

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE NOS.:	RULE TITLES:
5B-66.001	Definitions
5B-66.002	Purpose
5B-66.003	Quarantine Area
5B-66.004	Movement or Procession of Hosts or Other Regulated Articles; Conditions of Certification
5B-66.005	Confiscation and Disposal of Hosts
5B-66.006	Treatment Areas, Treatment Procedures and Mitigative Measures

PURPOSE AND EFFECT: The purpose of this rule is to establish procedures for the eradication of fruit flies in the genera *Anastrepha* (except *A. suspensa*), *Bactrocera*, *Ceratitis*, *Dacus* and *Rahgoletis* upon their detection in the State of Florida. The effect will be that the state can quickly respond to a detection of a fruit fly outbreak and take appropriate measures to achieve eradication thereby protecting Florida's agricultural industry, homegrown fruits and vegetables and certain native plants which are important food sources for wildlife.

SUBJECT AREA TO BE ADDRESSED: The proposed rule will address the necessity of immediate action to eradicate fruit flies of economic importance before the infestation spreads. If immediate action is not taken, eradication costs will rise dramatically due to the increased area which then will need treatment. If the fruit fly continues to spread unchecked, it will cause substantial damage to fruit-bearing plants in home gardens and ultimately spread into agricultural production areas where it would cost several millions of dollars in control costs, lost production and increased consumer prices in the marketplace.

RULEMAKING AUTHORITY: 570.07(23), (24), 581.031(1), (5), (7), (17) FS.

LAW IMPLEMENTED: 570.32 (5), (6), 581.031(6), (7), (9), (15), (17), (20), (26), (30), 581.101, 581.161, 581.181 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dr. Wayne N. Dixon, Assistant Director, Division of Plant Industry, Department of

Agriculture and Consumer Services, Doyle Conner Building, 1911 Southwest 34th Street, Gainesville, Florida 32608, (352)372-3505

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5B-66.001 Definitions.

For the purpose of this rule, the definitions in Section 581.011, F.S., and the following definitions shall apply:

(1) EPA. The United States Environmental Protection Agency.

(2) Fruit fly. Any life stage of any species of tephritid fruit fly in the genera *Anastrepha* (except *A. suspensa*), *Bactrocera*, *Ceratitis*, *Dacus*, *Rhagoletis* or synonyms thereof.

(3) Host. All fruit (including nuts, dates and berries), vegetables and the fruiting bodies of many wild and cultivated plants which are capable of infestation by any life stage of any species of fruit fly defined in subsection (2).

(4) Infested. Actually harboring a fruit fly in any of its life stages.

(5) Regulated article(s). Any article(s), including soil, capable of transporting or harboring a fruit fly.

(6) USDA-APHIS-PPQ. United States Department of Agriculture, Animal and Plant Health Inspection Service, Plant Protection and Quarantine.

Rulemaking Authority 570.07(23), (24), 581.031(1), (5), (7), (17) FS. Law Implemented 570.32(5), (6), 581.031(6), (7), (9), (15), (17), (20), (26), (30), 581.101, 581.161, 581.181 FS. History—New

5B-66.002 Purpose.

The purpose of this rule is to establish procedures for conducting a program to eradicate fruit flies defined in subsection 5B-66.001(2), F.A.C., upon their detection in the State of Florida. This rule chapter designates the size of quarantine areas and the requirements for the movement and certification of hosts and regulated articles. It also designates the size of treatment areas and the procedures for conducting treatments, outlines program mitigative measures and sets forth the requirements for declaring eradication.

Rulemaking Authority 570.07(23), (24), 581.031(1), (5), (7), (17) FS. Law Implemented 570.32(5), (6), 581.031(6), (7), (9), (15), (17), (20), (26), (30), 581.101, 581.161, 581.181 FS. History—New

5B-66.003 Quarantine Area.

A minimum 81-square mile area around a fruit fly detection shall be quarantined upon finding:

(1) Two adults, within three miles (3.5 miles for *Bactrocera*) of each other within a life cycle; or

(2) One gravid female; or

(3) A larva; or

(4) A pupa.

The geographical boundaries of a quarantine area shall be published in a major newspaper of general distribution and through other appropriate media. It shall be unlawful to move a host of the fruit fly species detected or a regulated article within, through, or from a quarantine area unless in accordance with Rule 5B-66.004, F.A.C. A list of hosts most likely to be present in a quarantine area shall be published in a major newspaper of general distribution, on the Department's website and provided to affected industry groups. An area shall be released from quarantine following a declaration that the fruit fly has been eradicated in accordance with paragraph 5B-66.006(4)(h), F.A.C.

Rulemaking Authority 570.07(23), (24), 581.031(1), (5), (7), (17) FS. Law Implemented 570.32(5), (6), 581.031(6), (7), (9), (15), (17), (20), (26), (30), 581.101, 581.161, 581.181 FS. History—New _____.

5B-66.004 Movement or Possession of Hosts or Other Regulated Articles; Conditions of Certification.

It shall be unlawful for any person to move hosts of the fruit fly species detected or regulated articles within, through or outside the quarantine area or to move or possess them for commercial or distribution purposes within the quarantine area unless in compliance with these rules and certified by the Department or the USDA-APHIS-PPQ.

(1) Hosts to be moved outside of a quarantine area for commercial or distribution purposes shall be certified based on negative trapping, post-harvest treatments or treatments applied to production areas which are approved by the Department. A Certificate of Inspection must accompany the treated host or regulated article and must include the method of treatment, location of the treatment facility and other pertinent data.

(2) Hosts offered for sale or distribution in the quarantined area shall be certified if an authorized representative of the Department or USDA-APHIS-PPQ has inspected them and determined that both of the following conditions have been met:

(a) All hosts have been received from outside the quarantine area. Vendors must have proof of origin in the form of written receipts or other documentation;

(b) All hosts are kept in fruit fly-proof screened enclosures or sealed containers, cold storage, or fly-proof vehicles or other enclosures to prevent infestation by a fruit fly.

(3) Hosts transiting the quarantine area must be covered by fly-proof screen or be in fly-proof vehicles and accompanied by proof of origin in the form of written receipt or other documentation.

(4) Soil and plants with soil attached:

(a) Soil and plants with soil attached shall be certified for movement if an authorized representative of the Department has inspected them and found that they are not or have not been under the canopy of a host plant which is bearing hosts, or was capable of bearing hosts within the previous 60 days.

(b) Soil and plants with soil attached under the canopy of a plant which is bearing hosts, or was capable of bearing hosts within the previous 60 days, shall be certified provided:

1. All soil and plants are removed to an area clear of plants bearing or capable of bearing hosts and the soil is treated with an EPA and Florida Department of Agriculture and Consumer Services (FDACS) registered pesticide or in the case of Emergency Exempted products, 40 CFR, Part 166, Section 18 or 40 CFR, Part 162, Section 24 (c), Special Local Need products, which is effective for fruit fly control.

2. All treatments must be conducted under the supervision of an authorized representative of the Department or pursuant to a compliance agreement as provided in subsection 5B-66.004(5), F.A.C.

(c) Plants bearing hosts. In addition to the above, plants bearing hosts, or which were capable of bearing hosts, shall be certified for movement after all hosts have been removed in accordance with subsection 5B-66.006(2), F.A.C., and the soil treated with an EPA-registered pesticide which is effective for fruit fly control. All treatments must be conducted under the supervision of an authorized representative of the Department or pursuant to a compliance agreement as provided in subsection 5B-66.004(5), F.A.C.

(5) Compliance agreements. The certification of hosts and regulated articles can be accomplished through the use of a compliance agreement, Cooperative Fruit Fly Eradication Project, DACS-08468, Rev. 09/10, or Cooperative Fruit Fly Eradication Project, Aerial Applicator, DACS-08469, Rev. 09/10, if the Department does not require each treatment or movement to be witnessed by an authorized representative of the Department. The form Cooperative Fruit Fly Eradication Project, DACS 08468, Rev. 09/10, and Cooperative Fruit Fly Eradication Project, Aerial Applicator, DACS-08469, Rev. 09/10, are incorporated herein by reference and may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, by writing to P. O. Box 147100, Gainesville, FL 32514-7100, or on the Department's website at <http://www.doacs.state.fl.us/onestop/plt/plantinsp.html>.

Rulemaking Authority 570.07(23), (24), 581.031(1), (5), (7), (17) FS. Law Implemented 570.32(5), (6), 581.031(6), (7), (9), (15), (17), (20), (26), (30), 581.101, 581.161, 581.181 FS. History—New _____.

5B-66.005 Confiscation and Disposal of Hosts.

(1) All hosts offered for sale or distribution in the quarantine area which are not in compliance with Rule 5B-66.004, F.A.C., shall be considered infested and shall be confiscated, held and destroyed at the expense of the vendor or person having possession of the hosts by issuing a Stop-Sale Notice and Hold Order, DACS-08016, Rev. 02/10, as adopted by reference in subsection 5B-65.005(2), F.A.C., or if the vendor or person having possession of the hosts agrees to voluntarily destroy the hosts an Agreement For Treatment, Destruction, Forfeiture or Return of Plants and/or Plant Parts,

DACS-08029, Rev. 09/10, as adopted by reference in Rule 5B-3.0038, F.A.C. If the vendor or person is in compliance, then the host shall be released upon lifting of the Stop Sale Notice or quarantine.

(2) All hosts to be disposed must be placed in a tightly sealed plastic bag, then placed in a puncture proof container for delivery to an approved landfill or incinerator.

Rulemaking Authority 570.07(23), (24), 581.031(1), (5), (7), (17), FS. Law Implemented 570.32(5), 6, 581.031(6), (7), (9), (15), (17), (20), (26), (30), 581.101, 581.161, 581.181 FS. History--New

5B-66.006 Treatment Areas, Treatment Procedures and Mitigative Measures.

(1) Treatment areas and treatment procedures to eradicate a fruit fly infestation will be dependent on the species, life-stages and numbers of fruit flies detected and the geographical area affected by the fruit fly infestation. Treatment areas shall be treated under the direction of the Department and the USDA-APHIS-PPQ. Treatments may include:

(a) Ground or aerial applications of EPA and FDACS-registered pesticide or in the case of Emergency Exempted product brands (Section 18) or Special Local Need products, a FDACS registered product;

(b) Bait stations applied to host plants or plants capable of harboring adult fruit flies;

(c) The removal and destruction of all hosts known or suspected to harbor any stage of the fruit fly species detected;

(d) The removal and destruction of abandoned or unwanted plants capable of bearing hosts;

(e) The placement of traps;

(f) The release of sterile fruit flies to achieve eradication.

All pesticide applications will be applied in accordance with all applicable federal and state regulations implementing mitigative measures to reduce environmental and public impact as described in this rule.

(2) Delimitation area and Treatment areas. The geographical boundaries of treatment areas shall be published in a major newspaper of general distribution and through other appropriate media. Areas shall be declared treatment areas as follows:

(a) When a single male or unmated female fruit fly is detected, an intensified monitoring program will be implemented in a delimitation area which will be a minimum 81-square mile area around the positive site.

(b) When two adult fruit flies are detected within three miles (3.5 miles for Bactrocera) of each other within a life cycle, or a single gravid female, larva, or pupa are detected, an intensified monitoring program will be implemented in a minimum 81-square mile area around the positive site. The treatment area shall be a minimum nine-square mile area around a positive site for pesticide treatments.

(c) If a larva is detected, in addition to paragraph 5B-66.007(1)(b), F.A.C., above, the soil under the canopy of all host plants on the property and each adjacent property shall be drenched with an EPA and FDACS-registered pesticide or a 40 CFR, Part 166, Section 18, Emergency Exempted products or 40 CFR, Part 162, Section 24 (c), Special Local Need products, and all hosts shall be removed within a 660-foot radius of the positive site by the Department and the USDA-APHIS-PPQ.

(3) Treatment procedures. Treatments will be conducted in accordance with the following procedures upon notification of applicable federal, state, and local government agencies and officials who will be provided an opportunity for input into program procedures or mitigative measures or participation in program monitoring activities:

(a) All necessary control actions will be conducted based on the species of fruit fly detected using the treatments necessary to prevent further spread and achieve eradication.

(b) Local hospitals and public health facilities and agencies will be notified of the pesticide treatment schedules and the types of pesticides used and all accidental pesticide exposures will be reported to the appropriate local, state and federal authorities.

(c) All applicable environmental laws and regulations will be followed and an environmental monitoring program in accordance with applicable federal and state environmental laws will be implemented.

(d) All pesticides will be applied under the supervision of certified applicators in accordance with label instructions, applicable quarantine or emergency exemptions, USDA Environmental Impact Statements, site specific Environmental Assessments and state licensing requirements.

(e) All appropriate program personnel will be trained on the proper use and storage of materials and instructed on emergency procedures in the event of accidental chemical exposure.

(f) All necessary safety and cleaning equipment, protective clothing and Material Safety Data Sheets will be provided to program personnel.

(4) Program Mitigative Measures. The following mitigative measures will be taken to reduce public and environmental impact:

(a) Residents in treatment areas shall be notified by publication in a major newspaper of general distribution at least 24 hours in advance of the date and time of planned pesticide treatments. Notifications will be in English or other languages as necessary based on the ethnic structure of the community. The notification shall include basic information about the program, the geographical boundaries of the treatment area, treatment procedures and measures to be taken to avoid exposure and reduce damage.

(b) Residents in the treatment area on the Registry of Persons Requiring Prior Notification of the Application of Pesticides shall be notified 24 hours prior to any pesticide treatment applications in accordance with Section 482.2267, F.S.

(c) A telephone help line system will be established to keep the public informed of program activities and serve as a mechanism for registering and responding to complaints.

(d) Beekeepers in the treatment area will be notified 24 hours in advance of any chemical applications.

(e) The United States Department of the Interior's Fish and Wildlife Service and the Florida Fish and Wildlife Conservation Commission will be contacted to determine the presence of any endangered or threatened species in need of protection within the treatment area and the program shall take appropriate measures to protect those species as recommended by these agencies.

(f) Sensitive areas in or near treatment areas shall be identified prior to chemical treatments and appropriate measures taken to ensure that these areas are not adversely affected.

(g) All control actions will be conducted with appropriate concern for potential impact on the public, wildlife, non-target organisms and sensitive areas.

(h) Declaration of Eradication. Following the completion of all treatments, eradication shall be declared when no fruit fly is detected after a period of a minimum of two fruit fly life cycles.

(i) Program Evaluation. Following the completion of a fruit fly eradication program, program activities and monitoring results will be reviewed and evaluated and appropriate changes implemented for future programs.

Rulemaking Authority 570.07(23), (24), 581.031(1), (5), (7), (17) FS. Law Implemented 570.32(5), (6), 581.031(6), (7), (9), (15), (17), (20), (26), (30), 581.101, 581.161, 581.181 FS. History—New _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.05731
 RULE TITLE: Industry Certification of Automotive Service Technology Education Programs

PURPOSE AND EFFECT: The purpose of the rule development is to develop the Industry Certification of Automotive Service Technology Education Programs by fiscal year 2013-2014, pursuant to Section 1004.925, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Certification of Automotive Service Technology Education Programs.

RULEMAKING AUTHORITY: 1004.925 FS.

LAW IMPLEMENTED: 1004.925 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: Darl Walker, Senior Educational Program Director, Career and Technical Education Programs, 325 West Gaines Street, Room 701, Tallahassee, Florida 32399; (850)245-9020. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.07861
 RULE TITLE: Model Forms for Charter Technical Career Center Applicants and Sponsors

PURPOSE AND EFFECT: The purpose of this rule development is to implement the Model Florida Charter Technical Career Center Application, Florida Charter Technical Career Center Application Evaluation Instrument, and the Florida Charter Technical Career Center Contract Format, pursuant to Section 1002.34, Florida Statutes. The effect will be a rule that is aligned with Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Charter Technical Career Centers.

RULEMAKING AUTHORITY: 1002.34 FS.

LAW IMPLEMENTED: 1002.34 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: Tara Goodman, Budget Chief, Budget Accountability and Assessment, Division of Career and Adult Education, 325 West Gaines Street, Room 744, Tallahassee, FL 32399, (850)245-9002. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

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

DEPARTMENT OF EDUCATION**Commission for Independent Education**

RULE NO.: 6E-2.004
 RULE TITLE: Standards and Procedures for Licensure

PURPOSE AND EFFECT: The purpose is to develop standards and procedures to ensure new institutions seeking licensure have sufficient resources, including financial resources, and to increase the protection afforded students by requiring training and reporting requirements for institutional personnel who recruit and enroll students at an institution.

SUBJECT AREA TO BE ADDRESSED: Financial licensure standards for institutions with a provisional license and recruitment and admission licensure standards for enrollment personnel.

RULEMAKING AUTHORITY: 1005.22(1)(e), 1005.31(2), (3), 1005.34, 1005.39 FS.

LAW IMPLEMENTED: 1005.04, 1005.31, 1005.33(1), 1005.34, 1005.39 FS.

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

DATE AND TIME: October 25, 2010, 10:30 a.m.

PLACE: Howey-In-The-Hills, 10400 County Road 48, Howey-In-The-Hills, Florida 34737

Pursuant to the provisions of 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: Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400. If you are 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: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400, (850)245-3206

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6E-2.004 Standards and Procedures for Licensure.

(1) through (4) No change.

(5) Standard 5: Recruitment and Admissions. In all admissions and recruitment-related activities, the institution shall comply with the fair consumer practices provisions of Sections 1005.04 and 1005.34, F.S., and Rule 6E-1.0032, F.A.C., and the rule regarding Agents, Rule 6E-2.010, F.A.C.

(a) An institution's recruitment efforts shall be designed to target students who are qualified and likely to complete and benefit from the training provided by the institution.

(b) Recruiting Practices. Each institution must observe ethical practices and procedures in the recruitment of its students. Ethical practices and procedures include, at a minimum, the following:

1. An institution shall use only individuals, whether its own employees or agents, who are trained and licensed as agents pursuant to Rule 6E-2.010, F.A.C., to enroll students off-campus. Outside the United States, its territories, or its possessions, the institution may use third-party agents for recruiting; however, the institution remains responsible for the accuracy of advertising and of representations made to prospective students regarding the institution, its programs and policies, financial aid eligibility, availability and procedures, and other pertinent information. Other institutional officials who are not licensed agents may participate in occasional College Week or Career Week programs at area high schools or community centers, or give speeches regarding the institution to groups when invited; but no misleading information shall be communicated, no students shall be enrolled, and no tuition or fees shall be collected.

2. An institution shall not use employment agencies to recruit prospective students, or place advertisements in help-wanted sections of classified advertisements, or otherwise lead prospective students to believe they are responding to a job opportunity.

3. An institution shall ensure that its recruiting agents and other personnel do not make false or misleading statements about the institution, its personnel, its programs, its services, its licensure status, its accreditation, or any other pertinent information.

4. An institution shall not permit its recruiting agents or other personnel to recruit prospective students in or near welfare offices, unemployment lines, food stamp centers, homeless shelters, nursing homes, or other circumstances or settings where such persons cannot reasonably be expected to make informed and considered enrollment decisions. Institutions may, however, recruit and enroll prospective students at one-stop centers operated under government auspices, provided that all other recruitment and admissions requirements are met.

5. An institution shall inform each student accurately about financial assistance and obligations for repayment of loans.

6. An institution shall not make explicit or implicit promises of employment or salary expectations to prospective students.

7. An institution shall not permit the payment of cash or other nonmonetary incentives, such as but not limited to travel or gift certificates, to any student or prospective student as an inducement to enroll. An institution shall not use the word "free" or its synonyms in reference to any equipment, tuition, books, or other items in conjunction with recruiting or

advertising. Tuition or fee discounts are not permissible; any reductions of tuition or fees must comply with subsection 6E-1.0032(7), F.A.C.

8. An institution must provide the applicant with a copy of the completed enrollment agreement, signed by both parties.

9. Ethical practices shall be followed in all aspects of the recruiting process. An institution shall ensure that its personnel do not discredit other institutions by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or similar negative characteristics; making other false representations; disparaging the character, nature, quality, value or scope of their program of instruction or services; or demeaning their students. An institution shall also ensure that its personnel do not knowingly influence any student to leave another institution or encourage a student to change plans after signing an enrollment application and paying a registration fee to another institution.

(c) Admissions Acceptance Policies. The purpose of this section is to ensure that institutions admit only those students who are capable of successfully completing the training offered. Admission decisions shall be based on fair, effective, and consistently applied criteria that enable the institution to make an informed judgment as to an applicant's ability to achieve the program's objectives.

1. An institution shall determine with reasonable certainty that each applicant for enrollment is fully informed as to the nature of the training provided. The institution shall advise each applicant prior to admission to ensure that the applicant understands the program's responsibilities and demands.

2. An institution shall consistently and fairly apply its admission standards as published. It shall determine that applicants admitted meet such standards and are capable of benefitting from the training offered, and that applicants rejected did not meet such standards. The institution shall ensure that each applicant admitted has the proper qualifications, abilities, and skills necessary to complete the training, and shall secure and maintain documentation to demonstrate that each applicant meets all admissions requirements.

3. If an institution enrolls a person who does not have a high school diploma or recognized equivalency certificate, the determination of the applicant's ability to benefit from the training offered must be confirmed as provided in subparagraph (4)(o)3. of this rule.

4. An institution shall not deny admission or discriminate against students enrolled at the institution on the basis of race, creed, color, sex, age, disability or national origin. Institutions must reasonably accommodate applicants and students with disabilities to the extent required by applicable law.

5. An institution shall not accept enrollment from a person of compulsory school age, or one attending a school at the secondary level, unless the institution has established through

contact with properly responsible parties that pursuit of the training will not be detrimental to the student's regular schoolwork.

6. The institution shall document its reasons for denying admission to any prospective student. Records of denied applicants must be kept on file for at least one year.

(d) To ensure that the requirements of subsection (5) are met, it shall be the responsibility of an institution to require a training program for all staff who recruit prospective students, or who participate in the admission of prospective students, at the institution.

1. With each application for an annual license, an institution shall submit CIE Form XYZ, to demonstrate that the institution has instituted a training program that meets the requirements of subsection (5) and that all recruiting and admission staff have completed the training at least once annually.

2. The provisions of this paragraph shall apply to applications submitted by institutions beginning January 2012.

(6) Standard 6: Finances. All institutions must demonstrate that the financial structure of the institution is sound, with resources sufficient for the proposed operations of the institution and the discharge of its obligations to the students. To demonstrate this, the school shall provide the following:

(a) Provisional License:

1. A plan setting forth the sources, kinds and amounts of both current and anticipated financial resources. The plan shall include a budget for the institution's first year of operation, clearly identifying sources of revenue to ensure effective operations. The plan shall include estimates of projected operating expenses including the following areas: academics, administrative costs, occupancy, advertising, admission, and learning resources.

2. A pro forma balance sheet prepared in accordance with Generally Accepted Accounting Principles for the type of institution making application.

3. If the corporation that controls the institution is ongoing, the institution shall provide a financial statement of the parent corporation compiled, reviewed or audited in accordance with Generally Accepted Accounting Principles, prepared by an independent certified public accountant.

4. Institutions that are new and do not have a history of educational operations shall provide financial statements of the controlling principals, compiled, reviewed, or audited by an independent certified public accountant. These statements must demonstrate sufficient resources to ensure appropriate institutional development.

5. A school applying for the initial provisional license or a school receiving an extended provisional license shall provide evidence of cash reserves, a letter of credit or a bond to cover operating expenses for a minimum of six months.

(b) Annual License, Extended Annual License, or Annual Review:

1. Licensed nondegree schools shall provide annually a review or audit, prepared in accordance with Generally Accepted Accounting Principles by an independent certified public accountant. Licensed colleges and universities shall provide annually an audit, prepared in accordance with Generally Accepted Accounting Principles by an independent certified public accountant. This annual financial statement shall demonstrate that the current assets of the institution exceed the current liabilities, and that there was a positive net working capital and a profit or surplus for the prior year. If an institution does not meet the above requirements, the Commission shall require an explanation of the financial condition of the institution including a financial improvement plan or teach-out plan or form of surety guaranteeing that the resources are sufficient to protect the current students. Financial improvement plans shall include information on projected operating expenses including the following areas: academics, administrative costs, occupancy, advertising, admission, and learning resources.

This plan shall If the Commission determines that the institution does not have sufficient resources, it shall take actions up to and including revocation of licensure.

2. If an independent postsecondary educational institution earns less than \$100,000 gross tuition revenue per the institution's fiscal year, the institution shall provide both a financial statement of the institution and of the controlling principles. The financial statement shall be compiled, reviewed, or audited by an independent certified public accountant. These statements must demonstrate sufficient resources to ensure appropriate institutional development.

3. Non-Florida corporations having one or more Florida location shall provide a profit and loss statement for each location in order to assess the financial stability of each individual location.

(c) License by Means of Accreditation: All institutions shall submit an annual audit prepared in accordance with Generally Accepted Accounting Principles by an independent certified public accountant. This audit shall demonstrate that the current assets of the institution exceed the current liabilities, and that there was a positive net working capital and a profit or surplus for the prior year. If an institution does not meet the above requirements, the Commission shall require an explanation of the financial condition of the institution including a financial improvement plan or teach-out plan or form of surety guaranteeing that the resources are sufficient to protect the current students. If the Commission determines that the institution does not have sufficient resources, it shall take actions up to and including revocation of licensure.

(7) through (12) No change.

Rulemaking Specific Authority 1005.22(1)(e), 1005.31(2), (3), 1005.34, 1005.39 FS. Law Implemented 1005.04, 1005.31, 1005.33(1), 1005.34, 1005.39 FS. History—Repromulgated 12-5-74, Formerly 6E-3.01(1), Readopted 11-11-75, Amended 3-7-77, 5-7-79, 10-13-83, Formerly 6E-2.04, Amended 11-27-88, 11-29-89, 12-10-90, 10-19-93, 4-2-96, 4-11-00, 1-7-03, 4-5-04, 5-24-04, 7-20-04, 5-18-05, 7-10-06, 7-23-07,_____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
33-602.206 Emergency Management

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to update the department's emergency preparedness and response programs.

SUBJECT AREA TO BE ADDRESSED: Emergency Management.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09, 944.34, 944.43, 944.44, 944.45 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.206 Emergency Management Riot and Disorder Plan.

(1) Definitions.

(a) Incident Command System (ICS) – a standard operating procedure that can be employed in establishing command in a correctional setting during any incident or event outside of normal operations and that provides a means for the effective management of personnel and resources that respond to the incident as it escalates.

(b) Incident commander – the individual assuming and having responsibility for the management of all incidents and events outside of normal operations.

(c) National Incident Management System (NIMS) – a system created under Homeland Security Directive #5 (February 2003) that directs the comprehensive, national

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.210 Use of Force.

(1) through (3) No change.

(4) Use of Deadly Force to Prevent Escape or to Recapture Escapee. Generally, correctional officers are authorized to use force, including deadly force, as necessary to prevent the escape of an inmate from a penal institution.

(a) No change.

(b) Apprehension of escaped inmates once they are outside an institutional perimeter.

1. Correctional officers are considered to be in active pursuit of an inmate who has escaped from an institution or supervised work squad so long as the incident escape commander determines that the escape recovery efforts are active. When the inmate has refused a verbal order to stop, the correctional officer is authorized to use deadly force to stop the inmate, once the officer has clearly identified the individual as the escaped inmate and is sure of the target and what lies beyond.

2. Once the incident escape commander determines that immediate recapture efforts are over, recapture becomes a law enforcement agency function and department staff only provide assistance to local law enforcement. Correctional officers who are utilized to assist outside law enforcement agencies are authorized to use deadly force only in self defense or to defend others against deadly use of force.

3. No change.

(c) Escape attempts by inmates while being transported or escorted outside institutional perimeters, e.g., court appearances, hearings and medical visits, or while being supervised while in a hospital for treatment. Deadly force is only authorized in accordance with paragraph (2)(c), when the officers are in immediate active pursuit of the escapee. The incident escape commander will determine when the period of active pursuit has ended. At this point, involvement by correctional officers will be limited to assisting law enforcement officers and deadly force is only authorized for self defense or to defend others against deadly use of force.

(5) through (16) No change.

(17) Force or restraint may be used to administer medical treatment when ordered by a physician or clinical associate, and only when treatment is necessary to protect the health of other persons, as in the case of contagious and venereal diseases, or when treatment is offered in satisfaction of a duty to protect the inmate against self-inflicted injury or death. The physician or clinical associate shall prepare Form DC6-232, Authorization for Use of Force Report, documenting the reasons that force or restraint was authorized. The physician's or clinical associate's report shall be attached to Form DC6-230, Institutions Report of Force Used, when actual force is used, or Form DC6-210, Incident Report, when restraints are

applied without the use of force as described above. In each instance a DC4-701C, Emergency Room Record, shall be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. Form DC4-708, Diagram of Injury, shall also be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. In each case, the examination shall be complete and result in a clear statement by the medical provider that there is or is not an injury, and the record shall provide sufficient documentation to support that conclusion. In all cases where physical force is used to manage an inmate, the inmate and any employee who is involved will be required to receive a medical examination or will sign Form DC4-711A, Refusal of Health Care Services, declining the examination. In those cases where an injury is claimed but not substantiated by medical examination, the statement by the medical provider shall indicate this, and the documentation shall be sufficient to support that no injury was found upon examination. Form Forms DC4-711A is incorporated by reference in Rule 33-401.105, F.A.C., Forms DC4-701C and DC4-708 are incorporated by reference in subsection (29)(30) of this rule. When the use of four-point or five-point psychiatric restraints is authorized and the inmate does not offer resistance to the application of the restraints, the completion of Form DC6-230, Institutions Report of Force Used, or Form DC6-231, Institutions Report of Force Used Staff Supplement, will not be required. In these situations, where there is no resistance to the application of psychiatric restraints, the application of the restraints will be videotaped and Form DC6-210, Incident Report, will be completed. The videotape, the completed Incident Report, and the completed Form DC6-232, Authorization for Use of Force Report, will be forwarded to the warden or acting warden for review within one working day. The warden will forward the videotape and associated reports to the institutional inspector within five working days. The institutional inspector will ensure that all documentation is complete and will forward all materials to the Office of the Inspector General, as outlined in subsection (11) above, for review. If at any time prior to or during the application of the psychiatric restraints the inmate offers resistance to the application, the steps outlined in subsection (9) above will be followed.

(18) through (20) No change.

(21) Use of Chemical Agents. Chemical agents shall not be used on anyone other than an inmate during an authorized use of force.

(a) through (q) No change.

(r) Upon request, appropriate health services staff shall provide the following completed forms to Department inspectors or legal staff: Form DC4-701C, Use of Force Exam and; Form DC4-708, Diagram of Injury; and Form DC4-701, Chronological Record of Health Care. Form DC4-701 is incorporated by reference in subsection (30) of this rule.

(22) Specialty Impact Munitions. Specialty impact munitions shall be used primarily by the department's rapid response teams and correctional emergency response teams during riots and disturbances. They are intended as a less lethal alternative to the use of deadly force. Specialty impact munitions shall only be employed by officers trained in their use and effects and shall not be used on anyone other than an inmate during an authorized use of force.

