234, on or after September 27, 2010.

The name and address of the dealer operator(s) and principal investor(s) of Custom Carts, Inc., are dealer operator(s): Luis Hasbrouck, 2007 51st Street, Sarasota, Florida 34234; principal investor(s): Luis Hasbrouck, 2007 51st Street, Sarasota, Florida 34234.

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: Shea Hughes, Alumacar USA, LLC, 6708 East 113th Avenue, Temple Terrace, Florida 33617.

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 Boss Hoss Cycles, Inc., intends to allow the establishment of Ted Kistner, Inc., d/b/a Custom Works as a dealership for the sale of motorcycles manufactured by Boss Hoss Cycles, Inc., (BOSS) at 806 North Beach Street, Daytona Beach (Volusia County), Florida 32114, on or after September 27, 2010.

The name and address of the dealer operator(s) and principal investor(s) of Ted Kistner, Inc., d/b/a Custom Works are dealer operator(s): Theodore R. Kistner, 4798 Southern Breeze Drive, Naples, Florida 34114; principal investor(s): Theodore R. Kistner, 4798 Southern Breeze Drive, Naples, Florida 34114.

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: Rad Hunsley, Boss Hoss Cycles, Inc., 790 South Main Street, Dyersburg, Tennessee 38024.

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 General Motors, LLC, intends to allow the relocation of George Moore Chevrolet, Inc., as a dealership for the sale of automobiles manufactured by General Motors, LLC (CHEV) from its present location at 711 Beach Boulevard, Jacksonville Beach (Duval County), Florida 32250, to a proposed location at 10979 Atlantic Boulevard, Jacksonville (Duval County), Florida 32225, on or after September 27, 2010.

The name and address of the dealer operator(s) and principal investor(s) of George Moore Chevrolet, Inc., are dealer operator(s): George H. Moore, 711 Beach Boulevard, Jacksonville Beach, Florida 32250, principal investor(s): George H. Moore, 711 Beach Boulevard, Jacksonville Beach, Florida 32250.

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: Carlos Latour, General Motors, LLC, Mail Code 482-A06-C66, 100 GM Renaissance Center, Detroit, Michigan 48265.

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 General Motors, LLC, intends to allow the establishment of Sheehan Buick Pontiac GMC, Inc., as a dealership for the sale of automobiles manufactured by General Motors, LLC (CHEV) at 2800 North Federal Highway, Lighthouse Point (Broward County), Florida 33064, on or after October 1, 2010.

The name and address of the dealer operator(s) and principal investor(s) of Sheehan Buick Pontiac GMC, Inc., are dealer operator(s): J. Thomas Sheehan, 2800 North Federal Highway, Lighthouse Point, Florida 33064; principal investor(s): J. Thomas Sheehan, 2800 North Federal Highway, Lighthouse Point, Florida 33064.

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: Greg Ross, General Motors, LLC, Mail Code 482-A06-C66, 100 GM Renaissance Center, Detroit, Michigan 48265.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

**BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND**

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

AGENCY FOR HEALTH CARE ADMINISTRATION

LETTERS OF INTENT

The Agency for Health Care Administration received and accepted the following letters of intent for the September 8, 2010, application filing date for Hospital Beds and Facilities batching cycle:

- | | |
|---|-----------------|
| County: Okaloosa | District: 1 |
| Date Filed: 8/9/2010 | LOI #: H1008001 |
| Facility/Project: Fort Walton Beach Medical Center | |
| Applicant: Fort Walton Beach Medical Center, Inc. | |
| Project Description: Establish a 20-bed comprehensive medical rehabilitation hospital | |
| County: Marion | District: 3 |
| Date Filed: 8/9/2010 | LOI #: H1008002 |
| Facility/Project: HealthSouth Rehabilitation Hospital of Ocala, LLC | |
| Applicant: HealthSouth Rehabilitation Hospital of Ocala, LLC | |
| Project Description: Establish a comprehensive medical rehabilitation hospital of up to 60 beds | |
| County: Hernando | District: 3 |
| Date Filed: 8/9/2010 | LOI #: H1008003 |
| Facility/Project: Haven Behavioral Services of Florida, LLC | |
| Applicant: Haven Behavioral Services of Florida, LLC | |
| Project Description: Establish a 30-bed adult inpatient psychiatric hospital | |
| County: Lake | District: 3 |
| Date Filed: 8/9/2010 | LOI #: H1008004 |
| Facility/Project: Haven Behavioral Services of Florida, LLC | |
| Applicant: Haven Behavioral Services of Florida, LLC | |
| Project Description: Establish a 30-bed adult inpatient psychiatric hospital | |
| County: Sumter | District: 3 |
| Date Filed: 8/9/2010 | LOI #: H1008005 |
| Facility/Project: The Villages Tri-County Medical Center, Inc. | |
| Applicant: The Villages Tri-County Medical Center, Inc. | |
| Project Description: Establish an acute care hospital of up to 120 beds | |