(a) through (b) No change.

(c) Selection and deployment of specialty impact munitions during a riot or disturbance shall be authorized by the ~~incident ultimate~~ commander and supervised by the rapid response or correctional emergency response team leader. For the purposes of this rule, the ~~incident ultimate~~ commander is the ~~Secretary secretary~~ or his designee at the central office level, the regional director or his designee at the regional level, or the warden or his designee at the institution level.

(d) through (28) No change.

(29) 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 (e) No change.

~~(f) DC4-711A, Refusal of Health Care Services, effective September 7, 2010.~~

(g) through (m) renumbered (f) through (l) No change.

~~(m)(n) DC4-650B, Risk Assessment for the Use of Chemical Restraint Agents and Electronic Immobilization Devices, effective August 4, 2008.~~

~~(o) DC4-701, Chronological Record of Health Care, effective 4-8-10.~~

Rulemaking Authority 944.09 FS. Law Implemented 776.07, 944.09, 944.35 FS. History--New 4-8-81, Amended 10-10-83, 9-28-85, Formerly 33-3.066, Amended 3-26-86, 11-21-86, 4-21-93, 7-26-93, 11-2-94, 2-12-97, 11-8-98, Formerly 33-3.0066, Amended 10-6-99, 2-7-00, 7-25-02, 8-25-03, 2-25-04, 11-7-04, 4-17-05, 8-1-05, 3-2-06, 9-18-06, 10-4-07, 3-3-08, 8-4-08, 1-6-09, 5-26-09, 4-8-10, 9-13-10, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-1.002	Delegation of Authority
40D-1.1002	Variances from Water Shortage Rules (Chapter 40D-21, F.A.C.)
40D-1.659	Forms and Instructions

PURPOSE AND EFFECT: This rulemaking is to adopt and incorporate by reference a Petition for Variance Form No. LEG-R.42.00-058(09/28/10) in Rule 40D-1.659, Forms and Instructions and in Rule 40D-1.1002, Variances from Water Shortage Rules. The Form will streamline processing of requests for relief from Chapters 40D-22 and 40D-21, F.A.C., and water shortage orders issued under Chapter 40D-21, F.A.C. This rulemaking also amends Rule 40D-1.002, F.A.C.

to change the staff positions authorized to act on requests for relief via a Petition for Variance in order to reflect a recent realignment of the Demand Management Program that processes Petitions for Variance.

SUBJECT AREA TO BE ADDRESSED: Variances from Chapter 40D-21, F.A.C., Water Shortage Plan, water shortage orders and Chapter 40D-22, F.A.C., Year-round Water Conservation Measures.

RULEMAKING AUTHORITY: 120.54(5), 373.044, 373.103, 373.113, 373.118, 373.149, 373.171, 373.219, 373.309, 373.337 FS.

LAW IMPLEMENTED: 120.54(5), 253.002, 373.083, 373.103, 373.0831(3), 373.116, 373.149, 373.171, 373.175, 373.196(1), 373.1961(3), 373.206, 373.207, 373.209, 373.216, 373.219, 373.223, 373.224, 373.226, 373.229, 373.239, 373.246, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.416, 373.419, 373.421, 373.427, 668.50 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pam Gifford, Certified Legal Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4156 (OGC#2010012)

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.:	RULE TITLE:
40D-4.091	Publications, Forms and Agreements Incorporated by Reference

PURPOSE AND EFFECT: Proposed rule amendment incorporates by reference a revised Environmental Resource Permitting Information Manual Part B, Basis of Review (BOR). Revisions are proposed to BOR Chapter 3, Sections 3.2 – 3.3.2.2. The purpose and effect of this rulemaking will be to clarify and correct certain provisions pertaining to mitigation of impacts to wetlands and other surface waters.

SUBJECT AREA TO BE ADDRESSED: Environmental Resource Permitting.

RULEMAKING AUTHORITY: 373.044, 373.046, 373.113, 373.171, 373.414 FS.

LAW IMPLEMENTED: 373.0361, 373.079(4)(a), 373.083(5), 373.114, 373.171, 373.403, 373.413, 373.4135, 373.4136, 373.414, 373.4144, 373.416, 373.429, 373.441 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: Pam Gifford, Certified Legal Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4156 (OGC#2010018)

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-22.101	Definitions
40D-22.201	Year-Round Water Conservation Measures
40D-22.303	Variations and Waivers

PURPOSE AND EFFECT: Minor changes are proposed to enhance the effectiveness of Chapter 40D-22, F.A.C. Year-round Conservation Measures and consistency with Chapter 40D-21, F.A.C., Water Shortage Plan. The proposed amendments include adding or clarifying definitions for consistency between Chapters, clarifying allowable times for Spot Treatment, adding a schedule for plant establishment irrigation for large properties and allowing extra irrigation for salt flushing after tropical storms or hurricanes. This rulemaking also makes examples of circumstances for which a variance or waiver may be appropriate applicable only to variances, sets forth additional examples of circumstances warranting a variance and incorporates a new form, Petition for Variance Form No. LEG-R.42.00-0589 (9/28/10) required to be submitted in order to request a variance. The form will streamline processing of requests for variances from Chapter 40D-22, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Amendments to Chapter 40D-22, F.A.C., Year-round Water Conservation Measures

RULEMAKING AUTHORITY: 120.542, 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 120.542, 373.119, 373.171, 373.175(4), 373.219, 373.223, 373.246(7), 373.62, 373.609 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: Pam Gifford, Certified Legal Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4156 (OGC#2010039)

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.:	RULE TITLE:
61D-2.023	Animal Welfare

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement recent changes in Florida Statutes pertaining to the welfare of racing animals.

SUBJECT AREA TO BE ADDRESSED: The proposed rule addresses the welfare of racing animals, inspections of areas where racing animals are raced, trained, housed, or maintained, including any areas where food, medications, or other supplies are kept, to ensure the humane treatment of racing animals and compliance with this chapter and the rules of the division.

RULEMAKING AUTHORITY: 550.0251(3), 550.2415(12) FS.

LAW IMPLEMENTED: 550.0251(11), 550.2415(6) 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: November 4, 2010, 11:00 a.m. – 5:00 p.m.

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NOS.: RULE TITLES:
 61D-6.006 Procedures Relating to Split Samples
 61D-6.007 Permitted Medications for Racing Greyhounds

PURPOSE AND EFFECT: The purpose and effect of the proposed rules will be to implement Florida Statutes pertaining to split sample procedures and permitted medications for greyhounds by establishing threshold levels for certain Class III and IV medications.

SUBJECT AREA TO BE ADDRESSED: Rule 61D-6.006, F.A.C., addresses an internal procedure change that requires the Office of Operations to handle split sample requests rather than the Office of Investigations. Rule 61D-6.007, F.A.C., addresses the establishment of threshold levels for certain Class III and IV medications commonly found in greyhounds.

RULEMAKING AUTHORITY: 120.80(4)(a), 550.0251(3), (11), 550.2415(5), (13), (16) FS.

LAW IMPLEMENTED: 120.80(4)(a), 550.0251, 550.2415 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: November 4, 2010, 10:00 a.m. – 11:00 a.m.

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: RULE TITLE:
 64B12-15.001 Continuing Education for License Renewal

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and renumber the rest of the rule correctly.

SUBJECT AREA TO BE ADDRESSED: Continuing education for license renewal.

RULEMAKING AUTHORITY: 456.013(8), (9), 484.005, 484.008(3) FS.

LAW IMPLEMENTED: 456.013(8), (9), 484.008(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Foster, Executive Director, Board of Opticianry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.: RULE TITLES:
 64E-3.001 Fees
 64E-3.002 Definitions
 64E-3.003 Qualifications for Examination
 64E-3.0031 Radiation Therapy Assistance by
 General Radiographers
 64E-3.0032 Radiologist Assistant Duties and
 Supervision
 64E-3.0033 Positron Emission
 Tomography-Computed
 Tomography (PET-CT) by Nuclear
 Medicine Technologists
 64E-3.004 Practice of Radiologic Technology
 by Applicants for Certification by
 Examination
 64E-3.005 Written Examinations
 64E-3.006 Certification by Endorsement
 64E-3.007 Bone Densitometry
 64E-3.008 Continuing Education Requirements
 64E-3.009 Standards for Continuing Education
 Courses
 64E-3.010 Reactivation of Inactive Certificates
 64E-3.011 Disciplinary Guidelines

PURPOSE AND EFFECT: Review this Chapter and amend and/or adopt new rule language as necessary to ensure that all rules conform with statutory requirements and the current practices and procedures for radiological personnel.

SUBJECT AREA TO BE ADDRESSED: Fees, definitions; forms; application procedures and requirements; educational programs; examinations; endorsement; continuing education and providers; scope of practice and prohibited practices for all persons certified or governed by Ch. 468, Part IV; x-ray; radiography; nuclear medicine; radiation therapy; training; remedial education; supervision; HIV/AIDS; certificate issuance, display, renewal, reactivation, resignation, and relinquishment; investigations; discipline guidelines; national organizations; specialty boards; advisory council recommendations.

RULEMAKING AUTHORITY: 381.0034(4), 468.302(3)(a), (3)(d), (3)(h), 468.303, 468.304(1), (2), (3)(e), 468.305, 468.306, 468.3065, 468.307(1), 468.309(1)(a), (2), (3), (5), (6), (7), 468.3095(1), (2)(a), 468.3101(4), (6) FS.

LAW IMPLEMENTED: 381.0034, 468.3003, 468.301, 468.302, 468.303, 468.304, 468.305, 468.306, 468.3065, 468.307, 468.309, 468.3095, 468.3101, 468.314 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: James Futch, Bin #C21, 4052 Bald Cypress Way, Tallahassee, FL 32399-1741; (850)245-4266; James_Futch@doh.state.fl.us

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

RULE NO.: 65G-4.020
RULE TITLE: iBudget Florida

PURPOSE AND EFFECT: The purpose of the rule development is to solicit public input to be used in developing rules to comply with Section 393.0662, F.S., requiring the Agency to establish the iBudget (Individual Budget) program for the delivery of home and community-based Medicaid waiver program services to serve clients with developmental disabilities.

SUBJECT AREA TO BE ADDRESSED: Section 393.0662, F.S., requires that the agency develop and implement a comprehensive redesign of the service delivery system using individual budgets as the basis for allocating the funds appropriated for the home and community-based services

Medicaid waiver program among eligible enrolled clients. The service delivery system shall be called the iBudget system. These rules will implement those requirements.

SUBJECT AREA TO BE ADDRESSED: iBudget program for the delivery of the home and community based services Medicaid waiver program to clients with developmental disabilities.

RULEMAKING AUTHORITY: 393.0662 FS.

LAW IMPLEMENTED: 393.0662 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 7 days before the workshop/meeting by contacting: INFORMATION REGARDING THE IBUDGET FLORIDA PROGRAM IS AVAILABLE ON THE AGENCY'S WEBSITE AT WWW.APDCARES.ORG. THIS INFORMATION INCLUDES THE PLAN FOR IBUDGET FLORIDA SUBMITTED TO THE LEGISLATURE AND MATERIALS RELATED TO THE MEETINGS OF THE IBUDGET FLORIDA STAKEHOLDERS' GROUP, WHOSE INPUT WAS USED IN DEVELOPING THE IBUDGET FLORIDA PLAN AND PROGRAM. COMMENTS MAY ALSO BE SUBMITTED VIA THE WEBSITE.

Mary Beth Date, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)488-4873, mary_beth_date@apd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary Beth Date, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)488-4873, mary_beth_date@apd.state.fl.us

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NO.: 69B-215.235
RULE TITLE: Use of Designations

PURPOSE AND EFFECT: The purpose of the proposed rule development is to extend guidance and set forth standards in the use of professional designations or certifications by licensees engaged in the marketing and sale of insurance products. The proposed rule clarifies that lawful designations must be granted only by recognized organizations that

maintain published standards and procedures that assure the ongoing competency and ethical conduct of members or conferees. The proposed rule prohibits any use of self-conferred or baseless designations by licensees engaged in the marketing of insurance products. The proposed rule is designed to protect consumers from deceptive trade practices by licensees who claim, or falsely imply, certain levels of expertise or credentials that could reasonably induce consumers to place unwarranted confidence in the quality, accuracy, or veracity of their statements.

SUBJECT AREA TO BE ADDRESSED: Use of designations and certifications in the marketing of insurance products.

RULEMAKING AUTHORITY: 626.9611(1) FS.

LAW IMPLEMENTED: 626.9541(1)(ff) 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, October 26, 2010, 10:00 a.m.

PLACE: 116 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Richard Brinkley, (850)413-5654 or Richard.Brinkley@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: Richard Brinkley, Government Analyst II, Bureau of Investigation, Division of Insurance Agent and Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0319, (850)413-5654

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 Consumer Services

RULE NO.: 69J-9.001 **RULE TITLE:** Database of Information Relating to Sinkholes

PURPOSE AND EFFECT: The proposed rule amendment revises the rule to change the time period and restrict database submissions to only those claims that involve sinkholes and catastrophic ground cover collapse that were “closed” and “confirmed” on or after January 25, 2007. These guidelines will prevent the database from becoming burdened by claims that do not provide useful information. The time period for

which claims shall be submitted has been changed to harmonize the rule with statute. Additional definitions and changes to related dates have also been made.

SUBJECT AREA TO BE ADDRESSED: Proposed amendment to clarify requirements associated with the submission of claims data to sinkhole database.

RULEMAKING AUTHORITY: 624.308(1), 627.7065(6) FS.

LAW IMPLEMENTED: 627.706, 627.7065 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: Wednesday, October 27, 2010, 2:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Greg Thomas, Chief, Bureau of Education, Advocacy & Research, Department of Financial Services, 200 E. Gaines Street, Tallahassee, Florida 32399, (850)413-5768

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

**Section II
Proposed Rules**

DEPARTMENT OF LAW ENFORCEMENT

Division of Local Law Enforcement Assistance

RULE NO.: 11D-2.005 **RULE TITLE:** Methamphetamine Precursor Electronic Monitoring System

PURPOSE AND EFFECT: Rule 11D-2.005, F.A.C., is created to implement Florida Statute Section 893.1495, for FDLE to provide an approved electronic recordkeeping system for retailers to record the real-time purchase of products containing ephedrine or related compounds for the purpose of monitoring this information to prevent or investigate illegal purchases of these products. Access to the electronic recordkeeping system shall be provided to a retailer without any additional cost or expense. Tracking of the purchase of the products must be implemented by January 1, 2011 or sooner.

SUMMARY: Rule 11D-2.005, F.A.C.. implements Florida Statute Section 893.1495, for FDLE to provide an approved electronic recordkeeping system for retailers that sell non-prescription products containing ephedrine or related compounds. It provides definitions, and specifies a process for a retailer to request a statutory exemption from the recordkeeping requirements.

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: 893.1495(15), 943.03(4) FS.
LAW IMPLEMENTED: 893.1495 FS.

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

DATE AND TIME: Tuesday, November 3, 2010, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, FL 32308

DATE AND TIME: Wednesday, November 4, 2010, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 500 W. Robinson Street, Orlando, FL 32801-1771

DATE AND TIME: Thursday, November 5, 2010, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 1030 N.W. 111th Avenue, Miami, FL 33172

Please advise 72 hours in advance if requesting a public hearing.

Pursuant to the provisions of 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: Jeff Beasley at (850)410-7084, or jeffbeasley@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Office of Statewide Intelligence, 2331 Phillips Road, Tallahassee, Florida 32308. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jeff Beasley at (850)410-7084, or jeffbeasley@fdle.state.fl.us, or write to: Florida Department of Law Enforcement, Office of Statewide Intelligence, 2331 Phillips Road, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

11D-2.005 Methamphetamine Precursor Electronic Monitoring System.

(1) A pharmacy or retailer conducting business within the state of Florida who engages in the sale of any nonprescription compound, mixture, or preparation containing ephedrine or related compounds shall be required to participate in the Methamphetamine Precursor Electronic Monitoring System.

(2) Definitions:

(a) "Department" means the Florida Department of Law Enforcement (FDLE).

(b) "Exemption" refers to the two part criteria outlined in Section 893.1495(5)(b), F.S., which states: "a pharmacy or retailer may request an exemption from electronic reporting from the Department of Law Enforcement if the pharmacy or retailer lacks the technology to access the electronic recordkeeping system and such pharmacy or retailer maintains a sales volume of less than 72 grams of ephedrine or related compounds in a 30 day period."

(c) "National Precursor Log Exchange" (NPLEx) refers to the FDLE approved Methamphetamine Precursor Electronic Monitoring System.

(d) "Retailer" refers to any person, entity, or business including a pharmacy, within the state of Florida, who engages in the sale of nonprescription compounds, mixtures, or preparations containing ephedrine or related compounds, ephedrine or related products that does not meet the criteria in Section 893.1495(5)(b), or 893.1495(10), F.S.

(3) Each retailer who engages in the sale of any nonprescription compound, mixture, or preparation containing ephedrine or related compounds shall contact the Department to enroll in NPLEx. Requests for information, enrollment, and training can be accomplished online at <http://www.fdle.state.fl.us> (look for Meth Monitoring System), by email to MethLaw@fdle.state.fl.us or by telephone, contact the NPLEx administrator at (850)410-8300, or in writing to FDLE NPLEx Administrator, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302-1489.

(4) Exemptions. The Department shall grant an exemption from electronic reporting to a retailer, upon request, if the retailer lacks the technology to access NPLEx, and the retailer maintains a sales volume of less than 72 grams of ephedrine or related compounds in a 30 day period.

(a) The "technology necessary to access NPLEx" requires a computer with an Internet connection that is available in any sales area within the retailer location.

(b) The "30 day period" for the purpose of determining an exemption shall be calculated from the 1st day of each calendar month.

(c) The retailer's request for an exemption shall be made by completing FDLE Exemption form, FDLE I&FS-012, created 08/16/2010, and hereby incorporated by reference. The form is available online or can be obtained by contacting the Department. See subsection (3) above for contact information.

(d) The Exemption form must be completed in its entirety, signed by the retailer or retail manager claiming the exemption, and notarized by a notary public.

(e) The Department will review the request for exemption, and will grant or deny the request within 14 business days.

1. If the retailer disagrees with the Department’s decision, the retailer may request, in writing, reconsideration of the denial for exemption based upon mistake of fact or law.

2. The request must state the basis for reconsideration and provide any documentation that is available to support the request.

3. The Department will provide a written response to the request for reconsideration.

(f) A retailer must maintain the exemption letter within its place of business, and make it available upon request by any law enforcement officer.

(g) A retailer granted an exemption in this section must notify the Department, in writing, and within 5 days of the completion of the reporting period, of any change in its exemption status regarding the sales volume of ephedrine or related compounds within the 30 day reporting period, or of obtaining the technology to access NPLEEx.

(5) The Department will provide an FDLE NPLEEx Administrator:

(a) Who will be responsible for reviewing, approving or denying and responding to requests for exemption from participation in NPLEEx, and

(b) Who will be responsible for communication between the Department and the 3rd party administrator selected to administer NPLEEx on all matters to include but not limited to: compliance with system requirements, system enhancements, and ensuring the availability of system training for retailers and law enforcement who need access to the system.

Contact information is provided in subsection (3) above.

(6) Retailer’s Duty to Maintain Logbook.

(a) Should a transaction occur during a period in which NPLEEx is inoperable due to states of declared emergency, natural disaster, or other acts of God, the retailer must:

(b) Maintain a written log capturing all required information and enter the transaction data into NPLEEx within seventy-two (72) hours of the system becoming operational.

(c) Should a retailer be granted an exemption from participation in NPLEEx, it is still the duty of any retailer within the state of Florida to maintain a logbook in compliance with the federal Combat Methamphetamine Epidemic Act of 2005, as specified in Title VII of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177), and Section 893.1495, F.S. (2009).

(7) Law Enforcement Access to NPLEEx.

(a) Information contained within NPLEEx is available to law enforcement officers, designated by their agency, for law enforcement purposes, pursuant to Section 893.1495, F.S. (2009).

(b) A law enforcement agency may request access to NPLEEx. Requests for information, participation, and training can be accomplished online at <http://www.fdle.state.fl.us> (look for Meth Monitoring System), by email to

MethLaw@fdle.state.fl.us or by telephone, contact the NPLEEx administrator at (850)410-8300, or in writing to FDLE NPLEEx Administrator, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302-1489.

(c) Each law enforcement agency requesting access to the system will identify a single point of contact to be referred to as an “Agency Account Manager,” who will be responsible for communicating new account requests and closing of account requests for its law enforcement officers.

Rulemaking Authority 893.1495(15), 943.03(4) FS. Law Implemented 893.1495 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jeff Beasley at (850)410-7084, or jeffbhasley@fdle.state.fl.us, or write to: Florida Department of Law Enforcement, Office of Statewide Intelligence, 2331 Phillips Road, Tallahassee, Florida 32308

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 13, 2010 as Rule Section 11D-2.001

DEPARTMENT OF REVENUE

RULE NO.: 12-22.008 RULE TITLE: Warrants and Liens List

PURPOSE AND EFFECT: Section 10, Chapter 2010-138, and Section 4, Chapter 2010-166, L.O.F., authorize the Department to publish a list of taxpayers against whom the Department has filed a warrant, notice of lien, or judgment lien certificate for taxes, surtaxes, surcharges, fees, interest, and/or penalty administered by the Department. The purpose of the creation of Rule 12-22.008, F.A.C. (Warrants and Liens List), is to provide how the Warrants and Liens List will be published, the taxpayers and the information that will be contained in the list, and how the list will be updated and maintained by the Department. When in effect, this rule establishes the procedures that will be used by the Department to prepare, publish, update, and maintain the Warrants and Liens List containing taxpayers who have an outstanding warrant, lien, or judgment lien for taxes, interest, penalty, and/or fees administered by the Department.

SUMMARY: The proposed creation of Rule 12-22.008, F.A.C. (Warrants and Liens List), provides: (1) that the Department will prepare, publish, and maintain the Warrants and Liens List authorized by Chapters 2010-138 and 2010-166, L.O.F., containing a list of taxpayers who have an outstanding tax warrant, lien, or judgment lien for the taxes, surtaxes, surcharges, or fees regulated, controlled, or administered by the Department; (2) the information that will be contained in the Warrants and Liens List and those taxpayers that will not be

included; (3) that the Warrants and Liens List will be updated monthly; (4) the requirements that a taxpayer must meet to be removed from the Warrants and Liens List; and (5) that no other reports or information will be made available concerning taxpayers included in or removed from the Warrants and Liens List.

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: 213.053(20) FS., s. 10, Ch. 2010-138, s. 4, Ch. 2010-166, L.O.F.

LAW IMPLEMENTED: 55.10, 55.202, 55.204, 95.091(1)(a), (b), 198.22, 198.33, 199.262, 201.16, 211.125(7)(a), 211.33(7)(a), 213.053(20), (21), 213.21(2), (4), 213.69, 213.731, 213.733, 220.813, 443.1316 FS., s. 10, Ch. 2010-138, s. 4, Ch. 2010-166, L.O.F.

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

DATE AND TIME: November 2, 2010, 9:30 a.m.

PLACE: Room 1220, 2450 Shumard Oak Blvd., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Sarah Wachman at (850)410-2651. If you are 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: Brinton Hevey, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)488-7157

THE FULL TEXT OF THE PROPOSED RULE IS:

12-22.008 Warrants and Liens List.

(1) Scope.

(a) Section 213.053(20), F.S., authorizes the Department to publish a list of taxpayers against whom the Department has filed a warrant, notice of lien, or judgment lien certificate for the taxes, surtaxes, surcharges, or fees, listed in Section 213.05, and Chapter 443, F.S., and administered by the Department. This rule outlines the only means by which the Department will publish or provide this information.

(b) The information that Section 213.053(20), F.S., authorizes the Department to publish is available in the public records of Florida. Section 213.053(20), F.S., authorizes the

Department to consolidate portions of that public information in a list and to publish that list to the public. Neither Section 213.053(20), F.S., nor this rule permits the Department or its employees to otherwise disclose confidential information.

(2) Warrants and Liens List.

(a) The Warrants and Liens List will include:

1. The two taxpayers from each of the 67 Florida counties with the highest unsatisfied warrant and lien totals; and

2. All other taxpayers who have unsatisfied warrant and lien totals of \$100,000 or greater.

(b) For each taxpayer included on the Warrants and Liens List, the following information will be provided:

1. Taxpayer name, owner name based upon information provided to the Department and on file with the Department of State at the time the warrant or lien was filed, and business location address;

2. County in which the taxpayer is located;

3. Warrant or lien number(s); and

4. Amount of each outstanding warrant or lien as recorded.

(c) The Warrants and Liens List will not include any taxpayer that has:

1. Entered into a closing agreement;

2. Entered into a stipulated payment agreement with the Department that has not been terminated pursuant to Rule 12-17.009, F.A.C.; or

3. In place any other agreement or order that provides for payment of the outstanding warrant(s) or lien(s) amount.

(d) The Warrants and Liens List will be posted to the Department's Internet site at www.myflorida.com/dor.

(3) Maintenance of the Warrants and Liens List.

(a) The Warrants and Liens List will be updated monthly to include those taxpayers as provided in paragraph (2)(a).

(b) Any taxpayer included on the Warrants and Liens List who pays the outstanding warrant(s) or lien(s) amount, enters into a stipulated payment agreement for the outstanding warrant(s) or lien(s) amount, or has put in place any other agreement or order that provides for payment of the outstanding warrant(s) or lien(s) amount will be removed from the list within two business days of the date:

1. Payment of the outstanding liability is received by the Department;

2. A stipulation payment agreement is executed by the taxpayer and the Department for the amount of the outstanding liability; or

3. Any other agreement or order that provides for payment of the outstanding warrant(s) or lien(s) has been put in place.

(4) No other reports or information will be made available concerning the taxpayers included in or removed from the Warrants and Liens List.

Rulemaking Authority 213.053(20) F.S., s. 10, Ch. 2010-138, s. 4, Ch. 2010-166, L.O.F. Law Implemented 55.10, 55.202, 55.204, 95.091(1)(a), (b), 198.22, 198.33, 199.262, 201.16, 211.125(7)(a), 211.33(7)(a), 213.053(20), (21), 213.21(2), (4), 213.69, 213.731, 213.733, 220.813, 443.1316 F.S., s. 10, Ch. 2010-138, s. 4, Ch. 2010-166, L.O.F. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Brinton Hevey, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)488-7157

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Rule Development was published in the Florida Administrative Weekly on July 29, 2010 (Vol. 36, No. 27, p. 3161). No written comments were received by the Department. No one from the public attended.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.:	RULE TITLES:
12A-1.005	Admissions
12A-1.009	Receipts from Services Rendered for Exterminating and Pest Control
12A-1.0091	Cleaning Services
12A-1.0092	Detective, Burglar Protection, and Other Protection Services
12A-1.011	Sales of Food Products for Human Consumption by Grocery Stores, Convenience Stores, and Supermarkets; Sales of Bakery Products by Bakeries, Pastry Shops, or Like Establishments; Drinking Water; Ice
12A-1.0161	Sales and Use Tax on Services; Sale for Resale
12A-1.044	Vending Machines
12A-1.096	Industrial Machinery and Equipment for Use in a New or Expanding Business

PURPOSE AND EFFECT: Section 6, Chapter 2010-147, L.O.F., reinstates the exemption Section 212.04(2)(a)2., F.S., for admission charges to an event held in a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility when sponsored by a governmental entity, sports authority, or sports commission, and expands the exemption provided in Section 212.04(2)(a)4., F.S., for admissions to certain professional sporting events.

Section 3, 2009-51, L.O.F., and Section 5, Chapter 2010-138, L.O.F., amended Section 212.05(1)(j), F.S., to replace the Standard Industry Codes for detective, burglar protection, and

other protection services and for nonresidential cleaning and nonresidential building pest control services with North American Industry Classification System National Industry Codes (NAICS Codes).

Section 9, Chapter 2010-147, L.O.F., amends Section 212.08(5)(b)6.b., F.S., to provide that productive output may be measured by the output for 12 continuous months selected by an expanding business following the completion of the installation of qualified machinery and equipment, and to strike the requirement to obtain approval of the alternative measurement period from the Department.

The purpose of the proposed rule amendments to Chapter 12A-1, F.A.C., is to: (1) include the reinstated exemption for admissions to events sponsored by a governmental entity, sports authority, or sports commission at publicly owned facilities and the expansion of the exemption to certain professional sporting events provided in Section 212.04(2)(a)2. and 4., F.S., as amended by Section 6, Chapter 2010-147, L.O.F.; (2) replace the Standard Industry Codes for detective, burglar protection, and other protection services and for nonresidential cleaning and nonresidential building pest control services with North American Industry Classification System National Industry Codes (NAICS Codes) as provided in Section 3, Chapter 2009-51, L.O.F., and Section 5, Chapter 2010-138, L.O.F.; (3) include the taxability of packages of both exempt food products and taxable tangible personal property, as provided in Section 7, Chapter 2010-138, L.O.F.; (4) remove obsolete provisions regarding the taxability of services before September 1, 1992; (5) change the contents of the notice required to be placed on vending machines by operators provided in Section 212.0515(3), as amend by Section 6, Chapter 2010-138, L.O.F.; and (6) change the definition of “productive output,” as revised by Section 9, Chapter 2010-147, L.O.F.

SUMMARY: The proposed amendments to Rule 12A-1.005, F.A.C. (Admissions), include the reinstatement of the exemption for admission charges to an event held in a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility when sponsored by a governmental entity, sports authority, or sports commission, and the expansion of the exemption for admissions to certain professional sporting events, as provided in Section 212.04(2)(a)2. and 4., F.S., as amended by Section 6, Chapter 2010-147, L.O.F.

The proposed amendments to Rule 12A-1.009, F.A.C. (amended title “Receipts from Services for Exterminating and Pest Control”), Rule 12A-1.0091, F.A.C. (Cleaning Services), and Rule 12A-1.0092, F.A.C. (Detective, Burglar Protection, and Other Protection Services), include the NAICS Codes and update the illustrative examples of services included under the specified NAICS National Codes designated in Section 212.05(1)(i), F.S.

The proposed amendments to Rule 12A-1.011, F.A.C. (Sales of Food Products for Human Consumption by Grocery Stores, Convenience Stores, and Supermarkets; Sales of Bakery Products by Bakeries, Pastry Shops, or Like Establishments; Drinking Water; Ice), add provisions for the taxability of packages of both exempt food products and taxable tangible personal property, as provided in Section 7, Chapter 2010-138, L.O.F., which were previously provided in this rule prior to the substantial rewording effective November 3, 2009.

The proposed amendments to Rule 12A-1.0161, F.A.C. (Sales and Use Tax on Services; Sales for Resale), remove obsolete provisions which applied to the taxability of services before September 1, 1992.

The proposed amendments to Rule 12A-1.044, F.A.C. (Vending Machines), update the notice to customers that must be affixed to a vending machine by the operator of the machine, as provided in Section 212.0515(3), as amend by Section 6, Chapter 2010-138, L.O.F.

The proposed amendments to Rule 12A-1.096, F.A.C. (Industrial Machinery and Equipment for Use in a New or Expanding Business), include the amendments to Section 212.08(5)(b)6.b., F.S., provided in Section 9, Chapter 2010-147, L.O.F. This law change: (1) provides that productive output may be measured by the output for 12 continuous months selected by an expanding business following the completion of the installation of qualified machinery and equipment; (2) continues to provide that the measurement period must begin within 24 months of the installation of the equipment; and (3) strikes the requirement to obtain approval of the alternative measurement period from the Department.

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: 212.0515, 212.08(5)(b)4., 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 212.02(1), (4), (10)(g), (14), (15), (16), (19), (20), (21), (22), (24), 212.031, 212.04, 212.05(1)(a)1.a., (1)(b), (1)(h), (i), 212.0515, 212.054(1), (2), (3)(l), 212.055, 212.06(1)(a), (2)(k), 212.07(1)(b), (2), 212.08(1), (4)(a)1., (5)(b), (6), (7), (8), 212.085, 212.11(1), 212.12(2), (3), (4), (9), 212.13(2), 212.18(2), (3), 213.255(2), (3), 215.26(2), 616.260 FS.

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

DATE AND TIME: November 2, 2010, 9:30 a.m.

PLACE: Room 1220, 2450 Shumard Oak Blvd., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Sarah Wachman at (850)410-2651. If you are 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: Janet Young, Tax Law Specialist, and Jeffery Soff, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407 and (850)922-4719

THE FULL TEXT OF THE PROPOSED RULES IS:

12A-1.005 Admissions.

(1) No change.

(2) **EXEMPT ADMISSIONS.** The following admissions are exempt from the tax imposed under Section 212.04, F.S.:

(a) through (c) No change.

(d) Admissions to the following professional or collegiate sporting events are exempt, as provided in Sections 212.04(2)(a)4. and 9., F.S.:

1. National Football League championship game or Pro Bowl;

2. ~~a~~ Major League Baseball, National Basketball Association, or National Hockey League all-star game and Major League Baseball Home Run Derby held before the Major League Baseball all-star games;

3. National Basketball Association Rookie Challenge, Celebrity Game, 3-Point Shooting Contest, or Slam Dunk Challenge;

4. ~~Any~~ any semifinal or championship game of a national collegiate tournament; or any postseason collegiate football game sanctioned by the National Collegiate Athletic Association, ~~as provided in Sections 212.04(2)(a)4. and 9., F.S., are exempt.~~

(e) through (f) No change.

(g) Admission charges to an event held in a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility are exempt when:

1. The event is sponsored by a sports authority or commission, exempt from federal income tax under the provisions of s. 501(c)(3) of the Internal Revenue Code, as amended, that is contracted with a county or municipal government for the purpose of promoting and attracting sports-tourism events to the community or is sponsored by a governmental entity;

2. 100 percent of the funds at risk belong to the sponsoring entity;

3. 100 percent of the risk of success or failure lies with the sponsoring entity; and

4. The talent for the event is not derived exclusively from students or faculty.

- (g) through (j) renumbered (h) through (k) No change.
- (3) through (6) No change.

Rulemaking Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(1), 212.04, 212.08(6), (7), 616.260 FS. History—Revised 10-7-68, 1-7-70, 6-16-72, Amended 7-19-72, 12-11-74, 9-28-78, 7-3-79, 12-3-81, 7-20-82, Formerly 12A-1.05, Amended 1-2-89, 12-16-91, 10-17-94, 3-20-96, 3-4-01, 10-2-01, 4-17-03, 6-28-05, 4-26-10, _____.

12A-1.009 Receipts from Services Rendered for Exterminating and Pest Control by ~~Insect or Pest Exterminators.~~

(1)(a) Nonresidential pest control services enumerated in NAICS National Number 561710 of the North American Industry Classification System, published 2007, are subject to tax. Nonresidential pest control services are those services (not involving repair) rendered to minimize or eliminate any infestation of nonresidential buildings by vermin, insects, and other pests that do not include services provided for tangible personal property, ~~and include such services as:~~ Illustrative examples of taxable services are:

- 1. Bird control or bird proofing;
- 2. Exterminating services;
- 3. Fumigating services;
- 4. Pest control services in structures; and
- 5. Termite control.

- (b) and (c) No change.
- (2) through (6) No change.

(7) Pest control services ~~to farmers~~ provided for agricultural purposes or for forestry production are not taxable.

(8) Aircraft, boats, motor vehicles and other transportation vehicles are not considered to be nonresidential buildings. Therefore, the charge for pest control services provided to such vehicles is not taxable.

- (9) No change.

Rulemaking Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.05(1)(b), (i), (j), 212.07(2) FS. History—Revised 10-7-68, 6-16-72, Formerly 12A-1.09, Amended 5-13-93, 3-20-96, 4-2-00, 6-19-01, _____.

12A-1.0091 Cleaning Services.

(1)(a) Nonresidential cleaning services as enumerated in NAICS National Number 561720 of the North American Industry Classification System, published 2007, are subject to tax. Nonresidential cleaning services are those services (not involving repair) rendered to maintain the clean and sanitary appearance and operating condition of a nonresidential building interiors, but they do not include cleaning services

provided for tangible personal property. Illustrative examples of taxable services are: ~~Examples of such nonresidential cleaning services subject to tax are:~~

- 1. Acoustical tile cleaning services;
- 2. Building cleaning services, interior;
- 3. Custodial services;
- ~~3. Chimney cleaning services;~~
- ~~4. Custodians of schools on a contract or fee basis;~~
- ~~4.5. Deodorant servicing of restrooms;~~
- ~~5.6. Disinfecting services;~~
- ~~6.7. Floor waxing services;~~
- ~~7.8. Housekeeping (cleaning services) on a contract or fee basis;~~
- ~~8.9. Janitorial services on a contract or fee basis;~~
- ~~10. Lighting maintenance services (bulb replacement and cleaning);~~
- ~~9.11. Maid services on a contract or fee basis;~~
- ~~10.42. Maintenance of buildings (except repairs);~~
- ~~11.43. Office cleaning services;~~
- ~~12.44. Restroom cleaning services;~~
- ~~13.45. Service station cleaning and degreasing services;~~
- ~~14.46. Venetian blind cleaning;~~
- ~~15.47. Washroom sanitation service; and~~
- ~~16.48. Window cleaning (interior or exterior).~~

- (b) No change.

(c) The cleaning of tangible personal property is subject to the provisions of Rule 12A-1.006, F.A.C.

- ~~(d)(e)~~ No change.
- (2) No change.

(3) Aircraft, boats, motor vehicles, and other transportation vehicles are not considered to be nonresidential buildings. For the taxability of cleaning aircraft, boats, motor vehicles, and other vehicles, see Rule 12A-1.006, F.A.C.

(4) Pressure cleaning (power washing) of the exterior of a building, or of parking lots or parking structures, is not taxable as a cleaning service.

- (5) No change.

Rulemaking Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.05(1)(b), (i), 212.07(2) FS. History—New 5-13-93, Amended 3-20-96, 7-1-99, 4-2-00, 3-4-01, 6-19-01, _____.

12A-1.0092 Detective, Burglar Protection, and Other Protection Services.

(1) Persons who provide any of the services enumerated in NAICS National Numbers 561611, 561612, 561613, and 561621 of the North American Industry Classification System, published 2007 ~~Industry Numbers 7381 and 7382 of the Standard Industrial Classification Manual, 1987~~, are dealers in a taxable service and are required to charge sales tax on the total taxable sales price of the service.

(2)(a) Detective, burglar protection, and other protection services are those services which are rendered to minimize or prevent loss or damage to life, limb, or property and are of a kind typically performed by security or alarm system companies, or are those investigative services which are rendered to obtain evidence or other information for legal, business, employment, or personal purposes of a kind typically performed by detective or investigative agencies. Illustrative examples of these taxable services are include:

1. Armored car service;
2. Bodyguard (personal protection) services;
- ~~3.2.~~ Burglar or fire alarm or other security system devices monitoring and maintenance;
 - a. The installation of alarm or security systems that remain tangible personal property is governed by the provisions of Rule 12A-1.016, F.A.C.
 - b. The installation of alarm or security systems that become a part of real property is governed by the provisions of Rule 12A-1.051, F.A.C.
 - c. The monitoring or maintenance of alarm or security systems is a taxable service whether such for systems that are considered to be either tangible personal property or a part of real property. The term maintenance includes any inspection of an alarm or security system to confirm its proper working order. The term maintenance does not include the expansion or upgrade of an existing system, but it does include the replacement of defective components.
- ~~4.3.~~ Detective agency services;
- ~~4.~~ Dogs, rental of for protective services;
5. Fingerprint service;
6. Guard dogs, detection dogs, and other dogs for protection or investigative services (not including training), with or without a handler;
- ~~7.6.~~ Guard, patrol, and parking or other facility security services service;
- ~~8.7.~~ Investigation services (except credit) Investigators, private;
- ~~9.8.~~ Lie detector or polygraph services;
10. Missing person tracing services;
- ~~11.9.~~ Passenger screening services; and
- ~~10.~~ Protective service, guard; and
- ~~11.~~ Security guard service.
12. Skip tracing services.

(b) The services in paragraph (a) above are taxable for all persons, businesses, residences, or nonresidential properties.

(c) The following services, when performed by detectives, private investigators, or others are not subject to tax when freestanding, or when separately stated on an invoice given to a purchaser which includes taxable services:

1. through 2. No change.

3. Insurance services as ~~classified enumerated~~ under NAICS National Industry Number 524298 6411, such as insurance ~~inspection and~~ investigation services, insurance loss prevention services, or insurance reporting services, ~~or insurance research services~~. The name of the insurance carrier must be included in the billing for the investigative services.

4. through 5. No change.

6. Repossession services. ~~Charges for repossession services do not become taxable when "locate" or "skip trace" activities must be performed by the reposessor in connection with the repossession.~~

- (d) through (f) No change.

(3)(a) If a transaction involves both the sale or use of a service which is taxable and the sale or use of a service which is not taxable, the charges for the taxable portion of the transaction must be separately stated from the charges for the ~~non-taxable non-taxable~~ portion or the entire transaction will be presumed taxable.

1. No change.

2. Example: Company A is a defense industry contractor. Company A hires an investigative firm to perform a full background check, including psychological and drug testing, on employment applicants. The investigative firm engages the services of a psychologist and a medical lab to perform the necessary testing procedures. The professional services of the psychologist and the medical lab do not fall within the taxable services enumerated in subsection (1) Industry Numbers 7381 or 7382. However, the charge that the investigative firm makes to Company A for the psychological and drug testing must be separately stated or the entire transaction will be subject to tax.

3. No change.

- (b) through (f) No change.

- (4) through (6) No change.

Rulemaking Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.05(1)(b), (i), 212.06(1)(a), (2)(k), 212.085 FS. History—New 5-13-93, Amended 10-17-94, 3-20-96, 7-29-98,

12A-1.011 Sales of Food Products for Human Consumption by Grocery Stores, Convenience Stores, and Supermarkets; Sales of Bakery Products by Bakeries, Pastry Shops, or Like Establishments; Drinking Water; Ice.

- (1) through (9) No change.

(10) MULTIPLE ITEMS PACKAGES.

(a) When a package contains both exempt food products and taxable tangible personal property (e.g., a basket of food and candy, a basket of nuts, or decorated cans or glasses filled with food items) and the tax-exempt food products are separately itemized and priced from the taxable tangible personal property, no tax is due on the tax-exempt food products.

(b) When the total charge for a package containing both exempt food products and taxable tangible personal property is a single charge, the application of tax depends upon the essential character of the complete package, as follows:

1. When the taxable tangible personal property represents more than twenty-five (25) percent of the value of the package, the total charge is subject to tax.

2. When the taxable tangible personal property represents twenty-five (25) percent or less of the value of the package, the total sale is exempt. The seller is required to pay tax on any taxable items included in the package that were purchased tax-exempt for the purposes of resale. The cost price of any promotional items included in the package is subject to tax.

Rulemaking Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(14)(c), (20), 212.05(1)(a)1.a., 212.06(1)(a), 212.07(2), 212.08(1), (4)(a)1., (7)(oo), (pp) FS. History-Revised 10-7-68, 6-16-72, 9-28-78, 10-29-81, Formerly 12A-1.11, Amended 12-8-87, 1-2-89, 8-10-92, 6-19-01, 4-17-03, 11-3-09.

12A-1.0161 Sales and Use Tax on Services; Sale for Resale.

(1) through (5) No change.

~~(6)(a)~~ If a transaction involves both the sale of a taxable service, as provided in subsection (1) above, and the sale of a service that is not taxable, or if it involves both the sale of a taxable service and the sale or use of property that is not subject to sales or use tax, the charges shall be separately identified and stated with respect to the taxable and nontaxable portions of the transaction. The tax shall apply to the transaction to the extent that the consideration paid in connection with the transaction is payment for the sale of taxable services. Failure to separately state the charges shall create a presumption that the entire transaction is a taxable service. The burden shall be on the seller of the service or the purchaser of the service, whichever is applicable, to overcome this presumption by providing documentary evidence (i.e., time sheets, schedules, receipts, or other documents which support activities) as to the amount of the transaction that is exempt from tax. If the Department determines that the taxable and exempt portions of a transaction are inaccurately stated, the Department is authorized to adjust such portions with support by substantial competent evidence.

~~(b)1. If a transaction enumerated in subsection (1) above was taxable before September 1, 1992, on some other basis, it continues to be taxable on and after that date on that other basis, and is not taxable as a service enumerated in subsection (1) above.~~

~~2. Example: Rental of dogs for protective services was taxable before September 1, 1992, as rental of tangible personal property. On and after that date it continues to be taxable as the rental of tangible personal property.~~

(7) through (8) No change.

Rulemaking ~~Specific~~ Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.05(1)(b), (i), 212.06(1)(a), (2)(k), 212.07(1)(b), 212.08(7)(v) FS. History-New 5-13-93, Amended 1-4-94, 10-17-94, 3-20-96, 4-2-00, 10-2-01, 4-17-03.

12A-1.044 Vending Machines.

(1) through (3) No change.

(4) Notice to be displayed on each vending machine; penalty and interest for failing to display notice.

(a) Before an operator may operate a food or beverage vending machine in this state, the operator must ~~post~~ ~~affix~~ a notice on each vending machine. Token machines are not considered to be vending machines which require a notice.

~~(b) The notice must state the operator's name, address, and Federal Employer Identification (FEI) number, or if the federal government does not require the operator to have an FEI number, the Sales Tax Registration number is required.~~

~~(b)(c) You may use the example provided below or have your own notice printed. The~~ However, if printed, the notice must contain the exact wording of the following statements in ~~as in the examples,~~ type ~~that is~~ must not be smaller than 14 point bold face, and the words "cash reward" must not be smaller than 30 point.

NOTICE TO CUSTOMER:

FLORIDA LAW REQUIRES THIS NOTICE TO BE POSTED ON ALL FOOD AND BEVERAGE VENDING MACHINES. Report any machine without a notice to 1(800)352-9273. You may be eligible for a CASH REWARD. DO NOT USE THIS NUMBER TO REPORT PROBLEMS WITH THE VENDING MACHINE SUCH AS LOST MONEY OR OUT-OF-DATE PRODUCTS. FOR FOOD OR BEVERAGE VENDING MACHINES

Name of Operator

Address

City State Zip Code

FEI or ST#

Notice of Customers:

Florida Law requires this Notice to be posted on all food and beverage vending machines. Report any machine without a notice to 1 800 FL AWARD. You may be eligible for a CASH REWARD.

~~(c)(d)~~ The notice must be displayed on the upper front of a vending machine, unless such placement impairs the use of the machine. If the notice cannot be placed on the upper front of the vending machine, then the notice must be displayed on another place on the machine where it is easily readable by the public. The notice must be affixed to the machine so it is not easily removed.

receives more in reimbursements from the program fund than it paid in contributions to the program fund in the prior calendar year; (5) provides the calculation of taxable reimbursements for a hotel's initial twelve months of participation in a program and for each calendar year subsequent to the initial year of operation, including examples of the calculations; and (6) provides the recordkeeping requirements of hotels participating in a reward points 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: 125.0104(3)(k), 125.0108(2)(e), 212.0305(3)(f), 212.12(12), 212.17(6), 212.18(2), 213.06(1) FS., Ch. 67-930, L.O.F.

LAW IMPLEMENTED: 125.0104(1)-(4), (8), (10), 125.0108, 212.03(1)-(5), (7), 212.0305, 212.054 FS., Ch. 67-930, L.O.F.

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

DATE AND TIME: November 2, 2010, 2:00 p.m.

PLACE: Room 1220, 2450 Shumard Oak Blvd., Tallahassee, Florida. The public can also participate in this hearing through a simultaneous electronic broadcast of this event by the Department of Revenue using WebEx, and conference calling technology. The requirements to participate are access to the Internet and a telephone. The public can participate in this electronic workshop by accessing the broadcast from their home or office. Specific information about how to participate in this electronic meeting from your home or office will be included in the Agenda for this workshop posted on the Department's Proposed Rule site at www.myflorida.com/dor/rules.

Pursuant to the provisions of 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: Sarah Wachman at (850)410-2651. If you are 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: Tammy Miller, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)488-9669

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-1.0615 Hotel Reward Points Programs.

(1) Scope.

(a) The provisions of this rule govern the taxation of transactions between program administrators of hotel reward points programs and hotels providing transient lodging accommodations that participate in these programs.

(b) For purposes of this rule, the term "transient rental tax" means the state sales tax imposed on transient rentals under Section 212.03, F.S., the discretionary sales surtax as authorized in Section 212.055, F.S., the locally-imposed tourist development tax provided for in Section 125.0104, F.S., the tourist impact tax provided for in Section 125.0108, F.S., the convention development tax in Section 212.0305, F.S., or any municipal resort tax in Chapter 67-930, L.O.F.

(2) Transactions Between a Hotel and a Guest Using Reward Points.

(a) When a member of a hotel reward points program uses a certificate or confirmation number entitling the member to transient accommodations at a participating hotel at no charge, the hotel is not required to collect transient rental tax from the member.

(b) When a member of a hotel reward points program uses a certificate or confirmation number entitling the member to transient accommodations and pays the hotel any room rate or rental charges using any form of payment other than reward points, the member is required to pay the hotel transient rental tax on the amount of the room rate or rental charges paid using any form of payment other than reward points.

(3) Transactions between a Hotel and a Reward Points Program.

(a) For the purposes of this subsection, the following words are defined:

1. "Hotel" is used in the singular and is meant to describe a single operation, at one specific location, that provides transient accommodations as described in Section 212.03, F.S. The term "hotel" does not mean a group of affiliated hotels or a group of hotels operated by one franchisee.

2. "Reimbursements" mean money or credits received by a hotel from a reward points program fund.

3. "Contributions" mean money or credits paid by a hotel to a reward points program fund.

(b) Transient rental tax is due on a hotel's reimbursements when the hotel receives more in reimbursements than it paid in contributions in the prior calendar year.

(c) Calculation of Taxable Reimbursements for Periods Other than a Hotel's Initial Year of Participation.

1. Each January, a hotel must determine the percentage to be applied to reimbursements received during the subsequent calendar year using the following calculation:

Total Reimbursements Received in Prior Calendar Year - Total Contributions Paid in Prior Calendar Year
÷ Total Reimbursements Received in Prior Calendar Year
= Percentage to be Applied to Reimbursements Received in Current Calendar Year

If the resulting percentage is zero or less, then no transient rental tax is due on reimbursements received in the subsequent calendar year.

2. The full amount of reimbursements received by the hotel in the current reporting period must be multiplied by the percentage to determine the amount of reimbursements subject to transient rental tax for that reporting period.

3. Example: A hotel's total reimbursements and contributions in the preceding calendar year are \$10,000 and \$7,500, respectively. The hotel's percentage for the current calendar year will be calculated in January as $(\$10,000 - \$7,500)/\$10,000$ or 25%. If the current reporting period's reimbursements are \$1,000, the amount of reimbursements subject to tax in the current reporting period is \$250.

(d) Calculation of Taxable Reimbursements for a Hotel's Initial Twelve Months of Participation in a Reward Points Program.

1. At the end of a hotel's initial twelve months of participation in a reward points program, the hotel must determine the percentage to be applied to reimbursements received during the initial twelve months of participation using the following calculation:

Total Reimbursements Received During the Initial Twelve Months – Total Annual Contributions Paid During the Initial Twelve Months

÷ Total Reimbursements Received During the Initial Twelve Months

= Percentage to be Applied to Reimbursements Received in the Initial Year

If the resulting percentage is zero or less, then no transient rental tax is due on reimbursements received in the initial twelve months of participation.

2. The full amount of reimbursements received by the hotel in the initial twelve months of participation must be multiplied by the percentage to determine the amount of reimbursements subject to transient rental tax for the initial twelve months. The full amount of any tax due must be remitted with the hotel's first tax return due following the end of the initial twelve months of participation. The hotel must keep a supplemental schedule allocating the remittance to the appropriate reporting periods of the initial twelve months of participation in the hotel's books and records kept in the normal course of business. This schedule must be made available to the proper taxing authority upon request.

3. The percentage calculated for the initial twelve months of participation must also be used to calculate taxable reimbursements for all remaining reporting periods in the calendar year in which the calculation is made.

4. Example: A hotel begins participating in a reward points program in June 2010. In June 2011, the hotel must calculate the percentage using the total reimbursement and contribution amounts for June 2010 through May 2011. The resulting percentage must be applied to all reimbursements

received from June 1, 2010, through May 31, 2011, to determine the amount of reimbursements subject to transient rental tax for that period. The hotel must report any taxable reimbursements for June 2010 through May 2011 on the hotel's first tax return due following May 2011. The hotel must also apply the June 2010 through May 2011 percentage to all reimbursements received each reporting period for the remainder of calendar year 2011. In January 2012, the hotel must recalculate the annual percentage using the total reimbursement and contribution amounts for January through December, 2011.

5. If a hotel ceases to participate in a reward points program before the completion of a full twelve month period, then the hotel must determine the percentage to be applied to reimbursements received by using the period of time that the hotel participated in the reward points program. Any tax due must be reported on the hotel's first tax return due following the date on which the hotel ceases to participate in the reward points program.

(e) Tax must be reported and remitted as provided in Rule 12A-1.056, F.A.C.

(4) Recordkeeping.

(a) A hotel must maintain records received from or sent to the program administrators indicating reimbursements and contributions, and records indicating the calculations required under this rule to determine the amount of transient rentals tax due, until tax imposed or administered by Chapter 212, F.S., may no longer be determined and assessed under Section 95.091(3), F.S.

(b) Electronic storage of the required records will be sufficient compliance with the provisions of this subsection.

Rulemaking Authority 125.0104(3)(k), 125.0108(2)(e), 212.0305(3)(f), 212.12(12), 212.17(6), 212.18(2), 213.06(1) FS., Ch. 67-930, L.O.F. Law Implemented 125.0104(1)-(4), (8), (10), 125.0108, 212.03(1)-(5), (7), 212.0305, 212.054 FS., Ch. 67-930, L.O.F. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tammy Miller, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)488-9669

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Public Meeting regarding reward points or similar discount programs was noticed in the Florida Administrative Weekly on March 26, 2004 (Vol. 30, No. 13, p. 1307). A Notice of Rule Development Workshop was noticed in the Florida Administrative Weekly on August 4, 2006 (Vol. 32, No. 31, p. 3581). A rule development workshop was held on September 19, 2006. Comments were received, and changes were made to the proposed rule text. The

proposed amendments were noticed for a second rule development workshop in the Florida Administrative Weekly on September 25, 2009 (Vol. 35, No. 38, p. 4638). A rule development workshop was held on October 13, 2009. Comments were received, and changes were made to the proposed rule text. A third rule development workshop was noticed in the Florida Administrative Weekly on May 28, 2010 (Vol. 36, No. 21, p. 2422). A rule development workshop was held on June 24, 2010. Comments were received, and changes were made to the proposed rule text.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: 12A-1.094
 RULE TITLE: Public Works Contracts

PURPOSE AND EFFECT: Rule 12A-1.094, F.A.C. (Public Works Contracts), and Section 212.08(6), F.S., govern the taxability of transactions in which contractors and subcontractors purchase tangible personal property for use in public works contracts. Public works contracts are projects for public use or enjoyment, financed and owned by the government, in which private persons install tangible personal property that becomes a part of a public facility. The exemption in Section 212.08(6), F.S., is a general exemption for sales made directly to the government. Rule 12A-1.094, F.A.C., establishes the criteria that govern whether a governmental entity, rather than the public works contractor, is the purchaser of the materials.

Effective January 2, 2011, Section 8, Chapter 2010-138, L.O.F., requires governmental entities to issue a Certificate of Entitlement to purchase tangible personal property tax-exempt for a public works project to each vendor and each contractor certifying: (1) that the tangible personal property purchased will become part of a public facility; and (2) that the governmental entity will be liable for any tax, penalty, or interest due should the Department later determine that the items purchased do not qualify for exemption under Section 212.08(6), F.S. The law excludes a federal governmental entity from these requirements.

The purpose of the proposed amendments to Rule 12A-1.094, F.A.C., is to: (1) maintain, without change, the current criteria governing whether a governmental entity is the purchaser of tangible personal property that qualifies for exemption under Section 212.08(6), F.S.; (2) provide the requirements and format of the Certificate of Entitlement required by Section 8, Chapter 2010-138, L.O.F., effective January 2, 2011; and (3) provide that the governmental entity is prohibited from transferring the liability for tax, penalty, and interest to another party by contract or agreement. When in effect, the rule will provide for the taxability of transactions in which contractors and subcontractors purchase tangible personal property for use in public works contracts.

SUMMARY: The proposed amendments to Rule 12A-1.094, F.A.C. (Public Works Contracts), incorporate the provisions of Section 212.08(6), F.S., as amended by Section 8, Chapter 2010-138, L.O.F., to provide that a governmental entity, excluding any agency or branch of the United States, is required to issue a Certificate of Entitlement, with the entity's purchase order attached, to each vendor and to each contractor to affirm that: (1) the tangible personal property purchased from the vendor will go into and become a part of a public works; and (2) the governmental entity will be liable for any tax, penalty, and interest determined to be due if the Department determines that the tangible personal property purchased does not qualify for exemption.

The proposed amendments also provide: (1) that the governmental entity is prohibited from transferring the liability for tax, penalty, and interest to another party by contract or agreement; (2) that contracts with agencies or branches of the federal government, which are not required to issue a Certificate of Entitlement, must meet the criteria established in paragraph (4)(b) of the rule for the purchase of the tangible personal property for the public works to be tax-exempt; and (3) contractors who manufacture or fabricate tangible personal property must pay tax on the articles produced and may not accept a Certificate of Entitlement for these articles.

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: 212.08(6), 212.17(6), 212.18(2), 212.183, 213.06(1) FS.

LAW IMPLEMENTED: 92.525(1), 212.02(4), (14), (15), (16), (19), (20), (21), 212.06(1), (2), (14), 212.07(1), 212.08(6), (7)(bbb), 212.085, 212.18(2), 212.183, 213.37 FS.

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

DATE AND TIME: November 2, 2010, 10:30 a.m.

PLACE: Room 1220, 2450 Shumard Oak Blvd., Tallahassee, Florida. The public can also participate in this hearing through a simultaneous electronic broadcast of this event by the Department of Revenue using WebEx, and conference calling technology. The requirements to participate are access to the Internet and a telephone. The public can participate in this electronic workshop by accessing the broadcast from their home or office. Specific information about how to participate in this electronic meeting from your home or office will be included in the Agenda for this workshop posted on the Department's Proposed Rule site at www.myflorida.com/dor/rules.

Pursuant to the provisions of 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: Sarah Wachman at (850)410-2651. If you are 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: Gary Gray, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4729

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-1.094 Public Works Contracts.

- (1) through (3) No change.
(4)(a) through (b) No change.

(c)1. To be entitled to purchase materials tax exempt for a public works project, a governmental entity is required to issue a Certificate of Entitlement to each vendor and to the governmental entity's contractor to affirm that the tangible personal property purchased from that vendor will go into or become a part of a public work. This requirement does not apply to any agency or branch of the United States government.

2. The governmental entity's purchase order for tangible personal property to be incorporated into the public works project must be attached to the Certificate of Entitlement. The governmental entity must issue a separate Certificate of Entitlement for each purchase order. Copies of the Certificate may be issued.

3. The governmental entity will also affirm that if the Department determines that tangible personal property sold by a vendor tax-exempt pursuant to a Certificate of Entitlement does not qualify for the exemption under Section 212.08(6), F.S., and this rule, the governmental entity will be liable for any tax, penalty, and interest determined to be due.

4. The following is the format of the Certificate of Entitlement to be issued by the governmental entity:

CERTIFICATE OF ENTITLEMENT

The undersigned authorized representative of (hereinafter "Governmental Entity"), Florida Consumer's Certificate of Exemption Number, affirms that the tangible personal property purchased on or after (date) will be incorporated into or become a part of a public facility as part of a public works contract pursuant to contract # with (Name of Contractor) for the construction of.

Governmental Entity affirms that the purchase of the tangible personal property contained in the attached Purchase Order meets the following exemption requirements contained in Section 212.08(6), F.S., and Rule 12A-1.094, F.A.C.:

You must initial each of the following requirements.

1. The attached Purchase Order is issued directly to the vendor supplying the tangible personal property the Contractor will use in the identified public works.

2. The vendor's invoice will be issued directly to Governmental Entity.

3. Payment of the vendor's invoice will be made directly by Governmental Entity to the vendor from public funds.

4. Governmental Entity will take title to the tangible personal property from the vendor at the time of purchase or of delivery by the vendor.

5. Governmental Entity assumes the risk of damage or loss at the time of purchase or delivery by the vendor.

Governmental Entity affirms that if the tangible personal property identified in the attached Purchase Order does not qualify for the exemption provided in Section 212.08(6), F.S., and Rule 12A-1.094, F.A.C., Governmental Entity will be subject to the tax, interest, and penalties due on the tangible personal property purchased. If the Florida Department of Revenue determines that the tangible personal property purchased tax-exempt by issuing this Certificate does not qualify for the exemption, Governmental Entity will be liable for any tax, penalty, and interest determined to be due.

I understand that if I fraudulently issue this certificate to evade the payment of sales tax I will be liable for payment of the sales tax plus a penalty of 200% of the tax and may be subject to conviction of a third degree felony.

Under the penalties of perjury, I declare that I have read the foregoing Certificate of Entitlement and the facts stated in it are true.

Signature of Authorized Representative Title

Purchaser's Name (Print or Type) Date

Federal Employer Identification Number:

Telephone Number:

You must attach a copy of the Purchase Order to this Certificate of Entitlement.

Do not send to the Florida Department of Revenue. This Certificate of Entitlement must be retained in the vendor's and the contractor's books and records.

(d)(e) Sales are taxable sales to the contractor are subject to tax unless it can be demonstrated to the satisfaction of the Executive Director or the Executive Director's designee in the responsible program that such sales are, in substance, tax exempt direct sales to the government.