County: Volusia District: 4
 Date Filed: 8/9/2010 LOI #: H1008006
 Facility/Project: Halifax Health Medical Center
 Applicant: Halifax Hospital Medical Center
 Project Description: Establish a comprehensive medical rehabilitation unit of up to 40 beds

County: Volusia District: 4
 Date Filed: 8/9/2010 LOI #: H1008007
 Facility/Project: Haven Behavioral Services of Florida, LLC
 Applicant: Haven Behavioral Services of Florida, LLC
 Project Description: Establish an adult inpatient psychiatric hospital of up to 40 beds

County: Pinellas District: 5
 Date Filed: 8/9/2010 LOI #: H1008008
 Facility/Project: Haven Behavioral Services of Florida, LLC
 Applicant: Haven Behavioral Services of Florida, LLC
 Project Description: Establish a 40-bed adult inpatient psychiatric hospital

County: Polk District: 6
 Date Filed: 8/9/2010 LOI #: H1008009
 Facility/Project: Heart of Florida Regional Medical Center
 Applicant: Haines City HMA, LLC
 Project Description: Establish a seven-bed Level II NICU

If requested within 14 days after notice that an application has been filed, a public hearing may be held at the local level within 21 days after October 13, 2010, the date the application is scheduled to be deemed complete. Tentative hearing dates will be published on September 24, 1020.

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 (Department) gives notice of its intent to grant a variance (No.: 0292013-002-EV, OGC No.: 10-2326) to Troyer Brothers Florida, Inc., 14700 Troyer Brothers Road, Ft. Myers, Florida 33913, under Section 403.201(1)(a), Florida Statutes (F.S.), from the provisions of subsection 62-302.530(30), Florida Administrative Code (F.A.C.), which provides minimum standards for dissolved oxygen levels in the surface waters of the state. This variance will authorize the dissolved oxygen levels in the deeper portions of a manmade lake to fall below

the minimum levels set by Rule 62-302.530, F.A.C. The manmade lake is proposed to be constructed at a new limestone mine in Lee County. The proposed construction will require an environmental resource permit which has been assigned a different file number, File No.: 0292013-001, and is not the subject of this intent to issue a variance.

The project is located in portions of Sections 28 and 33, Township 45 South, Range 27 East as well as Sections 4, 9, 16, and 21, Township 46 South, Range 27 East, approximately 16 miles southeast of Fort Myers, south of the intersection of State Road 82 (Immokalee Road) and Homestead Road South, between State Road 82 and Corkscrew Road, Lee County. Mediation is not available.

The files associated with this order are 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 Bureau of Mining and Minerals Regulation, 2051 East Dirac Drive, Tallahassee, Florida 32310-3760.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received by the clerk) in the: Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Under subsection 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the: Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect. If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, 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), (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 the: Clerk of the Department of Environmental Protection, Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the order is filed with the Clerk of the Department.

The Department of Environmental Protection gives notice of its intent to grant a variance under Section 403.201, F.S., from the provisions of paragraph 62-4.244(5)(c), F.A.C., to the Town of Longboat Key, 600 General Harris, Longboat Key, FL 34228, 0300119-002-BV to allow the turbidity mixing zone to exceed 150 meters. The variance is in conjunction with the Town's application to undertake a beach nourishment project on Longboat Key in Manatee County along the shoreline from approximately 100 ft. north of Department of Environmental Protection Reference Monument R-44 to R-47.5 (File No. 0300119-001-JC). Therefore, while working at the beach placement site, the Grantee shall not exceed 29 Nephelometric Turbidity Units (NTUs) above corresponding background turbidity levels at the edge of the expanded mixing zone, which extends 1000 meters along shore and 250 meters offshore from the point where water discharged from the dredge pipeline (at the beach placement site) reenters the Gulf of Mexico. The mixing zone is not authorized to extend over nearshore hardbottom. 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 Beaches and Coastal Systems, 5050 West Tennessee Street, Building B, Tallahassee, Florida 32304-9201, (850)488-7708.

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 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the: Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Mediation under Section 120.573 of the F.S., is not available.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the agency action or even a denial of the application. If a sufficient petition for an administrative hearing or request for an extension of time to file a petition is timely filed, this agency action automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Accordingly, the applicant is advised not to commence construction or other activities in accordance with this variance until the deadlines noted below for filing a petition for an administrative hearing, or request for an extension of time has expired.