(e) The governmental entity may not transfer liability for such tax, penalty, and interest to another party by contract or agreement.

(f) In the case of contracts with any agency or branch of the United States government in which the federal governmental agency or branch is not required to produce a Certificate of Entitlement, the purchase must comply with the five criteria provided in paragraph (b), for the purchase of tangible personal property to be exempt from sales and use tax. If the criteria in paragraph (b) are not met, the contractor is the ultimate consumer of such tangible personal property and is liable for sales or use tax on such purchases and manufacturing costs.

(5) Contractors, including subcontractors, that manufacture, fabricate, or furnish tangible personal property that the contractor incorporates ~~materials for incorporation~~ into public works are ~~shall be~~ liable for tax in the manner provided in subsection (10) of Rule 12A-1.051, F.A.C. The contractor and subcontractors, not the governmental entity, are deemed to be the ultimate consumers of the articles of tangible personal property they manufacture, fabricate, or furnish to perform their contracts and may not accept a Certificate of Entitlement for these articles.

(6) through (8) No change.

Rulemaking Specific Authority 212.08(6), 212.17(6), 212.18(2), 212.183, 213.06(1), ~~221.08(6)~~, FS. Law Implemented 92.525(1), 212.02(4), (14), (15), (16), (19), (20), (21), 212.06(1), (2), (14), 212.07(1), 212.08(6), (7)(bbb), 212.085, 212.18(2), 212.183, 213.37 FS. History--New 6-3-80, Amended 11-15-82, Formerly 12A-1.94, Amended 1-2-89, 8-10-92, 6-28-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Gary Gray, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4729

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Rule Development was published in the Florida Administrative Weekly on July 30, 2010 (Vol. 36, No. 30, pp. 3462-3463). Comments were received at the rule development workshop held on August 25, 2010. In response, changes have been made to the proposed amendments to Rule 12A-1.094, F.A.C.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: 12A-1.097
RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms), is to adopt, by reference, changes to forms used by the Department in the administration of sales and use tax.

SUMMARY: The proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms), adopt, by reference, changes to forms used by taxpayers to report sales and use tax to the Department.

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: 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (7), 212.11(5)(b), 212.12(1)(b)2., 212.17(6), 212.18(2), (3), 213.06(1), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7) FS.

LAW IMPLEMENTED: 92.525(1)(b), (3), 95.091, 119.071(5), 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 201.17(1)-(5), 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (4), (5), 212.12(1), (2), (9), (13), 212.13, 212.14(4), (5), 212.17, 212.18(2), (3), 213.235, 213.29, 213.37, 219.07, 288.1258, 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7) FS.

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

DATE AND TIME: November 2, 2010, 9:30 a.m.

PLACE: Room 1220, 2450 Shumard Oak Blvd., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Sarah Wachman at (850)410-2651. If you are 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: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-1.097 Public Use Forms.

(1) The following public use forms and instructions are employed by the Department in its dealings with the public related to the administration of Chapter 212, F.S. These forms are hereby incorporated by reference in this rule.

(a) Copies of these forms, except those denoted by an asterisk (*), are available, without cost, by one or more of the following methods: 1) downloading the form from the Department’s Internet site at www.myflorida.com/dor/forms; or, 2) calling the Department at (800)352-3671, Monday through Friday, 8:00 a.m. to 7:00 p.m., Eastern Time; or, 3) visiting any local Department of Revenue Service Center or, 4) writing the Florida Department of Revenue, Taxpayer Services, 5050 West Tennessee Street Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32399-0112 32304. Persons with hearing or speech impairments may call the Department’s TDD at (800)367-8331 or (850)922-1115.

(b) Forms (certifications) specifically denoted by an asterisk (*) are issued by the Department upon final approval of the appropriate application. Defaced copies of certifications, for purposes of example, may be obtained by written request directed to:

Florida Department of Revenue
 Taxpayer Services
 5050 West Tennessee Street, ~~Bldg. L~~
 Tallahassee, Florida 32399-0112.

Form Number	Title	Effective Date
(2) through (4)	No change.	
(5)(a) DR-7	Consolidated Sales and Use Tax Return (R. 01/11 01/10)	_____ 01/10
(b) DR-7N	Instructions for Consolidated Sales and Use Tax Return (R. 01/11 01/10)	_____ 01/10
(c) DR-15CON	Consolidated Summary – Sales and Use Tax Return (R. 01/11 01/10)	_____ 01/10
(6)(a) DR-15	Sales and Use Tax Return (R. 01/11 01/10)	_____ 01/10
(b) DR-15CS	Sales and Use Tax Return (R. 01/11 01/10)	_____ 01/10
(c) DR-15CSN	DR-15 Sales and Use Tax – Instructions (R. 01/11 01/10)	_____ 01/10
(d) DR-15EZ	Sales and Use Tax Return (R. 01/11 01/10)	_____ 01/10
(e) DR-15EZCSN	DR-15EZ Sales and Use Tax Return – Instructions (R. 01/11 01/10)	_____ 01/10
(f) DR-15EZN	Instructions for 2011 2010 DR-15EZ Sales and Use Tax Returns (R. 01/11 01/10)	_____ 01/10
(g)	No change.	

(h) DR-15MO	Florida Tax on Purchases (R. 09/10 08/09)	_____ 01/10
(i) DR-15N	Instructions for 2011 2010 DR-15 Sales and Use Tax Returns (R. 01/11 01/10)	_____ 01/10
(j) through (m)	No change.	
(7) through (23)	No change.	

Rulemaking Authority 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (7), 212.11(5)(b), 212.12(1)(b)2., 212.17(6), 212.18(2), (3), 213.06(1), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7) FS. Law Implemented 92.525(1)(b), (3), 95.091, 119.071(5), 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 201.17(1)-(5), 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (4), (5), 212.12(1), (2), (9), (13), 212.13, 212.14(4), (5), 212.17, 212.18(2), (3), 213.235, 213.29, 213.37, 219.07, 288.1258, 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7) FS. History–New 4-12-84, Formerly 12A-1.97, Amended 8-10-92, 11-30-97, 7-1-99, 4-2-00, 6-28-00, 6-19-01, 10-2-01, 10-21-01, 8-1-02, 4-17-03, 5-4-03, 6-12-03, 10-1-03, 9-28-04, 6-28-05, 5-1-06, 4-5-07, 1-1-08, 4-1-08, 6-4-08, 1-27-09, 9-1-09, 11-3-09, 1-11-10, 4-26-10, 6-28-10, 7-12-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on August 13, 2010 (Vol. 36, No. 32, pp. 3683-3684). No request was received by the Department to hold a workshop. No written comments have been received by the Department.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: 12A-16.008
 RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-16.008, F.A.C. (Public Use Forms), is to adopt, by reference, changes to forms used by the Department in the administration of solid waste fees and the rental car surcharge.

SUMMARY: The proposed amendments to Rule 12A-16.008, F.A.C. (Public Use Forms), will update annual forms used by the Department in the administration of solid waste fees and the rental car surcharge.

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: 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 212.0606, 212.12(2), 213.235, 376.70, 403.717, 403.718, 403.7185 FS.

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

DATE AND TIME: November 2, 2010, 9:30 a.m.

PLACE: Room 1220, 2450 Shumard Oak Blvd., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Sarah Wachman at (850)410-2651. If you are 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: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-16.008 Public Use Forms.

(1)(a) The following public use forms and instructions are employed by the Department of Revenue in its dealings with the public in administering the rental car surcharge, as provided in this rule chapter, and the solid waste fees, as provided in Rule Chapter 12A-12, F.A.C. These forms are hereby incorporated by reference in this rule.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at www.myflorida.com/dor/forms; or, 2) calling the Department at (800)352-3671, Monday through Friday, 8:00 a.m. to 7:00 p.m., Eastern Time; or, 3) visiting any local Department of Revenue Service Center or, 4) writing the Florida Department of Revenue, Taxpayer Services, 5050 West Tennessee Street Distribution Center, 168A Blountstown Highway, Tallahassee, Florida ~~32399-0112~~ ~~32304~~. Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331 or (850)922-1115.

Form Number	Title	Effective Date
(2) DR-15SW	Solid Waste and Surcharge Return (R. 01/11 01/10)	_____ 01/10
(3) DR-15SWN	Instructions for DR-15SW Solid Waste and Surcharge Returns (R. 01/11 01/10)	_____ 01/10
(4)	No change.	

Rulemaking Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.0606, 212.12(2), 213.235, 376.70, 403.717, 403.718, 403.7185 FS. History—New 11-14-89, Amended 7-7-91, 8-10-92, 3-21-95, 6-19-01, 4-17-03, 9-28-04, 6-28-05, 7-25-06, 4-5-07, 1-1-08, 1-27-09, 1-11-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on August 13, 2010 (Vol. 36, No. 32, p. 3684). No request was received by the Department to hold a workshop. No written comments have been received by the Department.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.:	RULE TITLES:
12A-19.041	Sales of Communications Services to a Residential Household
12A-19.100	Public Use Forms

PURPOSE AND EFFECT: Chapter 2010-149, L.O.F., provides that for communications services billed on or after August 1, 2010, the state portion of the Florida communications services tax rate for certain services is reduced 0.15 percent from 6.8 percent to 6.65 percent, and the gross receipts tax rate on those services has increased 0.15 percent from 2.37 percent to 2.52 percent. Communications services billed to a residential household on or after August 1, 2010, will be subject to the 2.37 percent gross receipts tax and will remain exempt from the 6.65 percent state portion of the tax. Such services will also be exempt from the additional gross receipts tax rate of 0.15 percent, ensuring that no person will pay any additional tax.

Chapter 2008-55, L.O.F., amended Section 509.013, F.S., redefining "public lodging establishments" as "transient public lodging establishments" and "nontransient public lodging establishments." Section 4, Chapter 2010-138, L.O.F., clarifies

that the residential exemption from the communications services tax does not include any “transient public lodging establishment.”

Effective July 1, 2010, Chapter 2010-83, L.O.F., allows communications services tax dealers to use a proportionate method to allocate bad debts based on current gross taxes due to determine the amount of bad debt that is attributable to the state and to the local jurisdiction or another reasonable allocation method approved by the Department. Dealers report the bad debit credit on Form DR-700016, Florida Communications Services Tax Return, by deducting the bad debit credit from the state tax or from the local jurisdiction tax due to the Department. The amount of the credit deducted and reported on the return is limited to the amount of state tax due or the amount of local jurisdiction tax due.

The purpose of the proposed rule amendments to Chapter 12A-19, F.A.C., is to: (1) provide the tax rate changes for communications services sold to residential households, as provided in Chapter 2010-149, L.O.F.; (2) clarify that the residential exemption does not include any transient public lodging establishment, as provided in Section 4, Chapter 2010-138, L.O.F.; (3) provide for the reporting of bad debt credits consistent with the provisions of Chapter 2010-83, L.O.F.; (4) provide the applicable reporting periods and service billing dates for each version of Form DR-700016, Florida Communications Services Tax Return; (5) update the local communications services tax rates; (6) adopt, by reference, updates to Form DR-700016, Communications Services Tax Return, and Form DR-700019, Communications Services Use Tax Return, necessary to incorporate the law changes and the rate local communications services tax rates and (7) update the information on how to obtain copies of forms from the Department.

SUMMARY: The proposed amendments to Rule 12A-19.041, F.A.C.: (1) amend the title to “Sales of Communications Services to a Residential Household” and the scope of the rule to clarify the intent of the application of the rule, as amended; (2) update provisions regarding the state portion and gross receipts tax portion of the Florida communications services tax for purposes of the residential exemption, as provided in Chapter 2010-149, L.O.F.; (3) include the definition of “transient public lodging establishment,” as defined in Section 509.013, F.S., as amended by Chapter 2008-55, L.O.F.; (4) clarify that the residential exemption from communications services tax does not apply to “transient public lodging establishments,” as provided in Section 4, Chapter 2010-138, L.O.F.; and (5) update the term “service provider” to “dealer” of communications services.

The proposed amendments to Rule 12A-19.100, F.A.C. (Public Use Forms): (1) incorporate the instructions to report tax due on communications services billed on or after August 1, 2010, and provide for the components of the communications services tax collected to be shown on Form DR-700016,

Florida Communications Services Tax Return, and Form DR-700019, Communications Services Use Tax Return, as provided in Chapter 2010-149, L.O.F.; (2) provide in the instructions of Form DR-700016 that the residential exemption from the communications services tax does not include any transient public lodging establishment, as clarified in section 4, Chapter 2010-138, L.O.F.; (3) provide for the reporting of bad debt credits consistent with the provisions of Chapter 2010-83, L.O.F.; (4) provide which version of Form DR-700016, Florida Communications Services Tax Return, is to be used to report communications services tax on services billed during the calendar year; (5) update the local communications services tax rates; (6) adopt, by reference, changes to Forms DR-700016 and DR-700019 necessary to incorporate the law changes and the rate local communications services tax rates; and (7) update the information on how to obtain copies of forms from the Department.

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: 175.1015(5), 185.085(5), 202.151, 202.16(2), 202.26(3)(a), (c), (d), (e), (j), 202.27(7) FS.

LAW IMPLEMENTED: 119.071(5), 175.1015, 185.085, 202.11(3), (10), (11), 202.12(1), (3), 202.125(1), 202.13(2), 202.151, 202.16(2), (4), 202.17(6), 202.19(1), (7), (10), 202.22(6), 202.27, 202.28(1), (2), 202.29, 202.30(3), 202.33, 202.34(3), (4)(c), 202.35(1), (2), (4) FS.

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

DATE AND TIME: November 2, 2010, 9:30 a.m.

PLACE: Room 1220, 2450 Shumard Oak Blvd., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Sarah Wachman at (850)410-2651. If you are 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: Heather Miller, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4835

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-19.041 ~~Sales of Residential Exemption from the Communications Services to a Residential Household Tax.~~

~~(1)(a) The sale of communications services, as defined in Section 202.11(2), F.S., is subject to the Florida communications services tax and the local communications services tax, unless specifically exempt.~~

~~(1)(b) This rule is intended to clarify the application of tax on sales of communications services to residential households and governs the documentation and recordkeeping requirements of dealers who make sales to regarding the exemption for residential households from the communications services taxes.~~

~~(2) APPLICATION OF TAX THAT IS EXEMPT.~~

~~(a) Sales of communications services to a residential household are exempt from not subject to the state portion of the Florida communications services tax, imposed by Section 202.12(1)(a), F.S., and the additional gross receipts tax rate, imposed by Section 203.01(1)(b)3., F.S.~~

~~(b)(3) TAXES THAT ARE NOT EXEMPT. Sales of communications services to a residential household remain are subject to the Florida gross receipts tax rate portion of the Florida communications services tax, imposed by Section 203.01(1)(b)(a)2., F.S., and the local communications services tax rates, imposed by Section 202.19, F.S.~~

~~(c)(4) SERVICES THAT ARE NOT EXEMPT. The This partial exemption for sales to a residential household does not apply to:~~

~~1.(a) Sales of any cable service, as defined in Section 202.11(1), F.S.;~~

~~2.(b) Sales of any direct-to-home satellite service, as defined in Section 202.11(5), F.S.; and~~

~~3.(c) Sales of mobile communications services, as defined in Section 202.11(7), F.S.~~

~~(3)(5) TRANSIENT PUBLIC LODGING ESTABLISHMENTS FACILITIES THAT ARE NOT EXEMPT. The partial This exemption for sales to residential households does not apply to sales to any residence that constitutes all or part of the service address of any structure or any unit within a structure licensed as a transient public lodging establishment, as defined by Section 509.013(4)(a), F.S., with the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.~~

~~(a) The purchaser is required to notify the communications services dealer provider when the communications services are used in a transient licensed public lodging establishment. If the purchaser fails to provide such notification, the Department will look to the purchaser, rather than the dealer provider, for any applicable tax, penalty, or interest due when the services were purchased for use in a transient public lodging establishment.~~

~~(b) Persons that are entitled to an exemption from sales tax on the purchase of electric power or energy, gas, or fuel for use in a residential household, as provided in Rules 12A-1.053 and~~

12A-1.059, F.A.C., are not entitled to the exemption from communications services tax when the service address constitutes all or part of that residential household is licensed as a transient public lodging establishment.

(c) A “transient public lodging establishment,” as defined in Section 509.013, F.S., means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings that is:

1. Advertised or held out to the public as a place that is regularly rented to guests; or

2. Rented more than three times in a calendar year, with each separate rental period having a duration less than 1 calendar month or less than 30 days.

~~(d) Transient public Public lodging establishments include the following, if they are rented by an owner or operator to guests whose occupancy is intended to be temporary. Examples of transient public lodging establishments include hotels,~~

~~1. Hotels, motels, bed and breakfast inns, transient apartments, nontransient apartments, transient rooming houses, and resort dwellings, other transient establishments;~~

~~2. Any unit or group of units in a condominium, cooperative, time share plan, or other resort condominium; or~~

~~3. Any single family dwelling, duplex, triplex, quadraplex, townhouse, beach cottage, mobile home, or other resort dwelling.~~

~~(4)(6) DOCUMENTATION REQUIREMENTS. A communications services dealer provider, unless notified by the purchaser that the residential exemption does not apply, is not required to collect and remit tax on sales of communications services when:~~

~~(a) The service is sold at a rate based on a “residential schedule,” under the tariffs filed by a service provider with the Public Service Commission; or~~

~~(b) A dealer service provider has on file a writing or document evidencing a representation of a customer that the communications services are being purchased for residential household use. The writing or document may be a customer application or a certificate that identifies the customer as purchasing the communications services for residential purposes. A “customer application” includes a record of information obtained electronically or orally from the customer in the ordinary course of business. A dealer provider must have acted in good faith in accepting the representation of a customer.~~

~~(5)(7) No change.~~

Rulemaking Specific Authority 202.26(3)(c) FS. Law Implemented 202.125(1), 202.13(2), 202.16(4), 202.19(10), 202.34(3), 202.35(4) FS. History--New 1-31-02, Amended _____.

12A-19.100 Public Use Forms.

(1)(a) The Department employs the following public-use forms and instructions in the administration of Chapter 202, F.S., Communications Services Tax, and in the administration of the Department’s electronic Address/Jurisdiction Database created pursuant to Sections 175.1015 and 185.085, F.S. These forms are hereby incorporated by reference in this rule.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading the form from the Department’s Internet site at www.myflorida.com/dor/forms; or, 2) calling the Department at (800)352-3671, Monday through Friday, 8:00 a.m. to 7:00 p.m., Eastern Time; or, 3) visiting any local Department of

Revenue Service Center; or, 4) writing the Florida Department of Revenue, Taxpayer Services, 5050 West Tennessee Street, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32399-0112 ~~32304~~. Persons with hearing or speech impairments may call the Department’s TDD at (800)367-8331 or (850)922-1115.

(2) The following versions of Form DR-700016, Florida Communications Services Tax Return, are applicable to the reporting periods and service billing dates indicated:

REVISION DATE	REPORTING PERIODS	SERVICE BILLING DATES
01/11	January 2011 –	January 1, 2011 –
08/10	August 2010 – December 2010	August 1, 2010 – December 31, 2010
01/10	January 2010 – July 2010	January 1, 2010 – July 31, 2010
06/09	June 2009 – December 2009	June 1, 2009 – December 31, 2009
01/09	January 2009 – May 2009	January 1, 2009 – May 31, 2009
09/08	September 2008 – December 2008	September 1, 2008 – December 31, 2008
06/08	June 2008 – August 2008	June 1, 2008 – August 31, 2008
05/08	May 2008	May 1, 2008 – May 31, 2008
01/08	January 2008 – April 2008	January 1, 2008 – April 30, 2008
09/07	September 2007 – December 2007	September 1, 2007 – December 31, 2007
06/07	June 2007 – August 2007	June 1, 2007 – August 31, 2007
02/07	February 2007 – May 2007	February 1, 2007 – May 31, 2007
01/07	January 2007	January 1, 2007 – January 31, 2007
06/06	June 2006 – December 2006	June 1, 2006 – December 31, 2006
01/06	January 2006 – May 2006	January 1, 2006 – May 31, 2006
11/05	November 2005 – December 2005	November 1, 2005 – December 31, 2005
06/05	June 2005 – October 2005	June 1, 2005 – October 31, 2005
01/05	January 2005 – May 2005	January 1, 2005 – May 31, 2005
11/04	November 2004 – December 2004	November 1, 2004 – December 31, 2004
10/04	October 2004	October 1, 2004 – October 31, 2004
06/04	June 2004 – September 2004	June 1, 2004 – September 30, 2004
01/04	January 2004 – May 2004	January 1, 2004 – May 31, 2004
12/03	December 2003	December 1, 2003 – December 31, 2003
11/03	November 2003	November 1, 2003 – November 30, 2003
10/03	October 2003	October 1, 2003 – October 31, 2003
06/03	June 2003 – September 2003	June 1, 2003 – September 30, 2003
03/03	March 2003 – May 2003	March 1, 2003 – May 31, 2003
01/03	January 2003 – February 2003	January 1, 2003 – February 28, 2003
12/02	December 2002	December 1, 2002 – December 31, 2002
11/02	November 2002	November 1, 2002 – November 30, 2002
10/02	October 2002	October 1, 2002 – October 31, 2002
01/02	January 2002 – September 2002	January 1, 2002 – September 30, 2002
12/01	October 2001 – December 2001	October 1, 2001 – December 31, 2001

Form Number	Title	Effective Date	Rulemaking Authority
(3) No change.			175.1015(5), 185.085(5), 202.151, 202.16(2), 202.26(3)(a), (c), (d), (e), (j), 202.27(7) FS. Law Implemented 119.071(5), 175.1015, 185.085, 202.11(3), (10), (11), 202.12(1), (3), 202.13(2), 202.151, 202.16(2), (4), 202.17(6), 202.19(1), (7), 202.22(6), 202.27, 202.28(1), (2), 202.29 , 202.30(3), 202.33, 202.34(3), (4)(c), 202.35(1), (2) FS. History—New 4-17-03, Amended 7-31-03, 10-1-03, 9-28-04, 6-28-05, 11-14-05, 7-16-06, 4-5-07, 11-6-07, 12-20-07, 1-28-08, 1-27-09, 1-11-10, 6-28-10(3), 6-28-10(5), _____.
(4)(a) DR-700016	Florida Communications Services Tax Return (R. 01/11)	_____	
(b) DR-700016	Florida Communications Services Tax Return (R. 08/10)	_____	
(a) through (ee) renumbered (c) through (gg) No change.			
(5) DR-700019	Communications Services Use Tax Return (R. 8/10 10/09)	_____ 06/10	
(6) through (12) No change.			

NAME OF PERSON ORIGINATING PROPOSED RULE: Heather Miller, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4835
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 2010
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on August 13, 2010 (Vol. 36, No. 32, pp. 3684-3685). No request was received by the Department to hold a workshop. No written comments have been received by the Department.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: 12B-5.150
 RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-5.150, F.A.C. (Public Use Forms), is to adopt, by reference, changes to forms used by the Department in the administration of taxes imposed on fuels and pollutants.

SUMMARY: The proposed amendments to Rule 12B-5.150, F.A.C. (Public Use Forms), adopt, by reference, changes to forms used by the Department in the administration of taxes imposed on fuels and pollutants.

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: 206.14(1), 206.485(1), 206.59(1), 213.06(1), 213.755(8), 526.206 FS.

LAW IMPLEMENTED: 119.071(5), 206.02, 206.021, 206.022, 206.025, 206.026, 206.027, 206.028, 206.05, 206.055, 206.095, 206.11, 206.404, 206.41, 206.43, 206.44, 206.485, 206.86, 206.874, 206.8745, 206.877, 206.90, 206.91, 206.92, 206.9835, 206.9865, 206.9931, 206.9943, 212.0501, 213.255, 213.755, 526.203 FS.

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

DATE AND TIME: November 2, 2010, 9:30 a.m.

PLACE: Room 1220, 2450 Shumard Oak Blvd., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by

contacting: Sarah Wachman at (850)410-2651. If you are 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: Ron Gay, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4732

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-5.150 Public Use Forms.

(1)(a) The following public use forms and instructions are utilized by the Department and are hereby incorporated by reference in this rule.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at www.myflorida.com/dor/forms; or, 2) calling the Department at (800)352-3671, Monday through Friday, 8:00 a.m. to 7:00 p.m., Eastern Time; or, 3) visiting any local Department of Revenue Service Center or, 4) writing the Florida Department of Revenue, Taxpayer Services, 5050 West Tennessee Street Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32399-0112 ~~32304~~. Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331 or (850)922-1115.

Form Number	Title	Effective Date
(2) DR-138	Application for Fuel Tax Refund – Agriculture, Aquacultural, Commercial Fishing or Commercial Aviation Purposes (R. <u>01/11</u> 04/10)	<u>01/10</u>
(3) through (9)	No change.	
(10) DR-160	Application for Fuel Tax Refund – Mass Transit System Users (R. <u>01/11</u> 04/10)	<u>01/10</u>
(11) through (13)	No change.	
(14) DR-182	Florida Air Carrier Fuel Tax Return (R. <u>01/11</u> 04/10)	<u>01/10</u>
(15)	No change.	
(16) DR-189	Application for Fuel Tax Refund – Municipalities, Counties and School Districts (R. <u>01/11</u> 04/10)	<u>01/10</u>
(17) DR-190	Application for Fuel Tax Refund – Non-Public Schools (R. <u>01/11</u> 04/10)	<u>01/10</u>
(18)	No change.	
(19) DR-248	<u>2011</u> 2010 Alternative Fuel Use Permit Application, Renewal, and Decal Order Form (R. <u>11/10</u> 11/09)	<u>01/10</u>
(20) DR-904	Pollutants Tax Return (R. <u>01/11</u> 04/10)	<u>01/10</u>
(21) DR-309631	Terminal Supplier Fuel Tax Return (R. <u>01/11</u> 04/10)	<u>01/10</u>
(22) DR-309631N	Instructions for Filing Terminal Supplier Fuel Tax Return (R. <u>01/11</u> 04/10)	<u>01/10</u>
(23) DR-309632	Wholesaler/Importer Fuel Tax Return (R. <u>01/11</u> 04/10)	<u>01/10</u>

(24) DR-309632N	Instructions for Filing Wholesaler/ Importer Fuel Tax Return (R. <u>01/11 04/40</u>)	___04/40
(25) DR-309633	Mass Transit System Provider Fuel Tax Return (R. <u>01/11 04/40</u>)	___04/40
(26) DR-309633N	Instructions for Filing Mass Transit System Provider Fuel Tax Return (R. <u>01/11 04/40</u>)	___04/40
(27) DR-309634	Local Government User of Diesel Fuel Tax Return (R. <u>01/11 04/40</u>)	___04/40
(28) DR-309634N	Instructions for Filing Local Government User of Diesel Fuel Tax Return (R. <u>01/11 04/40</u>)	___04/40
(29) DR-309635	Blender/Retailer of Alternative Fuel Tax Return (R. <u>01/11 04/40</u>)	___04/40
(30) DR-309635N	Instructions for Filing Blender/ Retailer of Alternative Fuel Tax Return (R. <u>01/11 04/40</u>)	___04/40
(31) DR-309636	Terminal Operator Information Return (R. <u>01/11 04/40</u>)	___04/40
(32) DR-309636N	Instructions for Filing Terminal Operator Alternative Fuel Tax Return (R. <u>01/11 04/40</u>)	___04/40
(33) DR-309637	Petroleum Carrier Information Return Alternative Fuel Tax Return (R. <u>01/11 04/40</u>)	___04/40
(34) DR-309637N	Instructions for Filing Petroleum Carrier Information Return (R. <u>01/11 04/40</u>)	___04/40
(35) DR-309638	Exporter Fuel Tax Return (R. <u>01/11 04/40</u>)	___04/40
(36) DR-309638N	Instructions for Filing Exporter Fuel Tax Return (R. <u>01/11 04/40</u>)	___04/40
(37) DR-309639	Application for Refund of Tax Paid on Undyed Diesel Used for Off-Road or Other Exempt Purposes (with Instructions) (R. <u>01/11 04/40</u>)	___04/40
(38) DR-309640	Application for Refund of Tax Paid on Undyed Diesel Consumed by Motor Coaches During Idle Time in Florida (R. <u>01/11 04/40</u>)	___04/40
(39) DR-309645	2011 2010 Refundable Portion of Local Option and State Comprehensive Enhanced Transportation System (SCETS) Tax (R. <u>01/11 04/40</u>)	___04/40
(40) DR-309660	Application for Pollutant Tax Refund (R. <u>01/11 04/09</u>)	___04/09
(41) No change.		

Rulemaking Authority 206.14(1), 206.485(1), 206.59(1), 213.06(1), 213.755(8), 526.206 FS. Law Implemented 119.071(5), 206.02, 206.021, 206.022, 206.025, 206.026, 206.027, 206.028, 206.05, 206.055, 206.095, 206.11, 206.404, 206.41, 206.43, 206.44, 206.485, 206.86, 206.874, 206.8745, 206.877, 206.90, 206.91, 206.92, 206.9835, 206.9865, 206.9931, 206.9943, 212.0501, 213.255, 213.755, 526.203 FS. History—New 11-21-96, Amended 10-27-98, 5-1-06, 4-16-07, 1-1-08, 1-27-09, 4-14-09, 6-1-09, 6-1-09(5), 1-11-10, 7-28-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ron Gay, Tax Law Specialist, Technical Assistance and
Dispute Resolution, Department of Revenue, P. O. Box 7443,
Tallahassee, Florida 32314-7443, telephone (850)922-4732

NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Governor and Cabinet
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: September 28, 2010
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: A Notice of Proposed Rule
Development was published in the Florida Administrative
Weekly on August 13, 2010 (Vol. 36, No. 32, pp. 3685-3686).
No request was received by the Department to hold a
workshop. No written comments have been received by the
Department.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NOS.:	RULE TITLES:
12B-7.006	Exemptions and Credits
12B-7.008	Public Use Forms
12B-7.026	Public Use Forms

PURPOSE AND EFFECT: Section 3, Chapter 2010-166,
L.O.F., increases the base rate of tax on the severance of
phosphate rock to \$1.71 per ton beginning July 1, 2010, and
decreases the base rate of tax on the severance of phosphate
rock to \$1.61 per ton beginning July 1, 2011. The total tax rate,
including the surcharge imposed under Section 211.3101(11),
F.S., remains at \$1.38 per ton.

The Florida Tax Credit Scholarship Program, as amended by
section 1, Chapter 2010-24, L.O.F., allows taxpayers to receive
a credit allocation for contributions made to nonprofit
scholarship funding organizations. Beginning January 1, 2011,
a tax credit of 100 percent of the contribution is allowed
against any tax due on oil production in Florida or against any
tax due on gas production in Florida imposed under Sections
211.02 and 211.025, F.S. The tax credit may not exceed 50
percent of the tax due on the return on which the tax credit is
taken. Emergency Rule 12ER10-04, and proposed Rule
Chapter 12-29, F.A.C., Florida Tax Credit Scholarship
Program, establish the procedures governing the approval of
tax credit allocations and rescindments, the approval for
carryforward tax credits to a subsequent tax year, and the
procedures to be followed by taxpayers when claiming tax
credits on tax returns.

The purpose of the proposed amendments to Rule 12B-7.006,
F.A.C. (Exemptions and Credits), is to: (1) update the
exemptions listed in the rule to include the exemption provided
in Section 211.027(3), F.S., for gas vented or flared directly
into the atmosphere when the gas is not otherwise sold; (2)
provide that provisions for the tax credit available against the
tax paid on the production of oil or gas in Florida are provided
in Rule Chapter 12-29, F.A.C., as proposed; and (3) update the
information on how to obtain copies of forms from the
Department.

The purpose of the proposed amendments to Rule 12B-7.008, F.A.C. (Public Use Forms), is to adopt, by reference, updates to Forms DR-144 and DR-144ES for reporting the tax on gas and sulfur production in Florida and Forms DR-145 and DR-145X for reporting the tax on oil production in Florida to: (1) provide instructions on reporting the tax credit available against the tax paid on oil or gas production in Florida for contributions to an eligible nonprofit scholarship funding organization; (2) simplify the instructions for reporting the taxes on oil, gas, and sulfur production; and (3) update the information on how to obtain copies of forms from the Department.

The purpose of the proposed amendments to Rule 12B-7.026, F.A.C. (Public Use Forms), is to adopt, by reference, updates to Forms DR-142 and DR-142ES to: (1) provide for the reporting of the tax on production of phosphate rock for the period January 2010 – June 2010, and for the period July 2010 – December 2010, at the rates provided in Section 3, Chapter 2010-166, L.O.F.; (2) simplify the instructions for reporting the solid mineral severance taxes; and (3) update the information on how to obtain copies of forms from the Department.

SUMMARY: The proposed amendments to Rule 12B-7.006, F.A.C. (Exemptions and Credits): (1) update the exemptions listed to include the exemption provided in Section 211.027(3), F.S., for gas vented or flared directly into the atmosphere when the gas is not otherwise sold; (2) provide that provisions for the tax credit available against the tax paid on the production of oil or gas in Florida are provided in Rule Chapter 12-29, F.A.C., as proposed; and (3) update the information on how to obtain copies of forms from the Department.

The proposed amendments to Rule 12B-7.008, F.A.C. (Public Use Forms), adopt, by reference, updates to Forms DR-144 and DR-144ES for reporting the tax on gas and sulfur production in Florida and Forms DR-145 and DR-145X for reporting the tax on oil production in Florida to: (1) provide instructions on reporting the tax credit available against the tax paid on oil or gas production in Florida for contributions to an eligible nonprofit scholarship funding organization; (2) simplify the instructions for reporting the taxes on oil, gas, and sulfur production; and (3) update the information on how to obtain copies of forms from the Department.

The proposed amendments to Rule 12B-7.026, F.A.C. (Public Use Forms), adopt, by reference, updates to Forms DR-142 and DR-142ES to: (1) provide for the reporting of the tax on production of phosphate rock for the period January 2010 - June 2010, and for the period July 2010 – December 2010, at the rates provided in Section 3, Chapter 2010-166, L.O.F.; (2) simplify the instructions for reporting the solid mineral severance taxes; and (3) update the information on how to obtain copies of forms from the Department.

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: 211.075(2), 211.125(1), 211.33(6), 213.06(1), 1002.395(13) FS.

LAW IMPLEMENTED: 92.525(1)(b), (2), (3), (4), 211.02, 211.025, 211.0251, 211.026, 211.027, 211.075, 211.076, 211.125, 211.30, 211.31, 211.3103, 211.3106, 211.33, 213.755(1), 1002.395 FS.

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

DATE AND TIME: November 2, 2010, 9:30 a.m.

PLACE: Room 1220, 2450 Shumard Oak Blvd., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Sarah Wachman at (850)410-2651. If you are 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: Robert DuCasse, Revenue Program Administrator, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4700

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-7.006 Exemptions and Credits.

(1) through (4) No change.

(5) Gas vented or flared directly into the atmosphere that is not sold is not subject to tax.

(6) Tax Credits. See Rule Chapter 12-29, F.A.C., for provisions on credits against the tax on oil production in Florida imposed under Section 211.02, F.S., or on gas production in Florida imposed under Section 211.025, F.S.

Rulemaking Specific Authority 211.125(1), 213.06(1), 1002.395(13) FS. Law Implemented 211.02, 211.025, 211.0251, 211.027, 1002.395 FS. History--New 12-28-78, Formerly 12B-7.06, Amended 12-18-94, _____.

12B-7.008 Public Use Forms.

(1)(a) The following forms and instructions are used by the Department in its administration of the taxes imposed on the production of oil, gas, and sulfur. These forms are hereby incorporated by reference in this rule.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at www.myflorida.com/dor/forms; or, 2) calling the Department at (800)352-3671, Monday through Friday, 8:00 a.m. to 7:00 p.m., Eastern Time; or, 3) visiting any local Department of Revenue Service Center; or 4) writing the Florida Department of Revenue, Taxpayer Services, 5050 West Tennessee Street, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32399-0112 32304. Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331 or (850)922-1115.

Form Number	Title	Effective Date
DR-144	Gas and Sulfur Production Quarterly Tax Return (R. 01/11 08/08)	_____ 01/09
DR-144ES	Declaration of Estimated Gas and Sulfur Production Tax (R. 01/11 08/08)	_____ 01/09
DR-145	Oil Production Monthly Tax Return (R. 01/11 07/09)	_____ 01/09
DR-145X	Oil Production Monthly Amended Tax Return (R. 01/11 07/09)	_____ 01/09

Rulemaking Authority 211.075(2), 211.125(1), 213.06(1), 1002.395(13) FS. Law Implemented 92.525(1)(b), (2), (3), (4), 211.02, 211.0251, 211.026, 211.075, 211.076, 211.125, 213.755(1), 1002.395 FS. History—New 12-28-78, Formerly 12B-7.08, Amended 12-18-94, 5-4-03, 10-1-03, 11-6-07, 1-27-09, 1-11-10,_____.

PART II SEVERANCE TAX ON SOLID MINERALS

12B-7.026 Public Use Forms.

(1)(a) The following forms and instructions are used by the Department in its administration of the taxes and surcharge imposed on the severance of solid minerals, phosphate rock, or heavy minerals from the soils and waters of this state. These forms are hereby incorporated by reference in this rule.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at www.myflorida.com/dor/forms; or, 2) calling the Department at (800)352-3671, Monday through Friday, 8:00 a.m. to 7:00 p.m., Eastern Time; or, 3) visiting any local Department of Revenue Service Center; or, 4) writing the Florida Department of Revenue, Taxpayer Services, 5050 West Tennessee Street, Distribution Center, 168A Blountstown Highway, Tallahassee,

Florida 32399-0112 32304. Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331 or (850)922-1115.

Form Number	Title	Effective Date
(2) DR-142	Solid Mineral Severance Tax Return (R. 01/11 01/10)	_____ 01/10
(3) DR-142ES	Declaration/Installment Payment of Estimated Solid Mineral Severance Tax (R. 01/11 01/10)	_____ 01/10

Rulemaking Authority 211.33(6), 213.06(1), 1002.395(13) FS. Law Implemented 92.525(2), 211.0251, 211.30, 211.31, 211.3103, 211.3106, 211.33, 213.755(1), 1002.395 FS. History—New 12-18-94, Amended 10-4-01, 5-4-03, 10-1-03, 11-6-07, 1-27-09, 1-11-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert DuCasse, Revenue Program Administrator, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4700

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on August 13, 2010 (Vol. 36, No. 32, pp. 3686-3687). No request was received by the Department to hold a workshop. No written comments have been received by the Department.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: 12B-8.003
 RULE TITLE: Tax Statement; Overpayments
 PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-8.003, F.A.C. (Tax Statement; Overpayments), is to adopt, by reference, changes to forms used by the Department in the administration of the insurance premium tax.

SUMMARY: The proposed amendments to Rule 12B-8.003, F.A.C. (Tax Statement, Overpayments), adopt, by reference, changes to forms used by the Department in the administration of the insurance premium tax.

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: 213.06(1) FS.

LAW IMPLEMENTED: 175.041, 175.101, 175.1015, 175.111, 175.121, 175.141, 175.151, 185.02, 185.03, 185.08, 185.085, 185.09, 185.10, 185.12, 185.13, 213.05, 213.053, 213.235, 213.37, 220.183, 220.19, 220.191, 252.372, 288.99, 440.51, 443.1216, 624.11, 624.402, 624.4072, 624.4094, 624.4621, 624.4625, 624.475, 624.501, 624.509, 624.5091, 624.5092, 624.50921, 624.510, 624.5105, 624.5107, 624.511, 624.515, 624.516, 624.518, 624.519, 624.520, 624.521, 624.601, 624.610, 626.7451(11), 627.311, 627.351, 627.3512, 627.357(9), 627.7711, 627.943, 628.6015, 629.401, 629.5011, 631.72, 632.626, 634.131, 634.313(2), 634.415(2), 636.066, 642.0301, 642.032 FS., Ch. 93-128, s. 29, Ch. 2005-280, L.O.F.

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

DATE AND TIME: November 2, 2010, 9:30 a.m.

PLACE: Room 1220, 2450 Shumard Oak Blvd., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Sarah Wachman at (850)410-2651. If you are 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: Terry Branch, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4700

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-8.003 Tax Statement; Overpayments.

(1) Tax returns and reports shall be made by insurers on forms prescribed by the Department. These forms are hereby incorporated by reference in this rule.

(2) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at www.myflorida.com/dor/forms; or, 2) calling the Department at (800)352-3671, Monday through Friday, 8:00 a.m. to 7:00 p.m., Eastern Time; or, 3) visiting any local Department of Revenue Service Center or, 4) writing the Florida Department of Revenue, Taxpayer Services, 5050 West Tennessee Street Distribution Center, 168A Blountstown Highway, Tallahassee,

Florida ~~32399-0112~~ ~~32304~~. Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331 or (850)922-1115.

(3) through (4) No change.

Form Number	Title	Effective Date
(5)(a) DR-907	Florida Insurance Premium Installment Payment (R. 01/11 01/10)	____ 01/10
(b) DR-907N	Information for Filing Insurance Premium Installment Payment (Form DR-907) (R. 01/11 01/10)	____ 01/10
(6)(a) DR-908	Insurance Premium Taxes and Fees Return for Calendar Year 2010 2009 (R. 01/11 01/10)	____ 01/10
(b) DR-908N	Instructions for Preparing Form DR-908 Florida Insurance Premium Taxes and Fees Return (R. 01/11 01/10)	____ 01/10
(7) DR-350900	2010 2009 Insurance Premium Tax Information for Schedules XII and XIII, DR-908 (R. 01/11 01/10)	____ 01/10

Rulemaking Authority 213.06(1) FS. Law Implemented 175.041, 175.101, 175.1015, 175.111, 175.121, 175.141, 175.151, 185.02, 185.03, 185.08, 185.085, 185.09, 185.10, 185.12, 185.13, 213.05, 213.053, 213.235, 213.37, 220.183, 220.19, 220.191, 252.372, 288.99, 440.51, 443.1216, 624.11, 624.402, 624.4072, 624.4094, ~~624.402~~, 624.4621, 624.4625, 624.475, 624.501, 624.509, 624.5091, 624.5092, 624.50921, 624.510, 624.5105, 624.5107, 624.511, 624.515, 624.516, 624.518, 624.519, 624.520, 624.521, 624.601, 624.610, 626.7451(11), 627.311, 627.351, 627.3512, 627.357(9), 627.7711, 627.943, 628.6015, 629.401, 629.5011, 631.72, 632.626, 634.131, 634.313(2), 634.415(2), 636.066, 642.0301, 642.032, FS., Ch. 93-128, s. 29, Ch. 2005-280, L.O.F. History—New 2-3-80, Formerly 12B-8.03, Amended 3-25-90, 3-10-91, 2-18-93, 6-16-94, 12-9-97, 3-23-98, 7-1-99, 10-15-01, 8-1-02, 5-4-03, 9-28-04, 6-28-05, 6-20-06, 4-5-07, 1-1-08, 1-27-09, 1-11-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Terry Branch, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4700

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on August 13, 2010 (Vol. 36, No. 32, p. 3687). No request was received by the Department to hold a workshop. No written comments have been received by the Department.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NO.: 12C-1.051
 RULE TITLE: Forms

PURPOSE AND EFFECT: Section 13, Chapter 2010-147, L.O.F., creates Section 220.1896, F.S., authorizing a jobs for the unemployed tax credit against corporate income tax. The

purpose of the proposed amendments to Rule 12C-1.051, F.A.C. (Forms), is to adopt, by reference, changes to forms used by the Department in the administration of the corporate income tax, including instructions on how to take the jobs for the unemployed tax credit.

SUMMARY: The proposed amendments to Rule 12C-1.051, F.A.C. (Forms), adopt, by reference, updates for the jobs for the unemployed tax credit and changes to forms used by the Department in the administration of the corporate income tax.

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: 213.06(1), 220.187, 220.1896(9), 220.192(5), (7), 220.193(4), 220.51, 288.9921, 1002.395(13) FS.

LAW IMPLEMENTED: 119.071(5), 213.755(1), 220.11, 220.12, 220.13(1), (2), 220.14, 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.1875, 220.1895, 220.1896, 220.19, 220.191, 220.192, 220.193, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737, 220.801, 220.803, 220.805, 220.807, 220.809, 221.04, 288.9916, 624.51055, 1002.395 FS.

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

DATE AND TIME: November 2, 2010, 9:30 a.m.
 PLACE: Room 1220, 2450 Shumard Oak Blvd., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Sarah Wachman at (850)410-2651. If you are 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: Charles Dunning, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4700

THE FULL TEXT OF THE PROPOSED RULE IS:

12C-1.051 Forms.

(1)(a) The following forms and instructions are used by the Department in its administration of the corporate income tax and franchise tax. These forms are hereby incorporated by reference in this rule.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at www.myflorida.com/dor/forms; or, 2) calling the Department at (800)352-3671, Monday through Friday, 8:00 a.m. to 7:00 p.m., Eastern Time; or, 3) visiting any local Department of Revenue Service Center or, 4) writing the Florida Department of Revenue, Taxpayer Services, 5050 West Tennessee Street Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32399-0112 32304. Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331 or (850)922-1115.

Form Number	Title	Effective Date
(2) through (3)	No change.	
(4)(a) F-1065	Florida Partnership Information Return (R. 01/11 <u>04/10</u>)	<u>04/10</u>
(b) F-1065N	Instructions for Preparing Form F-1065 Florida Partnership Information Return (R. 01/11 <u>04/10</u>)	<u>04/10</u>
(5) F-1120A	Florida Corporate Short Form Income Tax Return (R. 01/11 <u>04/10</u>)	<u>04/10</u>
(6)(a) F-1120	Florida Corporate Income/ Franchise and Emergency Excise Tax Return (R. 01/11 <u>04/10</u>)	<u>04/10</u>
(b) F-1120N	F-1120 Instructions – Corporate Income/Franchise and Emergency Excise Tax Return for taxable years beginning on or after January 1, 2010 <u>2009</u> (R. 01/11 <u>04/10</u>)	<u>04/10</u>
(7) F-1120ES	Declaration/Installment of Florida Estimated Income/Franchise and Emergency Excise Tax for Taxable Year Beginning on or after January 1, 2011 <u>2010</u> (R. 01/11 <u>04/10</u>)	<u>04/10</u>
(8) through (12)	No change.	
(13)(a) F-1193	Application for Florida Renewable Energy Production Credit Allocation (R. 01/11 <u>04/10</u>)	<u>04/10</u>
(b) F-1193T	Notice of Intent to Transfer A Florida Energy Tax Credit (R. 01/11 <u>12/09</u>)	<u>04/10</u>
(14)	No change.	
(15) F-7004	Florida Tentative Income/Franchise and Emergency Excise Tax Return and Application for Extension of Time to File Return (R. 01/11 <u>04/10</u>)	<u>04/10</u>

Rulemaking Authority 213.06(1), 220.187, 220.1896(9), 220.192(5), (7), 220.193(4), 220.51, 288.9921, 1002.395(13) FS. Law Implemented 119.071(5), 213.755(1), 220.11, 220.12, 220.13(1), (2), 220.14, 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, ~~220.187~~, 220.1875, 220.1895, 220.1896, 220.19, 220.191, 220.192, 220.193, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737, 220.801, 220.803, 220.805, 220.807, 220.809, 221.04, 288.9916, 624.51055, 1002.395 FS. History--New 9-26-77, Amended 12-18-83, Formerly 12C-1.51, Amended 12-21-88, 12-31-89, 1-31-91, 4-8-92, 12-7-92, 1-3-96, 3-18-96, 3-13-00, 6-19-01, 8-1-02, 6-19-03, 3-15-04, 9-24-04, 6-28-05, 5-1-06, 4-5-07, 1-1-08, 1-27-09, 1-11-10, 4-26-10(12)(a), (b), 4-26-10(13)(a), (b), 6-28-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Charles Dunning, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4700

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on August 13, 2010 (Vol. 36, No. 32, pp. 3687-3688). No request was received by the Department to hold a workshop. No written comments have been received by the Department.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NO.: 12C-2.0115
 RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-2.0115, F.A.C. (Public Use Forms), is to adopt, by reference, changes to the forms used by the Department in the administration of the tax on governmental leasehold estates and to provide the 2011 Valuation Factor Table used to calculate the amount of tax due.

SUMMARY: The proposed amendments to Rule 12C-2.0115, F.A.C. (Public Use Forms), adopt, by reference, the updates to forms used by the Department in the administration of the tax on government leasehold estates and to the 2011 Valuation Factor Table.

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: 199.202(2), 213.06(1) FS.
 LAW IMPLEMENTED: 119.071(5), 196.199(2), 199.135, 199.232, 199.292 FS.

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

DATE AND TIME: November 2, 2010, 9:30 a.m.
 PLACE: Room 1220, 2450 Shumard Oak Blvd., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Sarah Wachman at (850)410-2651. If you are 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: Tim Phillips, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4700

THE FULL TEXT OF THE PROPOSED RULE IS:

12C-2.0115 Public Use Forms.

(1)(a) The following public use forms and instructions are employed by the Department in its dealings with the public related to administration of the intangible tax. These forms are hereby incorporated and made a part of this rule by reference.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at www.myflorida.com/dor/forms; or, 2) calling the Department at (800)352-3671, Monday through Friday, 8:00 a.m. to 7:00 p.m., Eastern Time; or, 3) visiting any local Department of Revenue Service Center or, 4) writing the Florida Department of Revenue, Taxpayer Services, 5050 West Tennessee Street Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32399-0112 ~~32304~~. Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331 or (850)922-1115.

Form Number	Title	Effective Date
(2) DR-601G	<u>Governmental</u> Government Leasehold Intangible Personal Property Tax Return for <u>2011</u> 2010 Tax Year (R. <u>01/11</u> 01/10)	____ <u>01/10</u>

(3) through (5) No change.

Rulemaking Authority 199.202(2), 213.06(1) FS. Law Implemented 119.071(5), 196.199(2), 199.135, 199.232, 199.292 FS. History--New 11-21-91, Amended 1-5-94, 10-9-01, 5-4-03, 9-28-04, 6-28-05, 10-30-06, 1-28-08, 1-27-09, 1-31-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tim Phillips, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4700

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on August 13, 2010 (Vol. 36, No. 32, p. 3688). No request was received by the Department to hold a workshop. No written comments have been received by the Department

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-79.006
 RULE TITLE: Construction Management Development Program

PURPOSE AND EFFECT: Rule Chapter 14-79, F.A.C., is being amended to update, reorganize, and clarify the Construction Management Development Program and Bond Guarantee Program.

SUMMARY: The Construction Management Development Program and Bond Guarantee Program requirements are addressed.

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: 334.044(2), 339.0805 FS.

LAW IMPLEMENTED: 334.044(28), 337.141, 339.0805 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: 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

THE FULL TEXT OF THE PROPOSED RULE IS:

14-79.006 Construction Management Development Program.

This rule implements a voluntary, comprehensive Construction Management Development Program (CMDP) for Disadvantaged Business Enterprises (DBE) and other small

businesses. ~~The CMDP and~~ establishes a program to provide for providing financial assistance to DBEs Disadvantaged Business Enterprises through a Bond Guarantee Program ~~(BGP)~~.

(1) For the purpose of administering this program, the following definitions shall apply:

(a) "Bond Guarantee Program" or "BGP" means a plan program in which the state will act as a secondary surety for a DBE Disadvantaged Business Enterprises.

(b) "Certification of Proficiency" means a certificate awarded to those contractors meeting the minimum curriculum standards of ability proficiency.

(c) "Certified Small Business" means a small business which has been approved by the Department or its Contracted Service Provider as meeting the statutory criteria to participate in the CMDP Construction Management Development Program.

(d) "Construction Management Development Program" or "CMDP" means an original course program of instruction taught to groups of individuals who are owners of DBEs Disadvantaged Business Enterprises or Certified Small Businesses to enhance, improve, or develop the skills needed to successfully perform construction projects. This course program shall consist of classroom instruction and on-the-job instruction.

(e) "Department" means the Florida Department of Transportation.

~~(f)(e)~~ "Disadvantaged Business Enterprise" or "DBE" means a small business concern which has been certified under the Florida Unified Certification Program as a Disadvantaged Business Enterprise by either the Department pursuant to Rule Chapter 14-78 or the United States Small Business Administration.

~~(g)(f)~~ "Minimum Curriculum Standards of Proficiency" means the requirements established as the lowest level of knowledge and ability minimum requirements that a contractor must attain in to demonstrate proficiency and capability regarding the instruction received through the classroom instruction portion of the CMDP Construction Management Development Program.

~~(h)(g)~~ "Small Business" means any firm with annual gross receipts which do not exceed two million dollars averaged over the previous three year period.

(2) Construction Management Development Program/ Bond Guarantee Program Application.

(a) Disadvantaged Business Enterprises ~~(DBE)~~. All DBE firms seeking admission to the Construction Management Development Program/Bond Guarantee Program (CMDP/BGP) shall complete and submit an Application For Construction Management Development Program (CMDP) and Bond Guarantee Program (BGP), FDOT Form 275-030-070, Rev. 06/10, incorporated herein by reference, a

~~CMDP/BGP Application~~ to the Department of Transportation, Equal Opportunity Office, Mail Station 65, 605 Suwannee Street, Tallahassee, Florida 32399-0450.

(b) Small Businesses. Any firm seeking classification certification as a Certified Small Business in order to participate in the ~~CMDP Construction Management Development Program~~ shall complete and submit an Application for a Small Business Certification (SBC), FDOT Form 275-030-071, Rev. 06/10, incorporated herein by reference, and CMDP Application to the Department of Transportation, Bureau of Equal Opportunity Office, Mail Station 65, 605 Suwannee Street, Tallahassee, Florida 32399-0450.

(c) The CMDP applicant may also request exemption from the classroom and on-the-job instruction.

(3) Needs Assessments.

(a) Within 90 days of receipt of the CMDP/BGP application, the Department or its Contracted Service Provider ~~will shall~~ conduct a needs assessment of the Certified Small Business/Disadvantaged Business Enterprise. ~~The purpose of the assessment shall be to:~~

1. Determine the applicant's areas of strengths and weaknesses ~~of the applicant~~ in terms of proficiency and capability to perform in performing on highway construction and transportation support related projects;

2. Identify those applicants who should receive an exemption from the CMDP Construction Management Development Program because of demonstrated satisfactory project performance. This determination will be based on a scoring system which evaluates evaluation of the applicant on the scoring system in this rule using the following sources:

- a. Needs assessment report;;
- b. Application;;
- c. Document(s) accompanying application;;
- d. Interviews with the applicant;;
- e. Interviews with the Department staff familiar with the applicant's work;;
- f. Review of applicant's past performance ~~record~~ from the Department's Department records and reference; and
- g. Any other reports or information ~~that inform~~ about the applicant's performance and capacity;;

3. Determine the specific courses for which the applicant should register in order to improve skills and correct weaknesses or deficiencies; and

4. Identify areas of need for technical assistance through on-the-job training.

(b) Within 45 days of after completion ~~of the needs assessment~~, each applicant will shall be notified in writing of the findings and recommendations of the needs assessment.

(4) Eligibility for the ~~CMDP Construction Management Development Program~~. Participants in the CMDP Construction Management Development Program will consist of those

DBEs and Certified Small Businesses; which have obtained a needs assessment by the Department or its Contracted Service Provider. This program will consist of two primary components: Classroom Instruction and On-the-Job Instruction.

(5) To enroll in the CMDP, each applicant shall submit a completed application form to the Department or its Contracted Service Provider along with the appropriate application fees set by the Department.

(a) The Department or its Contracted Service Provider shall forward written notification to the educational institution conducting the classroom instruction advising to advise of the applicant's approval to register. It will be the applicant's responsibility to complete registration and pay registration fees as required by the institution.

(b) Each institution conducting classroom instruction will submit completed registration information to the Department or its Contracted Service Provider.

(6) Classroom Instruction shall include instruction in project planning methods for identifying manpower, equipment, and financial resource needs; bookkeeping; project scheduling; state bidding and bonding requirements; state and federal tax requirements; strategies for obtaining loans and surety bonding; and techniques for negotiating and drafting joint venture agreements.

(a) A classroom curriculum will be established by the Department or its Contracted Service Provider in conjunction with the State University System, the community college system, school district vocational technical centers, or a private consultant firm.

(b) Classes, course requirements, and class testing requirements shall be established by the educational institutions.

(c) Conduct of Classroom Instruction.

1. The Department or its Contracted Service Provider will approve the number ~~of courses~~ and types of courses that shall compose a complete program of instruction, by trade or profession, for DBEs desiring admission to the Bond Guarantee Program. ~~Satisfactory~~ Completion of the classroom curriculum will be required of all applicants ~~for the Bond Guarantee Program~~ which have not received an exemption from the CMDP.

2. Curriculum Standards. The Department or its Contracted Service Provider shall approve the program of courses established by the educational institutions and/or private sector firms ~~for specific trade and professional groups~~ that must be ~~successfully~~ completed (to meet minimum curriculum standards of proficiency) in order to receive a certificate of proficiency for each definitive group. Those groups shall include:

- a. General contractors, highway construction;

b. Special trade/professional contractors, including asphalt paving, building, construction/modification, concrete, miscellaneous, drainage, earthwork, erosion control, fencing, guardrail, landscaping, painting, steel, traffic control, trucking, architecture, business and financial management, consultants, and materials supply.

(d) Follow-up of Classroom Instruction. Participants who ~~desire to~~ take additional classroom instruction will be permitted to do so without paying an additional application fee, however, but all course registration fees will have to be paid.

(7) On-the-Job Instruction. On-the-job instruction shall also be known as technical assistance. The instruction shall include the following areas: setting up the job site; cash flow method; project scheduling; making quantity take-offs and cost estimating; reading plans and specifications; Department procedures on billing and payments; quality assessment and control methods; and bid preparation methods.

(a) Initiating Procedure. As a result of the needs assessments or classroom instruction, areas of deficiency shall be identified for which technical assistance may be appropriate. Any participant in the CMDP may also request technical assistance in any area of training provided as part of the program.

(b) Technical Assistance Plans.

1. Upon receipt of the Technical Assistance Request, FDOT Form 275-030-073, Rev. 06/10, incorporated herein by reference, from a participant, the Department or its Contracted Service Provider shall review the request and develop a technical assistance plan. The That plan shall will contain the following information:

- a. Approach to resolving the problem.
- b. The type of training required to resolve the problem.
- c. The number of technical assistance days (eight hours per day) estimated to resolve the problem.
- d. Cost of assistance.

2. The Department or its Contracted Service Provider shall submit a plan to the participant within 30 days of receiving the request for technical assistance. Upon payment of the required fee, the Department or its Contracted Service Provider shall assign a consultant or Department employee to provide the technical assistance at the participant's place of business or jobsite.

3. Upon completion of the needs assessment which identified areas of needed technical assistance, or receipt of information from an institution providing classroom instruction, that a participant is in need of technical assistance in certain delineated areas, the Department or its Contracted Service Provider shall review the information and develop a technical assistance plan to address the identified needs. The That plan will contain the following information:

- a. Approach to resolving the problem.
- b. The type of training required to resolve the problem.

c. The number of technical assistance days (eight hours per day) estimated to resolve the problem.

d. Cost of assistance.

(8) Exemption from the CMDP Construction Management Development Program.

(a) The Department or its Contracted Service Provider shall determine exemption from the classroom and on-the-job training based on an evaluation of the applicant's project performance compared through comparison with the minimum curriculum standards of proficiency. Evaluation shall be based on the following scoring system:

1. Administration/Management of Business – Maximum 15 Points

a. Holds all relevant licenses and meets all other legal requirements regarding firm's his business.

b. Shows the capability to develop an overall business plan.

c. Produces the firm's credit history of the firm.

d. Maintains adequate staff and employees required to carry out the work associated with the firm's business.

e. Maintains a payroll system set up to feed accurate and complete information into the job costing system.

f. Able to generate accurate financial statements in accordance with generally accepted accounting principles.

g. Has policies and procedures regarding timely billing and collection from customers.

2. Bidding/Estimates – Maximum 20 Points

a. Demonstrates an understanding of to implement all requisite steps in the preparation of Department bids.

b. Demonstrates competence in accurately estimating project cost accurately.

3. Contract Negotiating and Knowledge – Maximum 15 Points

a. Demonstrates an understanding of contract terms concerning the rights, obligations, and liabilities for the Small Businesses/Disadvantaged Business Enterprises.

b. Demonstrates an understanding of the basic elements of Department contracts.

c. Demonstrates an ability to adequately negotiate, draft, and interpret subcontracts.

4. Project Planning – Maximum 20 Points

a. Demonstrates capability in scheduling and phasing the work of a project, and in allocating manpower to timely complete projects the project.

b. Demonstrates skill in developing schedules for ordering, and assuring delivery of materials and equipment, and hiring of work force.

c. Demonstrates knowledge of the reports and other paperwork, required by the Department and/or the prime contractor.

5. Project Performance – Maximum 30 Points

a. Maintains a system of project monitoring, which includes jobsite inspections by management, as well as periodic reporting from ~~the~~ their project superintendent.

b. Maintains a field monitoring and reporting system to warn of any deviations from project schedule or cost overruns.

c. Maintains a system for keeping accurate records of the time expended and materials used on a project, and reporting ~~the records on a same on the~~ monthly progress pay estimate.

d. Demonstrates capability to maintain an updated and accurate job costing system.

e. Maintains a system for dealing with change orders; including requiring written change order and method for calculating prices to cover the changes.

f. Demonstrates knowledge of project closeout procedures.

TOTAL MAXIMUM POINTS: 100

(b) The Department or its Contracted Service Provider shall assign the score that is most representative of the Small Business/Disadvantaged Business Enterprise's proficiency.

1. For scores of 85 and above, the Small Business/Disadvantaged Business Enterprise shall be exempt from the CMDP.

2. For scores under 85, the Small Business/Disadvantaged Business Enterprise may be enrolled in the CMDP, if obtaining a certificate of proficiency is desired.