Under subsections 28-106.111(3) and 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 the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

In the event that 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. Any intervention will be 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 subsections 28-106.111(2) and 62-110.106(3)(a), (4), F.A.C., 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; and (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; (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 action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department.

This variance constitutes an order of the Department. The applicant has the right to seek judicial review of the order under Section 120.68, Florida Statutes, by the filing of a notice of appeal under Rule 9.110, Florida Rules of Appellate Procedure, with the: Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

FLORIDA STATE CLEARINGHOUSE

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(40), F.S. A list of projects, comments deadlines and the address for providing comments are available at http://www.dep.state.fl.us/secretary/oip/state_clearinghouse/. For information, call: (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

DEPARTMENT OF HEALTH

On August 11, 2010, 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 Nicholas Heath Crowe, R.N. License #RN 9202519. 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 August 17, 2010, 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 Ashton Paul Daigle, R.N. License #RN 9283790. 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 August 16, 2010, 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 Samantha L. Edunk, C.N.A. a.k.a. Samantha Freeman, C.N.A., License #CNA 40742. 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 August 17, 2010, 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 Jodi L. Hitt, R.N. License #RN 9235437. 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 August 16, 2010, 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 Leanna D. Small, C.N.A., License #CNA 84900. 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 August 17, 2010, 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 Emily Williams, C.N.A. License #CNA 146775. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General

determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE TO ALL POLICYHOLDERS, CREDITORS AND CLAIMANTS HAVING BUSINESS WITH CORAL INSURANCE COMPANY

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT, IN AND FOR LEON COUNTY, FLORIDA

CASE NO.: 2009-CA-1367

In Re: The Receivership of CORAL INSURANCE COMPANY, a Florida corporation.

NOTICE TO ALL POLICYHOLDERS, CREDITORS, AND CLAIMANTS HAVING BUSINESS WITH CORAL INSURANCE COMPANY

You are hereby notified that by order of the Circuit Court of the Second Judicial Circuit, in and for Leon County, Florida, effective the 26th day of July, 2010, the Department of Financial Services of the State of Florida was appointed as

Receiver of CORAL INSURANCE COMPANY and was ordered to liquidate the assets located in Florida of said company.

Policyholders, claimants, creditors, and other persons in this State having claims against the assets of CORAL INSURANCE COMPANY, shall present such claims to the Receiver on or before 11:59:59 p.m., Monday, July 25, 2011, or such claims shall be forever barred.

Requests for forms for the presentation of such claims and inquiries concerning this Receivership should be addressed to: The Division of Rehabilitation and Liquidation of the Florida Department of Financial Services, Receiver for CORAL INSURANCE COMPANY, Post Office Box 110, Tallahassee, Florida 32302-0110. Additional information may be found at: www.floridainsurancereceiver.org.

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN August 9, 2010
 and August 13, 2010

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Medicine

61F6-9.018	8/12/10	9/1/10	36/27	
61F6-9.020	8/12/10	9/1/10	36/27	
61F6-9.021	8/12/10	9/1/10	36/27	
61F6-9.022	8/12/10	9/1/10	36/27	

Board of Veterinary Medicine

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Florida Real Estate Appraisal Board

61J1-8.001	8/12/10	9/1/10	36/26	
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DEPARTMENT OF ENVIRONMENTAL PROTECTION

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62-640.210	8/9/10	8/29/10	35/44	36/23
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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Office of the Secretary

62S-4.001	8/13/10	9/2/10	36/23	36/29
62S-4.004	8/13/10	9/2/10	36/23	
62S-4.007	8/13/10	9/2/10	36/23	
62S-4.008	8/13/10	9/2/10	36/23	36/29

DEPARTMENT OF HEALTH

Board of Nursing

64B9-4.011	8/12/10	9/1/10	36/21	
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Board of Osteopathic Medicine

64B15-14.007	8/10/10	8/30/10	36/25	
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Board of Pharmacy

64B16-26.1031	8/10/10	8/30/10	36/19	
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DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

69A-62.023	8/11/10	8/31/10	36/20	36/28
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Division of Consumer Services

69I-69.001	8/11/10	8/31/10	36/24	
69I-69.002	8/11/10	8/31/10	36/24	
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69I-69.004	8/11/10	8/31/10	36/24	

Banking

69U-100.045	8/13/10	9/2/10	36/24	
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Securities

69W-600.0011	8/13/10	9/2/10	36/22	
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