(9) Certificate of Proficiency.

(a) Validation of proficiency in minimum curriculum standards. Each DBE participant must ~~satisfactorily~~ complete each component of the classroom training in order to meet the minimum standard of proficiency, or receive exemption, to gain admission to the Bond Guarantee Program. The DBE shall be awarded a Certificate of Proficiency upon ~~successful~~ completion of the classroom component and completion of all required technical assistance training, or upon receipt of exemption.

(b) Small business participants shall be awarded a Certificate of Proficiency upon ~~successful~~ completion of all ~~relevant~~ classroom courses for their trade/profession, and completion of all required technical assistance training. Certified Small Businesses shall not be allowed admission into the Bond Guarantee Program.

(10) Bond Guarantee Program.

(a) Department Requirements/Limitations.

1. Based on a specific annual appropriation, the Department provides a bond guarantee program on ~~D~~department contracts with guarantees of up to 90 percent of a bond provided by an approved surety in the amount of \$250,000 or less and 80 percent of a bond amount in excess of \$250,000. Therefore, the number, size, and availability of the bond guarantees to DBEs shall be limited by the annual legislative appropriation. The Department shall not commit funds in excess of those funds appropriated specifically for this purpose.

2. As a condition of receiving a bond guarantee on a Department contract, the Department shall retain five percent of the total contract amount designated for the ~~DBE Disadvantaged Business Enterprise~~. This bond guarantee retainage shall be released upon final acceptance of the project and receipt of a Contractor's Affidavit and Surety Consent (~~Form 21-A~~), ~~FDOT Florida Department of Transportation Form 700-050-21(Form 21-A), Rev. 12/09 08/04, incorporated herein by reference, submitted to the Department of Transportation, Equal Opportunity Office, Mail Station 65, 605 Suwannee Street, Tallahassee, Florida 32399-0450,~~ showing all subcontractors and suppliers have been paid.

(b) Surety Company Requirements/Limitations. The Department shall establish a list of ~~qualified~~ surety companies licensed to write bonds in the State of Florida who ~~have agreed agree~~ to participate in the Bond Guarantee Program. Bonds that are eligible for a ~~Department~~ guarantee under this program must be executed by an approved a surety company ~~on the Department's approved list~~.

(c) Disadvantaged Business Enterprise Eligibility Requirements/Limitations.

1. Eligibility ~~to participate~~ in the Bond Guarantee Program shall be specifically limited to DBEs who have ~~received attained~~ a Certificate of Proficiency ~~by meeting the minimum curriculum standards of proficiency in the construction management development program~~ or have received an exemption from the CMDP construction management development program.

2. After admission into the Bond Guarantee Program, each DBE who has never applied for a bond or who has never been granted a bond shall be enrolled in a bonding principles seminar sponsored by the Department or its Contracted Service Provider and carried out by it or one of its representatives. ~~This service shall be optional for DBEs who are currently able to obtain bonding.~~ The bonding principles seminar includes instruction in overview of bonding and construction, types of bonds, rights of the surety, reason for default, description of surety industry bonding criteria, loan and bond package portfolio checklist, and evaluation of bond application. This service shall be optional for DBEs who are currently able to obtain bonding.

(d) Bond Applications. When requested by the DBE, the Department or its Contracted Service Provider will ~~shall~~ provide assistance in preparing bond applications ~~that are~~ to be presented to surety companies in order to obtain a bonding capacity.

1. When the DBE has developed a complete package which is deemed acceptable, it will be forwarded to a surety company that has agreed to participate in this program.

2. Upon review, each DBE applicant will be given bonding capacity by the surety.

(e) When a DBE, which has been accepted in the Bond Guarantee Program, is awarded a Department contract, the Department ~~or its Contracted Service Provider shall~~ will assist the DBE in obtaining a surety bond.

1. The Department shall extend the period for contract execution, ~~of the contract~~ without penalizing contract time, if necessary to complete the bonding process.

2. Once the surety company decides to execute the bond ~~on the basis of the Bond Guarantee Program~~, a Justification for Bond Guarantee, ~~form (FDOT Eform 275-030-074 a, 06/10, 3/89)~~ incorporated herein by reference, shall ~~will~~ be submitted by the surety company ~~to the Department of Transportation, Equal Opportunity Office, Mail Station 65, 605 Suwannee Street, Tallahassee, Florida 32399-0450~~ to the Department.

3. Upon receipt of the Justification for Bond Guarantee form, the Department shall ~~will~~ execute and return the Bond Guarantee Agreement form to the surety company.

(f) Project monitoring and technical assistance will shall be provided to all DBEs obtaining Department contracts and receiving a bond guarantee.

~~(11)~~ Appeal Procedures:

~~(a) If the Department intends to deny an application for admission into the construction management development program, notice of the Department's intended action will be provided in accordance with Rule 28-106.111, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rules 28-106.104, 28-106.201, and 28-106.301, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule 28-106.111, F.A.C.~~

~~(11)~~ (12) Participation Revocation.

~~(a) Participation in The Department's acceptance of a DBE in the CMDP/BGP is only available to DBEs and Certified Small Businesses. Construction Management Development Program/Bond Guarantee Program shall be revoked if the Department finds the DBE is no longer certified as a DBE by the Department or the Small Business Administration.~~

~~(b) A certified Small Business' participation in the Construction Management Development Program shall be revoked if the Department finds the small business no longer meets the certification requirements as set forth in this rule chapter.~~

~~(b)(e) A Certified Small Business/Disadvantaged Business Enterprise's shall not be allowed to participate participation in the CMDP/BGP Construction Management Development Program/Bond Guarantee Program shall be revoked if the Department finds the Small Business/Disadvantaged Business Enterprise intentionally willfully made a false, deceptive, or fraudulent statement in any document submitted to the Department or its Contracted Service Provider.~~

~~(d) Prior to revoking Small Business/Disadvantaged Business Enterprise membership in the Construction Management Development Program/Bond Guarantee Program, notice of the Department's intended action will be provided in accordance with Rule 28-106.111, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rules 28-106.104, 28-106.201, and 28-106.301, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule 28-106.111, F.A.C.~~

~~(13) Implementation. Implementation of this rule chapter is subject to annual legislative appropriations of funding for this purpose. The Department shall limit participation in the CMDP/BGP based upon annual funding levels.~~

~~(12)(14) Forms. The following listed forms are hereby incorporated by reference and made a part of the rules of the Department:~~

Form Number	Form Title	Revision Date
275-030-070 a	Application for Construction Management Development Program (CMDP) and Bond Guarantee Program (BGP)	03/89
275-030-071 a	Application for Small Business Certification (SBC)	03/89
275-030-073 a	Technical Assistance Request	03/89
275-030-074 a	Justification for Bond Guarantee	03/89
700-050-21	Contractor's Affidavit and Surety Consent (Form 21-A)	08/04

Copies of the forms incorporated by this rule chapter these forms are available to be obtained from the Florida Department of Transportation, Equal Opportunity Office, Mail Station 65, 605 Suwannee Street, Mail Station 65, Tallahassee, Florida 32399-0450.

Rulemaking Specific Authority 334.044(2), 339.0805(1)(b) FS. Law Implemented 334.044(28), 337.141, 339.0805(2) FS. History—New 5-24-89, Amended 8-5-96, 10-30-96, 5-6-97, 1-17-99, 3-28-00, 10-19-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Arthur E. Wright, Manager, Equal Opportunity Office

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Stephanie C. Kopelousos, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 24, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 6, 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."

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-108.101 **RULE TITLE:** Inmate Substance Abuse Testing
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to: clarify the testing procedures for those inmates who claim an inability to urinate in the presence of others; clarify identification procedures prior to conducting a substance abuse test; and to amend the language for clarity and grammatical accuracy.

SUMMARY: The proposed rule clarifies substance abuse testing procedures for inmates who claim an inability to urinate in the presence of others and clarifies the procedures necessary to ensure identification of an inmate prior to substance abuse testing. The language of the rule is generally amended for clarity and grammatical accuracy.

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

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

RULEMAKING AUTHORITY: 944.09, 944.472, 944.473 FS.

LAW IMPLEMENTED: 944.09, 944.472, 944.473 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-108.101 Inmate Substance Abuse Testing.

The Office of the Inspector General shall be responsible for the development and implementation of the department's substance abuse testing program.

(1) Definitions.

(a) through (f) No change.

(g) Confirmation Testing – testing conducted by an outside contract laboratory using gas chromatography coupled with mass spectrometry (GC/MS) when on-site results of a test are positive and the inmate refuses to sign Form DC1-824, Affidavit for Admission of Drug Use. Form DC1-824 is incorporated by reference in paragraph (3)(h) of this rule.

(h) No change.

(2) The Department of Corrections conducts the following types of inmate substance abuse testing:

(a) For-Cause or Reasonable Suspicion Testing.

1. No change.

2. For-cause drug testing (also referred to as reasonable suspicion drug testing) means drug testing based on a belief that an inmate is using or has used drugs or alcohol based on specific facts and reasonable inferences drawn from those facts in light of experience. Such facts and inferences shall be based upon:

a. through b. No change.

c. Evidence or intelligence reports indicating that an inmate has used, possessed, sold, solicited, or transferred drugs or alcohol.

3. through 5. No change.

6. A copy of Form DC6-210, Incident Report, shall be attached to the facility's copy of the Chain of Custody Form for positive specimens sent to the laboratory for confirmation testing. Form DC6-210 is incorporated by reference in Rule 33-602.210, F.A.C.

(b) No change.

(c) Substance Abuse Program Testing. Inmates participating in substance abuse programs will be subject to substance abuse testing as a condition of the programs program.

(3) Procedures.

(a) Chain of Custody.

1. At a minimum, the Chain of Custody Form must include inmate and tester identification, initialed by both the inmate and the tester, date and time of collection, type of test (i.e., random, for-cause, or substance abuse program participation), and identification of all individuals who had custody of the specimen from the time of collection until the specimen was prepared for shipment to the laboratory. Once the outside laboratory receives the specimen, it will become the laboratory's responsibility to maintain a chain of custody throughout the testing process.

2. The Chain of Custody Form allows for comments by the tester regarding any unusual observations. Any failure by the inmate to cooperate with the collection process and any unusual nature (e.g., discolored urine or urine containing foreign objects) of a specimen ~~provided~~ shall be noted.

3. through 4. No change.

(b) Specimen Collection Procedures.

1. The tester shall ensure that all urine specimens are collected in accordance with department procedures. All collections shall be performed under direct observation, where the tester directly observes the voiding of urine into the specimen cup, ~~unless the inmate has been placed in a dry cell.~~ Direct observation may also be accomplished through use of mirrors strategically mounted in the collection rest room.

2. Under no circumstances is direct observation of an inmate by a tester of the opposite sex allowed.

3. A female inmate shall not be required to provide a urine specimen during her menstrual cycle.

4. ~~Prior to collecting a urine specimen, the~~ The tester shall ensure that there is positive inmate identification ~~by observing the inmate, confirming his or her prior to collecting the inmate's urine specimen. Sight, name and, DC number, and examining the examination of an inmate's picture identification card shall provide positive identification of the inmate selected for drug testing.~~

5. through 6. No change.

7. The inmate is expected to provide a minimum of 30 ml of urine. If the inmate provides less ~~than this amount~~, the tester shall again attempt to collect an adequate specimen. If the inmate cannot immediately provide an adequate specimen, ~~then~~ the procedure outlined in subparagraph (3)(b)8. below shall apply.

8. An inmate who has not provided an adulterated urine specimen and who claims an inability to provide an adequate urine specimen shall be detained in the presence of the tester or other designated person for a period not to exceed 1 hour to provide an adequate specimen. During that time, the inmate shall be allowed to consume one cup (8 oz.) of water or other beverage every 1/2 hour, not to exceed a total of 2 cups during this time period, and Form DC1-823, Acknowledgement of Beverage ~~Form~~, shall be completed. Form ~~DC1-823 DCI-823~~ is incorporated by reference in paragraph (3)(h) of this rule. If after the 1 hour period an inmate still fails to submit a valid adequate urine specimen, the inmate shall be considered to have refused to provide a urine specimen, and a disciplinary report shall be prepared in accordance with Rules 33-601.301-.314, F.A.C.

9. No change.

10. Inmates who have adulterated their urine ~~specimen~~ by ingesting substances, as established by the on-site specimen adulteration testing product, shall be detained in the presence of the tester or placed in a dry cell for a period not to exceed one hour. During that time, the inmate shall not be allowed to consume any water or other beverage. If after the one hour period an inmate still fails to submit an unadulterated, valid urine specimen, the inmate shall be considered to have refused to provide a urine specimen, and a disciplinary report shall be prepared in accordance with Rules 33-601.301-.314, F.A.C.

11. No change.

12. If a urine specimen contains blood or appears to contain blood, the inmate who produced the specimen shall be referred immediately to the medical department for evaluation. If no valid reason exists for having blood in the specimen, the inmate will be required to provide another urine specimen. If the inmate cannot submit a urine specimen, the inmate shall be detained in the presence of the tester or other designated person for a period not to exceed 1 hour to provide an adequate

specimen. During that time, the inmate shall be allowed to consume one cup (8 oz.) of water or other beverage every 1/2 hour, not to exceed a total of 2 cups during this time period, and Form DC1-823, Acknowledgement of Beverage ~~Form~~, shall be completed. If after the 1 hour period an inmate still fails to submit a valid adequate urine specimen, the inmate shall be considered to have refused to provide a urine specimen, and a disciplinary report shall be prepared in accordance with Rules 33-601.301-.314, F.A.C.

(c) Upon notification from an inmate that he or she is unable to urinate due to a medical condition, the officer shall verify with medical staff that the inmate possesses a specific medical condition or is taking medication that inhibits the inmate from urinating within the designated time frame. Upon receiving such verification, the inmate shall be given the opportunity to provide a urine specimen under the following conditions:

1. No change.

2. The inmate shall remove ~~the contents of his or her pockets and his or her shirt, shoes, pants, and hat, and the contents of his or her pockets.~~ The inmate shall be thoroughly searched prior to entering the dry cell to prevent him or her from using any adulterants such as bleach or cleanser to alter the specimen.

3. through 6. No change.

7. If after the two hour period an inmate fails to submit a valid urine specimen, the inmate shall be considered to have refused to provide a urine specimen, and a disciplinary report shall be prepared in accordance with Rules 33-601.301-.314, F.A.C.

(d) If an inmate claims an inability to urinate in front of or in the presence of others, the tester shall collect the urine specimen under the conditions outlined in subparagraphs (3)(c)1.-6. In this circumstance, the inability to urinate is not treated as a medical condition, and the officer does not need to verify with medical staff that the inmate possesses a specific medical condition or is taking medication that inhibits the inmate from urinating within the designated time frame.

(e) Testing of urine specimens.

1. through 4. No change.

5. Negative test results. The tester shall inform the inmate of the negative test results of the on-site testing device. The tester shall record all negative test results ~~in~~ ~~on~~ the department's electronic database. The tester will then dispose of the remaining specimen, specimen cup, and testing device. All forms shall be retained in accordance with state law and rules governing the retention of records.

6. No change.

a. If the inmate chooses to sign Form DC1-824, the testing officer shall complete the affidavit form and have the inmate swear to its content, with the officer witnessing the inmate's signature. The inmate will be placed ~~in~~ ~~into~~ administrative

confinement, and a disciplinary report shall be written. The signed Form DC1-824 will be attached to the disciplinary report to be used as evidence in the disciplinary ~~report~~ hearing.

b. No change.

c. If the inmate does not sign Form DC1-824, the following steps shall be taken:

i. through ii. No change.

iii. The tester shall then prepare the urine specimen for shipment, by a commercial carrier, to the designated outside laboratory for confirmation testing.

iv. No change.

7. No change.

(f) Other on-site testing device procedures.

1. Due to product limitations, it may become necessary to utilize other noninvasive on-site testing devices for alcohol testing. In such instances, the certified tester will utilize the on-site testing device in the presence of the inmate in accordance with following the manufacturer's testing protocols. If the initial result of the on-site testing device is positive, and the inmate declines to sign Form DC1-824, Affidavit for Admission of Drug Use, ~~then~~ a urine specimen will be obtained from the inmate and sent to a designated outside laboratory for confirmation testing, in accordance with the procedures outlined in paragraphs paragraph (3)(b), specimen collection procedures, and paragraph (3)(c) above; testing of urine specimens.

2. All correctional facilities shall maintain a record of all reasonable suspicion substance abuse tests conducted. This record shall be maintained by the correctional officer chief or ~~his~~ designee. Form DC1-827, Reasonable Suspicion Testing Tracking ~~Form~~, shall be utilized for this purpose. Form DC1-827 is incorporated by reference in paragraph (3)(h) of this rule.

(g) Record keeping. Each facility shall keep all records pertaining to the testing program. This includes the drug testing list and results, Chain of Custody forms, laboratory confirmation reports, and inventory control logs. All records shall be kept in accordance with state law and rules regarding retention of records.

(h) Forms. The following forms referenced in this rule are hereby incorporated by reference. Copies of these forms, unless otherwise indicated, may be obtained from the Forms Control Administrator, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

1. Form DC1-823, Acknowledgement of Beverage, effective ~~date~~ February 5, 2001.

2. Form DC1-824, Affidavit for Admission of Drug Use, effective ~~date~~ February 5, 2001.

3. Chain of Custody Form, effective ~~date~~ February 5, 2001, is a vendor form that may be obtained directly from the vendor or through the Office of the Inspector General, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

4. Form DC1-827, Reasonable Suspicion Testing Tracking Form, effective ~~date~~ February 19, 2007.

Rulemaking Authority 944.09, 944.472, 944.473 FS. Law Implemented 944.09, 944.472, 944.473 FS. History—New 2-8-00, Amended 2-5-01, Formerly 33-602.2045, Amended 7-2-02, 2-19-07, 7-29-08, 8-26-09, 2-10-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gene Hatcher, Inspector General

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter A. McNeil, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 1, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 10, 2010

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-401.105
 RULE TITLE: Refusal of Health Care Services
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide the process for refusal of health care services by inmates and the documentation thereof.

SUMMARY: The proposed rule provides guidelines for processing and recording an inmate's refusal of health care services.

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, 945.6034 FS.
 LAW IMPLEMENTED: 944.09, 766.103, 945.6034 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:

- 33-401.105 Refusal of Health Care Services.
- (1) Definitions.
- (a) Provider – a mental or physical health physician, clinical associate, or dentist.
- (b) Refusal – an inmate-initiated decision to decline a procedure or treatment that a health care provider has indicated is medically necessary.

(2) It is the responsibility of the provider ordering a particular procedure or treatment to explain to the inmate at the time the initial order is written the:

- (a) Diagnosis;
- (b) Nature and purpose of the procedure or treatment;
- (c) Risks and benefits involved in the proposed treatment or procedures; and
- (d) Alternative treatments or procedures.

(3) Documentation of refusal of treatment or procedure.

(a) If an inmate refuses an aspect of health care services other than medication, which is addressed in subsection (4), the inmate shall be required to sign Form DC4-711A, Refusal of Health Care Services. If the inmate refuses to sign the form, the notation "patient refuses to sign" will be entered and witnessed by two staff members. Form DC4-711A is incorporated by reference in subsection (7) of this rule.

(b) If an inmate is being transferred to another facility for medical treatment and indicates prior to departing that he or she will refuse the treatment, the provider at the receiving facility shall be contacted. The provider at the sending facility shall advise the inmate of the risks associated with not receiving recommended treatment. If the inmate still refuses, he or she will be returned to health services to sign Form DC4-711A, Refusal of Health Care Services, and a follow-up visit shall be scheduled to assess if the treatment should be pursued.

(c) A note documenting the date and time of a refusal and stating "refusal signed for (inmate's name and DC#)" shall be made on the chronological record of health care located in the inmate's health record.

(d) Prior to inserting Form DC4-711A, Refusal of Health Care Services, into the inmate's health record, it will be reviewed, initialed, and dated by a provider. This review will be documented on the inmate's chronological record of health care.

(e) Refusal of dental services will be documented by dental health staff on Form DC4-724, Dental Treatment Record, and Form DC4-711A, Refusal of Health Care Services. Form DC4-724 is incorporated by reference in subsection (7) of this rule.

(f) Refusal of mental health services will be documented on Form DC4-711A, Refusal of Health Care Services.

(g) Completed Forms DC4-711A and DC4-724 shall be placed in the inmate's health record.

(4) Medication Refusal.

(a) Inmates may verbally refuse a dose of medication upon presenting to the medication window.

(b) An inmate who has refused either three consecutive doses of medication or five doses over the course of a month shall be required to sign Form DC4-711A, Refusal of Health Care Services. If the inmate refuses to sign the form, the

notation "patient refuses to sign" will be entered and witnessed by two staff members. The inmate shall be referred to the prescribing provider for review and further clinical disposition.

(c) If an inmate states that he will refuse all further doses of a prescribed medication, Form DC4-711A, Refusal of Health Care Services, shall be completed and must be signed by the inmate. If the inmate refuses to sign the form, the notation "patient refuses to sign" will be entered and witnessed by two staff members. The inmate will no longer be required to report to the medication window for the purpose of taking the refused medication. The inmate shall be referred to the prescribing provider for review and further clinical disposition.

(5) An inmate may not refuse admission to the infirmary, isolation management (medical or mental health), transitional care, or crisis stabilization, as these are institutional housing assignments. The inmate may refuse all medical care while in these housing assignments, but the above-outlined process for refusal of medical treatment shall be followed.

(6) An inmate's refusal of health care services cancels a specific order, treatment, or procedure. A new order will be necessary to initiate a treatment or procedure that has been refused.

(7) The following forms are hereby incorporated by reference. A copy of these forms is available from the Forms Control Administrator, 2601 Blair Stone Road, Tallahassee, Florida, 32399-2500.

(a) Form DC4-711A, Refusal of Health Care Services, effective, _____.

(b) Form DC4-724, Dental Treatment Record, effective, _____.

Rulemaking Authority 944.09, 945.6034 FS. Law Implemented 944.09, 766.103, 945.6034 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Olugbenga Ogunsanwo, Deputy Secretary of Health Services
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter McNeil, Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 29, 2010
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 10, 2010

DEPARTMENT OF MANAGEMENT SERVICES

Technology Program

RULE NOS.: 60FF-6.001 60FF-6.002 60FF-6.003 60FF-6.004	RULE TITLES: Purpose County E911 Plan Compliance Request for Certification of Compliance Florida Emergency Communications Number E911 State Plan Administration Rule
--	--

60FF-6.005

Florida Emergency Communications
Number E911 State Plan Technical
and Operations Rule

PURPOSE AND EFFECT: Provide necessary rules for implementing and coordinating a cohesive statewide emergency communications number “E911” plan for enhanced 911 services, which will provide citizens with rapid direct access to public safety agencies by accessing “911” with the objective of reducing the response time to situations requiring law enforcement, fire, medical, rescue, and other emergency services.

SUMMARY: The proposed rule defines E911 system requirements, the application and approval process, security requirements and service and maintenance priorities.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost has been prepared. The Statement of Estimated Regulatory Cost estimates seven large counties, thirty medium counties and thirty rural counties will be required to comply with the rule. All counties currently have established Enhanced 911 systems and the costs for compliance vary and depend upon the number of Public Safety Answering Points established by the county. Florida law provides for a capped fifty cent fee on wireless and nonwireless communications that is collected and disbursed to the counties by the E911 Board to offset the costs for E911 emergency communication service. Rural counties are provided additional special funding opportunities through the E911 Board rural county grant program for E911 equipment, maintenance and system costs. The rulemaking will have no effect 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: 365.171(4) FS.

LAW IMPLEMENTED: 365.171(4), (10) FS.

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

DATE AND TIME: November 22, 2010, 9:00 a.m.

PLACE: Department of Management Services, 4030 Esplanade Way, Room 225A, Tallahassee, Florida 32399-0950 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Queenell Fox at (850)921-0522. If you are 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: Wink Infinger, Department of Management Services/Division of Telecommunications, 4030 Esplanade Way, Tallahassee, Florida 32399-0950, (850)921-0041; Wink.Infinger@dms.myflorida.com

THE FULL TEXT OF THE PROPOSED RULES IS:

60FF-6.001 Purpose.

(1) The purpose of this rule chapter is to prescribe necessary rules for implementing, coordinating and maintaining a statewide emergency Enhanced 911 communication system. It also prescribes the necessary procedures to be followed by an entity of local government for implementation of the Florida Emergency Communications Number E911 State Plan.

(2) Definitions:

(a) “Automatic location identification” (ALI) – The capability of the E911 service which enables the automatic display of information that defines the approximate geographic location of the wireless telephone, or the location of the address of the wireline or VoIP telephones, used to place a 911 call.

(b) “Automatic number identification” (ANI) – The capability of the E911 service which enables the automatic display of the service number used to place a 911 call.

(c) “Customer Premises Equipment” (CPE) including communications or terminal equipment located at a PSAP for 911 call processing and answering.

(d) “Enhanced 911” (E911) – A telephone system which includes network switching, data base and Public Safety Answering Point premise elements capable of providing automatic location identification data, selective routing, selective transfer, fixed transfer, and a call back number.

(e) “Master Street Addressing Guide” (MSAG) – The database of street names and number ranges used to define unique addresses recognized for public safety agencies response to 911 calls.

(f) “Public Safety Answering Point” (PSAP) – A public safety agency answering point that receives incoming 911 calls for dispatching of appropriate public safety agencies to respond to the 911 calls.

1. “Primary PSAP” – An answering point that has 911 calls routed directly from an E911 control office, 911 selective router, or directly from the service providers.

2. “Secondary PSAP” – An answering point that receives 911 calls transferred from a primary PSAP for the purpose of handling public safety agency calls. A secondary PSAP receives transfers of the voice, ANI, and ALI data for 911 calls from primary PSAPs.

(g) “Teletypewriters” (TTY) – A telecommunications device for the deaf that permits typed telephone conversations with or between deaf, hard of hearing, or speech impaired people.

(h) “Uninterruptible Power Supply” (UPS) – A device designed to provide a continuing source of power without regard to the interruption or loss of commercial power.

(i) “Department” – The Department of Management Services (DMS)

Rulemaking Authority 365.171(4) FS. Law Implemented 365.171(4), (10) FS. History–New _____.

60FF-6.002 County E911 Plan Compliance.

(1) Each County E911 plan shall include:

(a) System Summary including identification of all public safety agencies (law enforcement, fire protection, emergency medical, and rescue agencies), within the boundaries of the 911 system including PSAPs, government agencies, type of systems and service providers and any major distinguishing features.

(b) System Management including a brief description of how the system is presently being or will be managed.

(c) Agreements including briefly described agreements between PSAPs (inter-local agreements) and counties (regional agreements).

(d) System definition section defining each PSAP and its equipment compliance with the technical and operational standards in Rule 60FF-6.005, F.A.C., and shall include the number of answering positions, total staff and the number of incoming trunks.

(e) Call handling section defining how each PSAP handles calls intended for each emergency service agency within its jurisdiction.

(f) System serving area showing each PSAP, each central office area, central office overlap areas. This information will not be posted on the State E911 Web site with the County E911 plan.

(g) PSAP 911 Trunk Network, a functional diagram, showing the routing of calls from the various central offices and other E911 circuits to the various PSAPs. This information will not be posted on the State E911 Web site with the County E911 plan.

(2) All E911 systems shall conform to Rule 60FF-6.005, F.A.C. Should an entity of local government desire to alter its system, it shall seek prior approval in accordance with Section 365.171(9), Florida Statutes. The request shall be submitted in writing to the Statewide 911 Coordinator, including identification of PSAP(s)/agencies, new equipment and quantities, delete equipment and system cost.

(a) If said request is approved, the Department of Management Services shall thereupon deliver written notification thereof to the requesting entity.

(b) If said request is denied, the Department of Management Services shall thereupon deliver written notification thereof to the requesting entity, setting forth therein the specific reasons for said denial.

(3) The existing county E911 plan shall be modified to reflect the expansion and changes, and each change shall be clearly noted.

(4) Final county E911 plan approval must be obtained prior to the system becoming operational. Once a system is operational; an entity can submit a written request to the statewide 911 coordinator for a certification inspection of its respective E911 system as meeting the minimum technical and operational standards in subsection 60FF-6.002(1) and Rule 60FF-6.005, F.A.C.

Rulemaking Authority 365.171(4) FS. Law Implemented 365.171(4), (10) FS. History–New _____.

60FF-6.003 Request for Certification of Compliance.

(1) Certification will determine that the E911 systems operated or planned to be operated by entities of local government meet the minimum technical and operational standards in subsection 60FF-6.002(1) and Rule 60FF-6.005, F.A.C., so that an established minimum standard of service is available to citizens within any given E911 serving area. Entities of local government shall coordinate closely with Department of Management Services’ personnel in the development of their respective E911 systems per Rule 60FF-6.002, F.A.C.

(2) A DMS representative will coordinate the scheduling of inspections with county 911 coordinators.

(3) Upon completion of the inspection, the statewide 911 coordinator will send to the county 911 coordinator a list of all PSAPs that have passed the inspection and or a list of all PSAPs that have deficiencies. Any deficiencies will be explained and if applicable, specific directions detailing how to correct deficiencies will be included. DMS will rely on the county 911 coordinator and PSAP supervisors to make the necessary corrections. Upon receipt of written correspondence from the county 911 coordinator stating that corrections have been made, DMS will add the newly approved PSAP(s) to the list of certified PSAPs.

(4) PSAPs that pass the inspection of the minimum technical and operational standards in subsection 60FF-6.002(1) and Rule 60FF-6.005, F.A.C., will be certified as compliant with the State E911 Plan pursuant to Section 365.171(10), Florida Statutes.

Rulemaking Authority 365.171(4) FS. Law Implemented 365.171(4), (10) FS. History–New _____.

60FF-6.004 Florida Emergency Communications Number E911 State Plan Administration Rule.

(1) The Board of County Commissioners in each county is established as the responsible fiscal agent. The funds collected and interest earned are appropriated for E911 purposes by the county commissioners for the County 911 system and operations. Ultimate responsibility and authority within a county for the E911 System rests with the Board of County Commissioners.

(2) The only advertised emergency number shall be 911. This shall include emergency numbers on public safety vehicles, stickers, signs and telephone directories. Specifically, the only advertised emergency number for Teletypewriters (TTYs) shall be 911. All other listed or advertised telephone numbers shall be designated as non-emergency or other important numbers.

(3) County 911 Coordinator.

(a) The Board of County Commissioners shall designate a knowledgeable individual as its county 911 coordinator. This individual is responsible for coordinating the E911 program within their county, who will serve as a single point of contact with the Department for all E911 related issues. The Board of County Commissioners shall provide written notification to the Statewide 911 Coordinator when a new county 911 coordinator has been designated.

(b) The county 911 coordinator must make critical infrastructure investment recommendations to the Board of County Commissioners. This individual must provide the expertise needed to ensure the county complies with all state and federal laws and rules affecting E911. The county 911 coordinator is responsible for assembling all cost data and determining the amount of necessary funding. The county 911 coordinator shall advise the county commissioners so that appropriate fiscal measures can be adopted by the Board of County Commissioners to fully fund the county's E911 system. Annual E911 financial information updates shall be provided by the Board of County Commissioners to the Florida E911 Board and DMS.

(c) The county 911 coordinator must implement countywide systems and standards that meet or exceed technical and operational standards in Rule 60FF-6.005, F.A.C. This individual shall coordinate E911 infrastructure-related activities among all emergency service agencies and equipment/service providers to ensure that the system performs smoothly, reliably, and efficiently in concert with statewide emergency communication objectives. This position must ensure the maintenance and functionality of the county's E911 system on a 24 x 7 basis. The county 911 coordinator is responsible for database and Master Street Addressing Guide management, maintenance and error resolution. County 911 Coordinators must determine the best procedures to accommodate changing technological environments and provide the best 911 service that can be provided, on a 24 x 7 basis.

(d) The county 911 coordinator shall evaluate the equipment and security at the county PSAP(s) to determine that all items meet or exceed those standards in Rule 60FF-6.005, F.A.C., and that they are operational. The county 911 coordinator, or designee, is required to accompany the DMS inspector to the PSAP(s) being inspected.

Rulemaking Authority 365.171(4) FS. Law Implemented 365.171(4), (10) FS. History--New _____.

60FF-6.005 Florida Emergency Communications Number E911 State Plan Technical and Operations Rule.

(1) Public Safety Answering Point.

(a) Each 911 primary PSAP shall operate 24 hours a day, seven days a week.

(b) All primary PSAPs shall be staffed with an adequate number of answering positions to ensure that a minimum of 90 percent of voice calls shall be answered within 10 seconds of call arrival at the PSAP and 20 seconds for Teletypewriter (TTY) calls. All secondary PSAPs shall also meet this standard.

(c) The county 911 coordinator must anticipate and consider increases in emergency call volume. A determination must be made as to whether the existing staff can handle an increased work load and still meet the technical standards in paragraph 60FF-6.005(1)(b), F.A.C. If not, additional call taker positions and staff must be added. It is the responsibility of the county 911 coordinator to evaluate the situation and take appropriate action to assure adequate staffing. Criteria shall include busy hour call volume, call length and telephone grade of service.

(d) For wireline 911 calls, a minimum number of dedicated 911 lines shall be provided from the service provider's central office(s) to the 911 selective router and from that selective router to the 911 PSAP to supply a P.01 grade of service or better. A P.01 grade of service allows one busy signal in 100 attempted calls during the average busy hour. For wireline 911 calls, there shall be a minimum of two lines from each central office to the selective router and there shall be a minimum of two lines from the selective router to each PSAP.

(e) The agency shall take into account the estimated volume of calls that the remote agency will receive during the busy hour when determining the number of lines required.

(f) The county 911 coordinator shall analyze MIS and E911 traffic data and determine wireless call routing and act upon this information as necessary for congestion control management to the PSAP(s).

(g) The county 911 coordinator shall work closely with PSAP managers, supervisors, public safety providers, and call takers to develop standard operation procedures for call handling and ADA compliance. Each PSAP shall review and update these call handling procedures regularly with the county 911 coordinator. Call takers shall have ready access to county and or agency 911 policy and procedure manuals.

(2) Public Safety Answering Point Equipment – The county PSAP(s) shall incorporate the following operational equipment:

(a) Customer Premises Equipment (CPE) including 911 call processing and call answering communications or terminal equipment located at the PSAP and the call taker positions.

1. Automatic telephone number identification (ANI) display capability.

2. Automatic location identification (ALI) display capability.

(b) Management Information System (MIS) – call record management system required for call detail information State reporting capable of identifying by County and PSAP, at a minimum: the number of 911 calls, the call volume and percentage by type of call and trunk identifier, the call taker position at the PSAP, the call length of time to answer, transferred or terminated, and the duration of the call.

(c) Printer for call detail information, 911 logging printer or e-printer needed for records.

(d) Teletypewriters (TTYs) communications equipment or functional equivalent with record printout. If 24-hour repair is not available for TTY equipment, the county 911 system shall maintain spare TTYs for temporary use.

(e) Logging recording equipment will record the conversation, incoming trunk, identification of the position handling the call, and date and time of each 911 call.

(f) Instant play back recording capability, each call taker shall be equipped with access to instant playback recording capability.

(g) Uninterruptible power supply (UPS) with sufficient capacity to maintain PSAP equipment until the motor generator stabilizes. No calls shall be interrupted or lost during the transition to the UPS.

(h) Auxiliary-powered motor generator sets with associated fuel capacity and resupply capability, for supplying emergency power to the PSAP during extended commercial power outages.

(i) Grounding integrity, the 911 system and generator shall be installed using appropriate grounding engineering.

(j) Lightning and A/C power surge protection.

(k) Fire protection.

(l) 911 consoles, furniture, etc.

(3) Call Taker Position.

(a) The 911 call taker shall be dedicated to processing 911 calls. Other duties may be performed, if the technical standards in paragraph 60FF-6.005(1)(b), F.A.C., can be satisfied. All call takers shall be proficient in the use of PSAP equipment and basic 911 call handling, operations and techniques in technical standard paragraph 60FF-6.005(9)(b), F.A.C., and know how to respond in the event of an equipment emergency.

(b) Each 911 call taker shall receive both audible and visual indications of an incoming 911 call. Each call taker position shall have access to all incoming 911 lines, outgoing dedicated lines, tie-lines, and dial-out lines.

(c) Each county shall maintain a minimum of one non-published number to handle incoming emergency calls from service provider operators and as an alternative number for routing overflow calls. Line(s) should terminate in the

PSAP answering equipment and shall be used for operator emergency transfers or emergency transfers from other counties.

(d) Each call taker position shall be equipped with Teletypewriters (TTYs), or equivalent equipment functionality. Upon hearing nothing or a musical acoustic sound or an automatic voice message, the 911 line shall be connected to the TTY to ensure that no TTY calls are missed.

(e) Each call taker shall have access to the standard operating procedures.

(4) Emergency Operations.

(a) Each county 911 coordinator shall develop an E911 Emergency Operations Plan designed to limit the impact of system failures and expedite the restoration of E911 service. Enhanced 911 systems shall include provisions for back-up to which 911 calls can be routed in the event of failure of a Primary PSAP.

(b) All counties shall have established alternate routes in place to ensure continuance of operations for all 911 services provisioning.

(c) All counties shall have established reroute plans in place to ensure continuity of operations.

(5) Operations.

(a) If there have been no 911 calls received for an extended time interval, a test 911 call shall be made to ensure that the system is operational. This shall be done at least once every 8 hours, if no calls have been received.

(b) With a transferred call, the caller must never be procedurally required to talk with more than two people: the primary PSAP 911 call taker and the call taker at the remote agency. There shall be no inherent double transfers.

1. All 911 calls transferred by a PSAP must be identified at the receiving point as an emergency 911 call.

2. With a transferred call, the call taker shall inform the caller that the call is about to be transferred.

(3) The PSAP transferring the 911 call must stay on the line until the receiving agency answers and accuracy of the transfer is ascertained.

(c) Each call taker shall complete a Trouble Report/Inquiry Form for every 911 call that experienced problems (ANI failures, database errors, etc.). These trouble reports shall be routed to the county 911 coordinator. Enhanced 911 systems shall include a proactive program to identify database errors, which shall continuously monitor and maintain a record of database accuracy. Call takers shall provide information about erroneous location information provided on the ALI screen and any corrections provided by the caller. County 911 coordinators shall establish a standard trouble reporting form and ensure that 911 trouble reports are consistently completed and shall submit these reports to the appropriate service provider(s) for resolution. With a Type 5 E911 system, the county 911 coordinator shall perform both functions.

(d) The 911 call takers shall not refer citizens to a directory of services or provide contact information on emergency calls.

(6) Security.

(a) All PSAPs, 911 equipment and data shall be secured to prevent access by the unauthorized persons. Each PSAP shall have sufficient building security to minimize the possibility of intentional disruption of operations. All E911 processing and control equipment shall be in a locked, environmentally-conditioned area accessible only to authorized personnel. Answering equipment shall be accessible only to PSAP personnel. Display and printing equipment shall be located so that the information is limited to agency authorized personnel.

(b) The PSAP shall not be visible from outside the building and shall not be visible from unsecured areas inside the building, unless it is located in the secured entry point of the jail facility in the sheriff's office.

(c) The PSAP shall be configured to provide a physical barrier from floor to ceiling separating unsecured areas from all 911 personnel required to interact with the public. There shall be no openings in the barrier other than a louvered opening for voice communications. Glass shall be of a heavy-duty, bulletproof type. A pass through drawer shall be used for transfer of documents.

(d) All doors shall be lock-controlled from the inside and be kept closed. If combination locks (rotary or push button) are used, access to the combinations shall be controlled by the PSAP supervisor. Such combinations shall be changed periodically on a schedule to be determined by the PSAP supervisor based on their standard operating procedures.

(e) All exposed 911 circuits inside the building and facilities serving the 911 PSAP shall be protected and marked to prevent damage or tampering.

(7) Alarms/Auto Dialers.

(a) Alarm circuits shall not be routed to a 911 system, and no auto dialer shall be used, unless two-way voice communication is possible. Automatic dialers must provide two-way voice communications and be capable of forced disconnection by the PSAP.

(b) There shall be no burglar alarms or elevator telephones terminated in 911 trunks.

(8) Maintenance and Testing.

(a) The PSAP E911 systems shall be maintained in operable working condition. Testing shall be conducted periodically on critical functions of all call taking equipment including TTY equipment operation.

(b) Routine and emergency maintenance shall be provided for all E911 systems. Where maintenance is provided by county personnel, they shall be trained and qualified in trouble analysis and repair of E911 systems. Where maintenance is

provided by a vendor, a written contract containing a guarantee of performance including vendor response time and maximum system downtime is required.

(c) TTY equipment operation shall be tested a minimum of twice weekly during each shift. TTY equipment operation shall be conducted with random TTY test calls with both silent, open-line calls in which no tones are emitted and calls where the caller introduces the call by transmitting TTY tones. All tests shall be documented.

(d) Each PSAP shall have telephone numbers displayed and readily available for reporting failures in all 911 systems to service providers and county maintenance personnel. All PSAPs shall require equipment vendors and service providers to provide emergency trouble reporting telephone numbers that are staffed and answered 24-hours per day, 7 days per week.

(9) Training and Standard Operating Procedures

(a) Counties shall include specified training standards in their standard operating procedures. These SOP shall include classroom and on-the-job instruction and training course content required for 911 public safety telecommunicators.

Rulemaking Authority 365.171(4) FS. Law Implemented 365.171(4), (10) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Charles Ghini, Director, Division of Telecommunications
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Linda South, Secretary, Department of Management Services
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 13, 2010
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 7, 2008

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: 61G19-5.002
RULE TITLE: Disciplinary Guidelines
PURPOSE AND EFFECT: The purpose of this rule is to update the disciplinary guidelines for failure to report convictions to the Board.
SUMMARY: The rule will update the disciplinary guidelines for failure to report convictions to the Board.
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: 455.227, 455.2273, 468.606 FS.

LAW IMPLEMENTED: 455.227, 455.2273, 468.607, 468.621, 468.629 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-5.002 Disciplinary Guidelines.
(1) through (2) No change.

VIOLATION	RECOMMENDED RANGE OF PENALTY
(a) through (v) No change	
(w) <u>Failing to report in writing to the Board within thirty (30) days a conviction, guilty verdict, or plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction.</u>	(w)1. <u>For late reporting of a conviction, guilty verdict or plea, a \$50.00 citation.</u> (w)2. <u>For failure to report a conviction, guilty verdict or plea, a \$500.00 citation.</u> (w)3. <u>For failure to report a crime directly related to building code administration or inspection, open a new case pursuant to sub-paragraph (2)(e) and failure to report shall be considered an aggravating factor.</u>
(3) through (5) No change	

Rulemaking Authority 455.227, 455.2273, 468.606 FS. Law Implemented 455.227, 455.2273, 468.607, 468.621, 468.629 FS. History—New 5-23-94, Amended 8-14-96, 8-3-97, 11-2-00, 4-10-06, 1-10-07, 9-20-09, 6-1-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Building Code Administrators and Inspectors Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 15, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 28, 2010

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.: 62-204.800
RULE TITLE: Federal Regulations Adopted by Reference

PURPOSE AND EFFECT: The proposed rule amendments (OGC No. 10-0879) establish compliance deadlines for hospital/medical/infectious waste incinerator units subject to revised EPA regulations at 40 C.F.R. Part 60, Subpart Ce, and procedures by which individual units may request compliance deadline extensions. The proposed rule amendments also establish a requirement for a metals emissions test at the time of each particulate matter emissions test.

SUMMARY: Under section 111(d) of the federal Clean Air Act, Florida is required to submit a plan to EPA for implementation of EPA's revised hospital/medical/infectious waste incinerator emissions standards. The proposed rule amendments provide the basis for the state's plan. While Rule 62-204.800, F.A.C., is referenced in numerous DEP rules, subsection 62-204.800(9), F.A.C., is referenced specifically or by general intention in Rules 62-210.200, 62-212.400, 62-212.500, 62-212.710, 62-213.420, 62-213.430, 62-296.100 and 62-296.401, F.A.C., only. The proposed amendments are intended to have effect in the all of the referencing rules listed above.

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

Any person who wishes to provide information regarding a SERC, or provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice. RULEMAKING AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.031, 403.061 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: Thursday, November 18, 2010, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, Division of Air Resource Management, 111 South Magnolia Drive, Suite 23, Director's Conference Room, Tallahassee, Florida.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Lynn Scarce at (850)921-9551. If you are 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: Ms. Tiffany Miesel at (850)921-8306 or tiffany.miesel@dep.state.fl.us

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 (7) 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, or later as specifically indicated, are adopted and incorporated by reference:

1. through 7. No change.

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(j)(†). At 40 C.F.R. § 60.50c(m), the “applicable compliance date of the requirements of subpart Ce” shall be the later of June 1, 2012, or such date as established pursuant to the provisions of sub-subparagraph 62-204.800(9)(g)9.d., F.A.C.

9. through 81. No change.

(c) through (e) No change.

(9) Title 40, Code of Federal Regulations, Part 60, Emission Guidelines and Compliance Times.

(a) General Applicability and Definitions.

1. The purpose and effect of each subpart of 40 C.F.R. Part 60 or portion thereof adopted and incorporated by reference in this subsection is determined by the context in which it is cited within this subsection. The Emission Guidelines for Existing Sources adopted by reference in this rule shall be controlling over other standards in the air pollution rules of the Department except that any emission limiting standard contained in or determined pursuant to the air pollution rules of the Department which is more stringent than one contained in an Emission Guideline, or which regulates emissions of pollutants or emissions units not regulated by an applicable Emission Guideline, shall also apply.

2. No change.

(b) through (c) No change.

(d) Hospital/Medical/Infectious Waste Incinerators. 40 C.F.R. Part 60, Subpart Ce, Emission Guidelines and Compliance Times for Hospital/Medical/Infectious Waste Incinerators, revised as of July 1, 2001, is hereby adopted and incorporated by reference, subject to the following provisions:

1. through 9. No change.

10. Compliance Times.

a. through d. No change.

e. Each hospital/medical/infectious waste incinerator subject to paragraph 62-204.800(9)(d), F.A.C., shall comply with the requirements of this paragraph until the later of June 1, 2012, or such date as established pursuant to the provisions of sub-subparagraph 62-204.800(9)(g)9.d., F.A.C.

~~H. Permit Application Deadline. Any hospital/medical/infectious waste incinerator subject to paragraph 62-204.800(9)(d), F.A.C., is subject to the permitting requirements of Chapter 62-213, F.A.C. Any hospital/medical/infectious waste incinerator that becomes subject to the permitting requirements of Chapter 62-213, F.A.C., for the first time solely because it is subject to paragraph 62-204.800(9)(d), F.A.C., shall file an application for an operation permit under the requirements of Chapter 62-213, F.A.C., no later than May 1, 2000, unless the facility will cease operations permanently within one year of the U.S. Environmental Protection Agency’s approval of the Florida Department of Environmental Protection’s 40 C.F.R. Part 60, subpart Ce implementation plan, in which case an application for an operation permit under the requirements of Chapter 62-213, F.A.C., shall not be required. Any hospital/medical/infectious waste incinerator that has previously filed an application for an operation permit under the requirements of Chapter 62-213, F.A.C., shall file an amendment to its application (if the permit has not been issued) or an application for a permit revision no later than May 1, 2000.~~

(e) through (f) No change.

(g) Hospital/Medical/Infectious Waste Incinerators. 40 C.F.R. Part 60, Subpart Ce, Emission Guidelines and Compliance Times for Hospital/Medical/Infectious Waste Incinerators, revised as of July 1, 2009; amended October 6, 2009, at 74 FR 51368; is hereby adopted and incorporated by reference, subject to the following provisions:

1. Applicability. The applicability of paragraph 62-204.800(9)(g), F.A.C., shall be the same as set forth at 40 C.F.R. § 60.32e, where the applicable compliance date at 40 C.F.R. § 60.32e(j) shall be the later of June 1, 2012, or such date as established pursuant to the provisions of sub-subparagraph 62-204.800(9)(g)9.d., F.A.C.

2. through 6. No change.

7. Compliance, Performance Testing, and Monitoring Provisions.

a. through c. No change.

d. On or after June 1, 2012, any time the owner or operator of any hospital/medical/infectious waste incinerator subject to paragraph 62-204.800(9)(g), F.A.C., conducts a performance test for any reason for particulate matter (PM), the owner or operator shall also conduct a performance test for mercury (Hg), cadmium (Cd), and lead (Pb). Testing shall be conducted in accordance with the applicable test procedures and methods set forth at 40 C.F.R. § 60.56c(b), and test data shall be reported to the Department in accordance with the provisions of 40 C.F.R. § 60.58c(c). This requirement for supplemental metals testing shall not apply if the owner or operator continuously monitors or samples Hg emissions in accordance with the provisions of 40 C.F.R. § 60.56c(c)(5) or 40 C.F.R. § 60.56c(c)(7).

8. No change.

9. Compliance Times.

a. Each hospital/medical infectious waste incinerator subject to paragraph 62-204.800(9)(g), F.A.C., shall comply with the operator training and qualification requirements of subparagraph 62-204.800(9)(g)4., F.A.C., by June 1, 2012 according to the schedule set forth at 40 C.F.R. § 60.39e(e).

b. Each hospital/medical/infectious waste incinerator subject to paragraph 62-204.800(9)(g), F.A.C., shall comply with the inspection requirements of subparagraph 62-204.800(9)(g)6., F.A.C., by June 1, 2012 according to the schedule set forth at 40 C.F.R. § 60.39e(e).

c. Except as provided for under sub-subparagraph 62-204.800(9)(g)9.d., F.A.C., each hospital/medical/infectious waste incinerator subject to paragraph 62-204.800(9)(g), F.A.C., shall comply with all remaining requirements of paragraph 62-204.800(9)(g), F.A.C., by June 1, 2012.

d. Any hospital/medical/infectious waste incinerator subject to paragraph 62-204.800(9)(g), F.A.C., that chooses to comply with the alternate schedule set forth at 40 C.F.R. § 60.39e(c), shall submit to the Department the information specified at 40 C.F.R. § 60.39e(d)(1)(i) and (ii) as part of the permit application required pursuant to subparagraph 62-204.800(9)(g)10., F.A.C. The alternate schedule must provide for compliance with the remaining requirements of sub-subparagraph 62-204.800(9)(g)9.d., F.A.C., no later than June 1, 2014.

10. Permit Application Deadline. Any hospital/medical/infectious waste incinerator subject to paragraph 62-204.800(9)(g), F.A.C., shall file an application for Title V permit revision no later than June 1, 2011. Effective Date. The effective date of paragraph 62-204.800(9)(g), F.A.C., shall be April 1, 2012.

11. Related Provisions. Each hospital/medical/infectious waste incinerator subject to paragraph 62-204.800(9)(g), F.A.C., shall also comply with all requirements of subsection 62-296.401(4), F.A.C., to the extent that such requirements are stricter than, or supplemental to, the requirements of paragraph 62-204.800(9)(g), F.A.C.

(h) No change.

(10) through (27) No change.

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, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Joseph Kahn, Director, Division of Air Resource Management

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mr. Michael W. Sole, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 4, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 30, 2010

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NO.:

RULE TITLE:

64B-4.006

Pain Management Clinic, Fees

PURPOSE AND EFFECT: The department determined that the portions of the rule that do not relate to fees need to be moved to another rule chapter.

SUMMARY: This rule deletes text regarding pain-management clinic registration which is part of a different rule. It clarifies that the \$145 registration fee is required at initial clinic registration and also is required when there is a change of owner or address.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 456.004, 458.3265(4), 459.0137(4) FS.

LAW IMPLEMENTED: 458.3265, 459.0137 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Executive Director, Division of Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-4.006 Pain Management Clinic Registration Requirements, Fees.

~~(1) Registration Requirements.~~

~~(a) Every practice location prescribing or dispensing Schedule II-IV controlled substances as defined in Sections 458.309(4), (5) and 459.005(3), (4), F.S., must register and maintain a valid registration with the Department. To register with the Department, the medical director of a health care clinic licensed pursuant to Chapter 400, F.S., or if the clinic is not licensed pursuant to Chapter 395 or 400, F.S., the clinic's responsible physician who has an active, full, and unencumbered license issued pursuant to Chapter 458 or 459, F.S., must submit Application for Pain Management Clinic Registration, Form #DH-MQA-1219, effective 10/09, incorporated herein by reference. This form can be obtained from the Department of Health, Division of Medical Quality Assurance, at: 4052 Bald Cypress Way, Bin C-01, Tallahassee, FL 32399 or on the Board of Medicine or Board of Osteopathic Medicine website, which can be accessed at: www.doh.state.fl.us/mqa.~~

~~(b) The medical director or the designated physician registering the clinic is required to agree to having read Rule 64B8-9.013, F.A.C. Standards for the Use of Controlled Substances for the Treatment of Pain, or Rule 64B15-14.009, F.A.C. Standards for Office Based Opioid Addiction Treatment, and that all physicians practicing in the clinic have been or will be provided with a copy of the rule prior to prescribing or dispensing controlled substance pain medications in the clinic.~~

~~(2) Fees.~~

~~(1)(a) The registration fee shall be \$145.00, and this fee also is required upon change of physical location or change of ownership.~~

~~(2)(b) An additional five dollar (\$5.00) fee shall be added to the cost of registration to cover unlicensed activity, as required by Section 456.065(3), F.S.~~

Rulemaking Authority 456.004, ~~458.3265(4), 458.309, 459.0137(4), 459.005~~ FS. Law Implemented ~~458.3265, 458.309, 459.0137, 459.005~~ FS. History—New 1-5-10, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Larry McPherson

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:

September 28, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

August 6, 2010

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE NO.:

64B6-8.002

RULE TITLE:

Qualifications for Trainees, Sponsors and Designated Hearing Aid Specialists

PURPOSE AND EFFECT: The Board proposes the rule amendment to add questions to the application to address licensure restrictions created by SB 1986.

SUMMARY: Questions will be added to the application to address licensure restrictions created by SB 1986.

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: 484.044, 484.0445 FS.

LAW IMPLEMENTED: 484.0445 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B6-8.002 Qualifications for Trainees, Sponsors and Designated Hearing Aid Specialists.

(1) The Department shall temporarily certify, until the next Board meeting, only those applicants who meet the following requirements, in addition to those imposed by law:

(a) No change.

(b) The applicant must complete the Training Program Registration Application, Form DH-MQA 1158 (revised ~~11/09 10/08~~), hereby adopted and incorporated by reference, which can be obtained from the Board of Hearing Aid Specialists' website at <http://doh.state.fl.us/mqa/HearingAid/>, and pay the appropriate fee; and

(c) No change.

(2) through (3) No change.

Rulemaking Authority 484.044, 484.0445 FS. Law Implemented 484.0445 FS. History—New 1-12-84, Formerly 21JJ-8.02, Amended 8-12-87, 9-13-90, Formerly 21JJ-8.002, Amended 12-6-94, Formerly 61G9-8.002, Amended 6-2-03, 3-4-08, 5-26-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Hearing Aid Specialists
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Board of Hearing Aid Specialists
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: November 13, 2010
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 9, 2010

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-1.007
RULE TITLE: List of Approved Forms;
Incorporation

PURPOSE AND EFFECT: The proposed rule amendments are intended to incorporate the revised Physician Dispensing Registration form; the revised application for physician assistant prescribing; application for changes to the prescribing PA application and the revised Supervision Data Form into the Board's forms rule.

SUMMARY: The proposed rule amendments incorporate the revised Physician Dispensing Registration form; the revised application for physician assistant prescribing; application for changes to the prescribing PA application and the revised Supervision Data Form into the Board's forms rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments will not have an impact on small business.

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

RULEMAKING AUTHORITY: 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.3475, 458.351(6) FS.

LAW IMPLEMENTED: 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-1.007 List of Approved Forms; Incorporation.
The following forms used by the Board in its dealings with the public are listed as follows and are hereby adopted and incorporated by reference, and can be obtained from the Board office by writing to the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753, or by telephoning (850)245-4131:

- (1) through (12) No change.
- (13) DH-MQA 1070, entitled "Physician Dispensing Practitioner Registration," (8/10 ~~4/03~~).
- (14) through (22) No change.
- (23) DH-MQA 2001, entitled "Application for Licensure as Prescribing Physician Assistant," (8/10 ~~4/00~~).
- (24) DH-MQA 2002, entitled "Application for Changes to Licensure as Prescribing Physician Assistant," (8/10 ~~4/00~~).
- (25) DH-MQA 2004, entitled "Supervision Data Form," (8/10 ~~Revised 2/08~~).

Rulemaking Authority 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.3475, 458.351(6) FS. Law Implemented 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 FS. History--New 4-17-01, Amended 11-20-01, 8-13-02, 11-10-02, 3-19-03, 6-4-03, 11-17-03, 4-19-04, 1-31-05, 9-29-05, 6-29-06, 12-26-06, 4-2-07, 6-25-08, 1-18-09, 3-17-09, 5-20-09, 10-7-09, 1-7-10, 2-2-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: PA Council and Rules Committee, Board of Medicine
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2010
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 10, 2010

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-4.029
RULE TITLE: Registration as a Dispensing Physician; Delegation of Dispensing to Prescribing Physician Assistants

PURPOSE AND EFFECT: The proposed rule amendment is intended to incorporate the revised dispensing physician registration form into the rule and to incorporate the new form for physicians who delegate dispensing to their prescribing physician assistants.

SUMMARY: The proposed rule amendment incorporates the revised dispensing physician registration form into the rule and incorporates the new form for physicians who delegate dispensing to their prescribing physician assistants.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments 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: 458.309, 465.0276 FS.

LAW IMPLEMENTED: 465.0276, 458.347(4)(e) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-4.029 Registration as a Dispensing ~~Physician Practitioner~~; Delegation of Dispensing to Prescribing Physician Assistants.

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

(1) Submit application to the Board on form DH-MQA 1070, entitled "Physician Dispensing ~~Practitioner~~ Registration," (8/10/09), which is hereby incorporated by reference and available from the Board of Medicine's website at http://www.doh.state.fl.us/mqa/medical/me_applicant.html;

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

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

(4) Pursuant to Section 458.347(4)(e), Florida Statutes, a dispensing physician who supervises a Florida-licensed prescribing physician assistant has the authority to delegate to the prescribing physician assistant the dispensing of any medication used in the supervising physician's practice unless such medication is listed in the formulary set forth in Rule 64B8-30.008, F.A.C. The delegation of dispensing to the prescribing physician assistant must be documented with the Board of Medicine by completing form DH-MQA 1240, entitled "Dispensing Physician Assistant," (8/10), which is hereby incorporated by reference and available from the Board of Medicine's website at http://www.doh.state.fl.us/mqa/medical/me_applicant.html. No fee is required for the delegation of dispensing to physician assistants.

Rulemaking Authority 458.309, 465.0276 FS. Law Implemented 465.0276, 458.347(4)(e) FS. History—New 3-24-09, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2010

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-30.003 RULE TITLE: Physician Assistant Licensure

PURPOSE AND EFFECT: The proposed rule amendments are intended to incorporate the revised Supervision Data Form, the revised Application for Licensure As a Prescribing Physician Assistant, and the Application for Changes to the Prescribing License into the rule. In addition, the rule amendments clarify the rule with regard to dispensing physician assistants.

SUMMARY: The proposed rule amendments incorporate the revised Supervision Data Form, the revised Application for Licensure As a Prescribing Physician Assistant, and the Application for Changes to the Prescribing License into the rule. Additionally, the rule amendments clarify the rule by removing the requirement for the 3 months of clinical experience, and require physicians who elect dispensing by their prescribing physician assistants to complete and submit the appropriate form for the delegation of dispensing.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments will not have an impact on small business.

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

RULEMAKING AUTHORITY: 456.013, 456.031(2), 456.033(6), 458.309, 458.347 FS.

LAW IMPLEMENTED: 456.013, 456.017, 456.031, 456.033, 458.347 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-30.003 Physician Assistant Licensure.

(1) Requirements for Licensure.

(a) All applicants for licensure as physician assistants shall submit an application to the Department. The application shall be made on Form DH-MQA 2000, entitled "Application for Licensure as a Physician Assistant," (revised 10/09), hereby adopted and incorporated by reference, and can be obtained from the Board of Medicine's website at <http://www.doh.state.fl.us/mqa/PhysAsst/index.html>. The applicant must meet all of the requirements of Section 458.347(7) or 459.022(7), F.S., and the applicant must submit two personalized and individualized letters of recommendation from physicians. Letters of recommendation must be composed and signed by the applicant's supervising physician, or, for recent graduates, the preceptor physician, and give details of the applicant's clinical skills and ability. Each letter must be addressed to and directed to the Council on Physician Assistants and must have been written no more than six months prior to the filing of the application.

(b) In addition, upon employment, a licensed physician assistant must notify the Board of Medicine, in writing, utilizing Form DH-MQA 2004, entitled "Supervision Data Form," (revised 8/10), hereby adopted and incorporated by reference, which can be obtained from the Board of Medicine's website at <http://www.doh.state.fl.us/mqa/PhysAsst/index.html>, within 30 days of such employment. Any subsequent changes to the physician assistant's employment must also be made, in writing, within 30 days of such change, utilizing this same form.

(2) through (4) No change.

(5) Licensure as a Prescribing Physician Assistant.

(a) An applicant for licensure as a prescribing physician assistant shall, together with the supervising physician, jointly submit the "Application for Licensure As a Prescribing Physician Assistant" DH-MQA 2001 (Revised 8/10), which is hereby incorporated by reference and can be obtained from the Board of Medicine's website at <http://www.doh.state.fl.us/mqa/PhysAsst/index.html> application for licensure as set forth in Rule 64B8-1.007, F.A.C. The same application form may be utilized by any alternate supervising physicians, provided that all supervising physicians practice in the same specialty area and in the same practice setting. A separate application form shall be required for each distinct specialty area of practice, as well as for each distinct practice setting. Satellite offices within the same practice do not constitute distinct practices.

(b) The applicant shall have completed a 3 hour course approved by the Board in prescriptive practice, which course shall cover the limitations, responsibilities, and privileges involved in prescribing medicinal drugs.

(c) The fee for licensure as a prescribing Physician Assistant shall be as set forth in Rule 64B8-30.013, F.A.C., and shall be in addition to any other applicable fees in said rule. No additional fees will be required for any separate application for a distinct area of practice, or a change in practice setting during the same biennium.

(d) Changes to the Application as a Prescribing Physician Assistant shall be made on the form entitled "Application for Changes to the Prescribing License," DH-MQA 2002 (Revised 8/10), which is hereby incorporated by reference and can be obtained from the Board of Medicine's website at <http://www.doh.state.fl.us/mqa/PhysAsst/index.html>.

~~(e) The applicant shall have completed a minimum of 3 months of clinical experience in the specialty area of the supervising physician. For purposes of this rule, this means 3 continuous months of full-time practice or its equivalent, following full licensure as a physician assistant, within 4 years immediately preceding the filing of the application.~~

(6) Registration as a dispensing physician assistant shall be made on the form set forth in subsection 64B8-4.029(4), F.A.C.

Rulemaking Authority 456.013, 456.031(2), 456.033(6), 458.309, 458.347 FS. Law Implemented 456.013, 456.017, 456.031, 456.033, 458.347 FS. History—New 4-28-76, Amended 11-15-78, 10-23-80, 12-4-85, Formerly 21M-17.03, Amended 5-13-87, 11-15-88, 11-15-90, 1-9-92, 5-6-93, Formerly 21M-17.003, Amended 9-21-93, Formerly 61F6-17.003, Amended 9-8-94, 11-30-94, 10-25-95, 3-25-96, Formerly 59R-30.003, Amended 6-7-98, 8-19-99, 5-28-00, 3-3-02, 5-19-03, 10-19-03, 11-17-03, 9-5-05, 12-12-05, 10-30-06, 2-25-07, 5-20-09, 2-2-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Council on Physician Assistants

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 18, 2010

DEPARTMENT OF HEALTH**Board of Osteopathic Medicine**

RULE NO.: 64B15-6.003 RULE TITLE: Physician Assistant Licensure

PURPOSE AND EFFECT: The proposed rule amendments are intended to incorporate the revised Supervision Data Form, the revised Application for Licensure As a Prescribing Physician Assistant, and the Application for Changes to the Prescribing License into the rule. In addition, the rule amendments clarify the rule with regard to dispensing physician assistants.

SUMMARY: The proposed rule amendments incorporate the revised Supervision Data Form, the revised Application for Licensure As a Prescribing Physician Assistant, and the Application for Changes to the Prescribing License into the

rule. Additionally, the rule amendments clarify the rule by removing the requirement for the 3 months of clinical experience, and require physicians who elect dispensing by their prescribing physician assistants to complete and submit the appropriate form for the delegation of dispensing.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments 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: 458.347(7), 459.005, 459.022 FS.

LAW IMPLEMENTED: 456.013, 456.031, 456.033, 459.022 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Jusevitch, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-6.003 Physician Assistant Licensure.

(1) Requirements for Licensure.

(a) All applicants for licensure as physician assistants shall submit an application to the Department. The application shall be made on Form DH-MQA 2000, entitled "Application for Licensure as a Physician Assistant," (revised 10/09), hereby adopted and incorporated by reference, and can be obtained from the Board of Medicine's website at <http://www.doh.state.fl.us/mqa/PhysAsst/index.html>. The applicant must meet all of the requirements of Section 458.347(7) or 459.022(7), F.S., and the applicant must submit two personalized and individualized letters of recommendation from physicians. Letters of recommendation must be composed and signed by the applicant's supervising physician, or, for recent graduates, the preceptor physician, and give details of the applicant's clinical skills and ability. Each letter must be addressed to and directed to the Council on Physician Assistants and must have been written no more than six months prior to the filing of the application.

(b) In addition, upon employment, a licensed physician assistant must notify the Board of Medicine, in writing, utilizing Form DH-MQA 2004, entitled "Supervision Data Form," (revised 8/10), hereby adopted and incorporated by reference, which can be obtained from the Board of Medicine's website at <http://www.doh.state.fl.us/mqa/PhysAsst/index.html>,

within 30 days of such employment. Any subsequent changes to the physician assistant's employment must also be made, in writing, within 30 days of such change, utilizing this same form.

(2) though (4) No change.

(5) Licensure as a Prescribing Physician Assistant.

(a) An applicant for licensure as a prescribing physician assistant shall, together with the supervising physician, jointly submit ~~the~~ the "Application for Licensure As a Prescribing Physician Assistant" DH-MQA 2001 (Revised 8/10), which is hereby incorporated by reference and can be obtained from the Board of Medicine's website at <http://www.doh.state.fl.us/mqa/PhysAsst/index.html> ~~application for licensure to the Department on a form approved by the Council and Boards and provided by the Department.~~ The same application may be utilized by any alternate supervising physicians, provided that all supervising physicians practice in the same specialty area and in the same practice setting. A separate application form shall be required for each distinct specialty area of practice, as well as for each distinct practice setting. Satellite offices within the same practice do not constitute distinct practices.

(b) The applicant shall have completed a 3 hour course approved by the Board in prescriptive practice, which shall cover the limitations, responsibilities, and privileges involved in prescribing medicinal drugs.

~~(c) The applicant shall have completed a minimum of 3 months of clinical experience in the specialty area of the supervising physician. For purposes of this rule, this means 3 continuous months of full-time practice or its equivalent, following full licensure as a physician assistant, within the 4 years immediately preceding the filing of the application.~~

~~(c)(d)~~ The fee for licensure as a prescribing Physician Assistant shall be as set forth in Rule 64B15-6.013, F.A.C., and shall be in addition to any other applicable fees in said rule. No additional fees will be required for any separate application for a distinct area of practice, or a change in practice setting during the same biennium.

(d) Changes to the Application as a Prescribing Physician Assistant shall be made on the form entitled "Application for Changes to the Prescribing License," DH-MQA 2002 (Revised 8/10), which is hereby incorporated by reference and can be obtained from the Board of Medicine's website at <http://www.doh.state.fl.us/mqa/PhysAsst/index.html>.

(6) Registration as a dispensing physician assistant shall be made on the form set forth in subsection 64B15-12.0031(4), F.A.C.

Rulemaking Authority 458.347(7), 459.005, 459.022 FS. Law Implemented 456.013, 456.031, 456.033, 459.022 FS. History—New 10-18-77, Formerly 21R-6.03, Amended 10-28-87, 4-21-88, 4-18-89, 9-26-90, 5-20-91, 10-28-91, 3-16-92, Formerly 21R-6.003, Amended 11-4-93, 3-29-94, Formerly 61F9-6.003, Amended 2-1-95, Formerly 59W-6.003, Amended 6-7-98, 3-10-02, 2-23-04, 10-30-06, 2-25-07, 5-20-09, 2-2-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Council on Physician Assistants
 NAME OF AGENCY HEAD WHO APPROVED THE
 PROPOSED RULE: Board of Osteopathic Medicine
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: August 20, 2010
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: June 18, 2010

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-12.0031
 RULE TITLE: Registration as a Dispensing
 Physician; Delegation of
 Dispensing to Prescribing
 Physician Assistant

PURPOSE AND EFFECT: The proposed a rule is intended to address dispensing physicians and to address the delegation of dispensing by physicians to prescribing physician assistants.

SUMMARY: The proposed rule sets forth the requirements for dispensing physicians and the requirements for dispensing physicians who wish to delegate dispensing to prescribing physician assistants.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments 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: 459.005, 465.0276 FS.

LAW IMPLEMENTED: 465.0276, 459.022(4)(e) 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, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-12.0031 Registration as a Dispensing Physician; Delegation of Dispensing to Prescribing Physician Assistants. A physician may dispense drugs to his or her patient in the regular course of his or her practice provided that the physician is registered as a dispensing physician with the Board of Osteopathic Medicine. In order to register as a dispensing physician, the physician must:

(1) Submit application to the Board on form DH-MQA 1242, entitled "Osteopathic Physician Dispensing Registration," (8/10), which is hereby incorporated by reference and available from the Board of Osteopathic Medicine's website at <http://www.doh.state.fl.us/mqa/osteopath/index.html>.

(2) Comply with the provisions of Section 465.0276, F.S., regarding dispensing physicians; and

(3) Pay the registration fee as set forth in Rule 64B15-10.005, F.A.C.

(4) Pursuant to Section 459.022(4)(e), F.S., a dispensing physician who supervises a Florida-licensed prescribing physician assistant has the authority to delegate to the prescribing physician assistant the dispensing of any medication used in the supervising physician's practice unless such medication is listed in the formulary set forth in Rule 64B15-6.0038, F.A.C. The delegation of dispensing to the prescribing physician assistant must be documented with the Board of Osteopathic Medicine by completing form DH-MQA 1240, entitled "Dispensing Physician Assistant," (8/10), which is hereby incorporated by reference and available from the Board of Osteopathic Medicine's website at http://www.doh.state.fl.us/mqa/medical/me_applicant.html. No fee is required for the delegation of dispensing to physician assistants.

Rulemaking Authority 459.005, 465.0276 FS. Law Implemented 465.0276, 459.022(4)(e) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Board of Osteopathic Medicine
 NAME OF AGENCY HEAD WHO APPROVED THE
 PROPOSED RULE: Board of Osteopathic Medicine
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: August 20, 2010
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: September 10, 2010

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-12.005
 RULE TITLE: Limited Licensure

PURPOSE AND EFFECT: The proposed rule amendment is intended to incorporate the revised limited licensure application in the rule and to clarify the CME requirement for limited licensure.

SUMMARY: The proposed rule amendment incorporates the revised limited licensure application in the rule and to clarifies the CME requirement for limited licensure.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments 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: 459.005, 459.0075 FS.

LAW IMPLEMENTED: 459.0075 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Jusevitch, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-12.005 Limited Licensure.

(1) Each applicant for limited licensure pursuant to Section 459.0075, F.S., shall file board approved application form, DH-MQA 1171 (Revised ~~8/10~~ ~~2/10~~), Application for Limited License, which is hereby incorporated by reference, and may be obtained from the Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, or by web at www.doh.state.fl.us/mqa/osteopath/index.html. For purposes of this rule, retired means previously separated or withdrawn from the practice of Osteopathic Medicine, as distinguished from a relocation of the applicant's practice to a different geographic area.

(2) through (3) No change.

(4) Any person desiring to obtain a limited license pursuant to Section 459.0075, F.S., shall complete or shall have completed 40 hours of continuing education as required in Rule 64B15-13.001, F.A.C., in the two year period preceding licensure.

Rulemaking Authority 459.005, 459.0075 FS. Law Implemented 459.0075 FS. History--New 10-28-93, Formerly 61F9-12.005, Amended 10-15-95, Formerly 59W-12.005, Amended 11-27-97, 6-28-09, 3-25-10, 6-23-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Osteopathic Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 20, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 10, 2010

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-18.003
RULE TITLE: Medicinal Drugs Which May be Ordered by Pharmacists

PURPOSE AND EFFECT: The proposed rule amendments are intended to update language in the rule addressing specific medications which may be ordered by pharmacists.

SUMMARY: The proposed rule amendments update the list of specific medicinal drugs which may be ordered by a pharmacist.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments will not have an impact on small business.

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

RULEMAKING AUTHORITY: 465.186(2) FS.

LAW IMPLEMENTED: 465.186 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, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-18.003 Medicinal Drugs Which May be Ordered by Pharmacists.

A Pharmacist may order and dispense from the following formulary within the pharmacists professional judgment, subject to the stated conditions:

(1) Oral analgesics for mild to moderate pain. The pharmacist may order these drugs for minor pain and menstrual cramps for patients with no history of peptic ulcer disease. The prescription shall be limited to a six (6) day supply for one treatment. If ~~The following may be ordered for mild to moderate pain: magnesium salicylate/phenyltoloxamine citrate, acetylsalicylic acid (Zero order release, long acting tablets), choline salicylate and magnesium salicylate; IBUPROFEN (no more than 400 mg per dosage unit for minor pain and menstrual cramps limited to a six (6) day supply for one treatment).~~ When appropriate, such prescriptions shall be labeled to be taken with food or milk.

(a) Magnesium salicylate/phenyltoloxamine citrate.

(b) Acetylsalicylic acid (Zero order release, long acting tablets).

(c) Choline salicylate and magnesium salicylate.

(d) Naproxen sodium.

(e) Naproxen.

(f) Ibuprofen.

~~(2) Urinary analgesics. Phenazopyridine. The following may be ordered: phenazopyridine not exceeding a two (2) day supply. The Such prescriptions shall be labeled about as to the tendency to discolor urine. If and when appropriate, the prescription shall be labeled to be taken after meals.~~

~~(3) Otic analgesics. Antipyrine The following may be dispensed: antipyrine 5.4%, benzocaine 1.4%, glycerin, if clinical signs and symptoms of tympanic membrane perforation do not exist. The product which shall be labeled for use in the ear only.~~

~~(4) Hemorrhoid medications. The following may be dispensed: 0.5% hydrocortisone acetate and 0.5% dibucaine ointments and creams, limited to a seven (7) day supply.~~

~~(5) Leg cramps. The following may be ordered: quinine sulfate tablets, except to patients with cardiac arrhythmias, and not to patients currently using anticoagulant or digitalis containing drugs. When appropriate, such prescriptions shall be labeled to be taken with or after meals.~~

~~(4)(6) Anti-nausea preparations. The following may be dispensed:~~

~~(a) Meclizine up to 25 mg., except for a patient currently using a central nervous system (CNS) depressant. The prescription shall be labeled to advise of drowsiness side effect and caution against concomitant use with alcohol or other depressants.~~

~~(b) Scopolamine not exceeding 1.5 mg. per dermal patch. Patient shall be warned to seek appropriate medical attention if eye pain, redness or decreased vision develops.~~

~~(5)(7) Antihistamines and decongestants. The following, including their salts, either as a single ingredient product or in combination including nasal decongestants, may be ordered for a patients above (6) years of age:~~

~~(a) Antihistamines. The pharmacist shall warn the patient that an antihistamine should not be used by patients with bronchial asthma or other lower respiratory symptoms, glaucoma, cardiovascular disorders, hypertension, prostate conditions and urinary retention. An antihistamine shall be labeled to advise the patient of drowsiness and caution against the concomitant use with alcohol or other depressants.~~

~~1. Diphenhydramine.~~

~~2.(b) Carbinoxamine.~~

~~(c) Loratadine (maximum 14 days supply only).~~

~~3.(d) Pyrilamine.~~

~~(e) Azelastine.~~

~~4.(f) Dexchlorpheniramine.~~

~~5.(g) Brompheniramine.~~

~~(h) Fexofenadine.~~

(b) Decongestants. The pharmacist shall not order an oral decongestant for use by a patient with coronary artery disease, angina, hyperthyroidism, diabetes, glaucoma, prostate conditions, hypertension, or a patient currently using a monoamine oxidase inhibitor.

1. Phenylephrine.

2. Azatadine.

~~The patient should be warned that antihistamines should not be used by patients with bronchial asthma or other lower respiratory symptoms, glaucoma, cardiovascular disorders, hypertension, prostate conditions and urinary retention. Antihistamines shall be labeled to advise of drowsiness side effects and caution against use with alcohol or other depressants:~~

~~(i) Ephedrine.~~

~~(j) Phenylephrine.~~

~~(k) Phenyltoloxamine.~~

~~(l) Azatadine.~~

~~(m) Diphenylpyraline.~~

~~Oral decongestants shall not be ordered for use by patients with coronary artery disease, angina, hyperthyroidism, diabetes, glaucoma, prostate conditions, hypertension, or patients currently using monoamine oxidase inhibitors.~~

(6) Topical antifungal/antibacterials.

(a) Iodochlorhydroxyquin with 0.5% Hydrocortisone (not exceeding 20 grams).

(b) Haloprogin 1%.

(c) Clotrimazole topical cream and lotion.

(d) Erythromycin topical.

~~(8) Anthelmintic. The following may be ordered: Pyrantel pamoate. The drug product may only be ordered for use by patients over 2 years of age.~~

~~(9) Topical antifungal/antibacterials. The following may be ordered: Iodochlorhydroxyquin with 0.5% Hydrocortisone (not exceeding 20 grams), Haloprogin 1%, Clotrimazole topical cream and lotion. The patient shall be warned that all of the above products should not be used near deep or puncture wounds, and Iodochlorhydroxyquin preparations shall be labeled as to the staining potential.~~

(7)(10) Topical anti-inflammatory. The pharmacist shall warn the patient that hydrocortisone should not be used on bacterial infections, viral infections, fungal infections, or by patients with impaired circulation. The prescription shall be labeled to advise the patient to avoid contact with eyes, mucous membranes or broken skin. Preparations containing hydrocortisone not exceeding 2.5%.

~~The following may be ordered: Preparations containing hydrocortisone not exceeding 0.5%. The patient shall be warned that hydrocortisone should not be used on bacterial or fungal infections or by patients with impaired circulation. Such prescriptions shall be labeled to avoid contact with eyes and broken skin.~~

~~(8)(11)~~ Otic antifungal/antibacterial. Acetic ~~The following may be ordered: acetic acid 2% in aluminum acetate solution, which shall be labeled for use in ears only.~~

~~(9)(12)~~ Keratolytics. Salicylic ~~The following may be ordered: salicylic acid 16.7% and lactic acid 16.7% in flexible collodion, to be applied to warts, except for patients under two (2) years of age, and those with diabetes or impaired circulation. Prescriptions shall be labeled to avoid contact with normal skin, eyes and mucous membranes.~~

~~(10)(13)~~ Vitamins with fluoride (This does not include vitamins with folic acid in excess of 0.9 mg.).

~~(11)(14)~~ Medicinal drug shampoos containing Lindane. The pharmacist shall: may be ordered pursuant to the following conditions:

(a) Limit ~~The pharmacist shall limit~~ the order to the treatment of head lice only;

(b) Order no more than four (4) ounces per person; and

(c) Provide ~~provide~~ the patient with the appropriate instructions and precautions for use.

~~(b) The amount allowed per person shall be four ounces.~~

(12) Ophthalmics: Naphazoline 0.1% ophthalmic solution.

(13) Histamine H2 antagonists. The pharmacist shall advise the patient to seek medical attention if symptoms persist longer than 14 days while using the medication or if stools darken or contain blood.

(a) Cimetidine.

(b) Famotidine.

(c) Ranitidine HCL.

(14) Acne products. Benzoyl Peroxide. The prescription shall be labeled to advise the patient to avoid use on the eye, eyelid, or mucous membranes.

(15) Topical Antiviral.

(a) Acyclovir ointment may be ordered for the treatment of herpes simplex infections of the lips.

(b) Penciclovir.

Rulemaking Specific Authority 465.186(2) FS. Law Implemented 465.186 FS. History–New 5-1-86, Formerly 21R-18.003, 61F9-18.003, 59W-18.003, Amended 10-16-01.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Osteopathic Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 20, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 10, 2010

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:
68A-6.0024

RULE TITLES:

Commercialization of Wildlife;
Bonding or Financial
Responsibility Guarantee

68A-6.0025

Sanctuaries; Retired Performing
Wildlife and Identification

68A-6.003

Facility and Structural Caging
Requirement for Class I, II and III
Wildlife

PURPOSE AND EFFECT: The purpose of the proposed rules are to implement statutory changes effective July 1, 2010, relative to the guarantee of financial responsibility by possessors of Class I wildlife and to address facility requirements for captive wildlife. Proposed Rules 68A-6.0024 and 68A-6.0025, F.A.C., will require all possessors of Class I wildlife to “guarantee financial responsibility” in the sum of \$10,000, or a \$2 million insurance policy, for any liability incurred. Proposed Rule 68A-6.003, F.A.C., addresses the strength requirement of materials used for facilities housing Class I or II wildlife that were previously listed as Class III wildlife.

SUMMARY: The changes to Rules 68A-6.0024 and 68A-6.0025, F.A.C., are necessary to implement new statutory requirements. The 2010 Legislature passed Senate Bill 318 and House Bill 572, requiring, among other things, persons possessing Class I wildlife to “guarantee financial responsibility” in the sum of \$10,000, or a \$2 million insurance policy, for any liability incurred. The new law became effective July 1, 2010. Before the legislative amendment only those entities exhibiting Class I wildlife to the public had to provide the financial responsibility guarantee. Those affected by the amendment include entities possessing Class I wildlife for other than exhibition purposes, sanctuaries or those possessing retired performing wildlife. The changes to Rule 68A-6.003, F.A.C., are necessary to address the structural (strength) requirement of materials used for facilities housing certain Class III wildlife that were up-listed to Class I or II. Examples of such wildlife include: Gaur, aardwolves, giraffe, okapi, tapir, saki monkeys, wild cattle, forest, woodland and arid land antelope and similar species of non-native hoof stock (Family Bovidae).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will ___ or will not ___X___ have an impact on small business. A SERC has ___ or has not ___X___ 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: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-6.0024 Commercialization of Wildlife; Bonding or Financial Responsibility Guarantee.

(1) through (2) No change.

(3) It is unlawful to possess ~~exhibit~~ Class I wildlife without having guaranteed financial responsibility. The following methods of payment will satisfy the financial responsibility requirement:

(a) A valid performance bond payable to the Florida Fish and Wildlife Conservation Commission in the sum of \$10,000, in compliance with and as noted in paragraph 68A-6.0024(1)(a), F.A.C., above. The terms of the performance bond shall include the following:

1. The possessor ~~exhibitor~~ shall indemnify and save harmless the injured party if an injury to the public occurs, including accidental death, or other property damage occurs from the ~~exhibited~~ Class I wildlife.

2. The possessor ~~exhibitor~~ shall indemnify and save harmless the Florida Fish and Wildlife Conservation Commission for payment of all expenses relative to the capture, transport, boarding, veterinary care, or other costs associated with or incurred due to seizure or custody of Class I wildlife.

3. The performance bond shall be for the duration of not less than the duration of the licensing period.

(b) Cash, cashier's check, or certified check in the sum of \$10,000. In the instance of a check such instrument shall be made payable to the Florida Fish and Wildlife Conservation Commission. Such cash bond shall be refunded to the possessor of Class I wildlife ~~exhibitor~~ in instances of non-issuance or denial of the initial license application; or the possessor ~~exhibitor~~ has submitted a request for refund to include a notarized statement that they no longer possess ~~exhibit~~ Class I wildlife.

(c) Irrevocable letter of credit issued by a bank, savings and loan, credit union or other similar state or federally chartered financial institution, payable to the Florida Fish and Wildlife Conservation Commission in the sum of \$10,000.

(d) In lieu of the \$10,000 financial responsibility guarantee any person possessing ~~exhibiting~~ Class I wildlife may maintain comprehensive general liability insurance with minimum limits of \$2 million per occurrence and \$2 million annual aggregate as shall protect the possessor of Class I wildlife ~~exhibitor~~ from claims for damage for personal injury, including accidental death, as well as claims for property damage which may arise. The insurance policy shall be for duration of not less than the duration of the licensing period. A current Certificate of Insurance evidencing proof of insurance maintained by the possessor of Class I wildlife ~~exhibitor~~ in such amounts as required by this section, including terms, coverage and expiration date, shall be submitted at the time of initial application and upon renewal. The licensee shall notify the Florida Fish and Wildlife Conservation Commission in writing within 5 calendar days if the insurance policy expires, is cancelled or revoked, or for any other reason becomes invalid. The notification in writing may be delivered by fax at (850)414-8212, or by mail or hand delivery to Florida Fish and Wildlife Conservation Commission, Office of Licensing and Permitting, 2590 Executive Center Circle, Suite 200-Berkley Building, Tallahassee, Florida 32301.

(e) The performance bond or financial responsibility guarantee in the sum of \$10,000, or any portion thereof, will be forfeited to the Florida Fish and Wildlife Conservation Commission if:

1. An injury to the public, including accidental death, or other property damage results from ~~exhibited~~ Class I wildlife and the possessor of such Class I wildlife ~~exhibitor~~ fails to indemnify and save harmless the injured party; or

2. Class I wildlife is taken into custody or seized by commission personnel. In instances where Class I wildlife is seized or taken into custody by the Commission the permittee shall be responsible for payment of all expenses relative to the capture, transport, boarding, veterinary care, or other costs associated with or incurred due to seizure or custody of the wildlife.

(f) The possession ~~exhibition~~ of Class I wildlife in the absence of a current and valid performance bond, payable to the Florida Fish and Wildlife Conservation Commission, in the sum of \$10,000, or a financial responsibility guarantee in the sum of \$10,000, or a current and valid comprehensive general liability insurance with minimum limits of \$2 million per occurrence and \$2 million annual aggregate is prohibited.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.303, 379.304, 379.305, 379.373, 379.374 FS. History—New 2-1-08, Amended 8-27-09, 6-7-10, Amended _____.

68A-6.0025 Sanctuaries; Retired Performing Wildlife and Identification.

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

(f) Any sanctuary ~~possessing~~ ~~exhibiting~~ Class I wildlife as listed in Rule 68A-6.002, F.A.C., must meet the bonding or financial responsibility guarantee requirements of paragraphs 68A-6.0024(3)(a)-(f), F.A.C.

(2) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.921 FS. History—New 8-27-09, Amended _____.

68A-6.003 Facility and Structural Caging Requirement for Class I, II and III Wildlife.

(1) through (2) No change.

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

(c) Group III – Rhinoceros, elephants, hippopotamus, cape buffalos, gaur.

Indoor and outdoor facilities – Construction materials shall consist of steel bars, masonry block or equivalent.

(d) No change.

(e) Group V – Gibbons, siamangs, patas monkeys, howler monkeys, uakaris, mangabeys, guenons, ~~bearded~~ sakis, guereza monkeys, celebes black apes, indris, macaques, langurs, proboscis monkeys, spider monkeys, woolly monkeys, and capuchin monkeys, leopards, cougars, clouded leopards, cheetahs, ocelots, servals, lynx, bobcats, caracals, African golden cats, Temminck’s golden cats, fishing cats, wolves, coyotes, ~~Asiatic~~ jackals, Indian dholes, African hunting dogs, aardwolves, binturongs, and Old World badgers.

1. Outdoor facilities – Construction material shall consist of not less than 11 1/2 gauge chain link or equivalent.

2. Indoor facilities – Potential escape routes shall be equipped with wire or grating not less than 11 1/2 gauge or equivalent.

(f) through (g) No change.

(h) Group VIII – Class III mammals (except spider, woolly, and capuchin monkeys) and Varanidae (except Komodo dragon), giraffe, okapi, tapir, wild cattle, forest woodland and aridland antelope; and similar species of non-native hoofstock (family Bovidae). Such non-native hoofstock to include: Forest buffalo, Banteng, Anoa, Waterbuck, Wildebeest, Hartebeest, Eland, Kudu, Nilgai, Bongo, lechwe, Roan and Sable antelope, Sitatunga, Bontebok, Blesbok, Topi, Kob, Addax, Oryx, Gemsbok, and other wild species of the family Bovidae which are of similar size, habits and nature.

(h) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.3761, 379.3762 FS. History—New 8-1-79, Amended 6-21-82, Formerly 39-6.03, Amended 6-1-86, 7-1-90, 7-1-92, 2-1-98, Formerly 39-6.003, Amended 1-1-08, 1-8-08, 8-27-09, _____.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE. IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

NAME OF PERSON ORIGINATING PROPOSED RULE: Colonel Jim Brown, Director, Division of Law Enforcement
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 1, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 1, 2010

DEPARTMENT OF FINANCIAL SERVICES

Division of Risk Management

RULE NO.: 69H-1.003
 RULE TITLE: Certificate and Other Forms Adopted

PURPOSE AND EFFECT: The purpose of the amendment to the rule is to authorize for use by state universities and agencies a form that captures more accurate and detailed information for developing proper insurance ratings and premiums for buildings insured by the State. The current Form 850 is inadequate for present and future needs. The current Form 850 is authorized by paragraph 69H-1.003(1)(a), F.A.C.

SUMMARY: The current Form 850 contains survey questions used by the Division of Risk Management and its insureds the agencies and universities to develop insurance ratings for properties owned or leased by the State, for the purpose of premium development. The proposed Form 850 significantly expands the scope of questions to provide more accurate information for determining premiums and further allows the agencies, universities, and the Division of Risk Management to store such information in an electronic database as opposed to numerous disconnected individual Excel files.

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: 284.17 FS.

LAW IMPLEMENTED: 255.03(1), 284.01 FS.

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

DATE AND TIME: Wednesday, November 3, 2010, 9:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: George Rozes, (850)413-4754 or George.Rozes@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: George Rozes, Senior Management Analyst II, Division of Risk Management, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0336, (850)413-4754

THE FULL TEXT OF THE PROPOSED RULE IS:

69H-1.003 Certificate and Other Forms Adopted.

(1) The Department hereby adopts and incorporates by reference a Certificate of Coverage and the other forms in paragraphs (a) through (i), below, for use in the State Risk Management Trust Fund, State Property Claims.

(a) Form DFS-D0-850, Coverage Request Form, rev. _____.

(b) through (i) No change.

(2) No change.

Rulemaking Specific Authority 284.17 FS. Law Implemented 255.03(1), 284.01 FS. History—New 7-29-72, Formerly 4-29.04, 4-29.004, Amended 1-7-92, 10-3-94, 12-27-95, 6-21-01, Formerly 4H-1.003, Amended 7-23-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: George Rozes, Senior Management Analyst II, Division of Risk Management, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 23, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 16, 2010

DEPARTMENT OF FINANCIAL SERVICES

Division of Risk Management

RULE NO.: RULE TITLE:

69H-2.008 Other Forms Adopted

PURPOSE AND EFFECT: AND SUMMARY: The Division of Risk Management adjusts claims for employees, volunteers, and other covered persons per Chapter 284, F.S. Currently, the Authorization to Release form DFS-D0-1407 does not state the reason for the requested medical records. This amendment will add a sentence to the form that explicitly states that the medical authorization release concerns a workers' compensation claim. The additional language is needed for the Division to obtain

crucial medical records and to ultimately perform its statutory authority to adjust and settle workers' compensation claims for those covered persons under Section 284.31, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 284.17, 284.39 FS.

LAW IMPLEMENTED: 284.30, 284.40, 284.41 FS.

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

DATE AND TIME: Wednesday, November 3, 2010, 9:00 a.m. or Starting immediately after Hearing for 69H-1.003, F.A.C.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: George Rozes, (850)413-4754 or George.Rozes@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: George Rozes, Senior Management Analyst II, Division of Risk Management, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0336, (850)413-4754

THE FULL TEXT OF THE PROPOSED RULE IS:

69H-2.008 Other Forms Adopted.

(1) The following forms are hereby adopted and incorporated by reference. These forms shall be used to aid the Division in the performance of its administrative duties by securing pertinent facts and information on claims filed against the Fund, as the circumstances of particular cases may require.

(a) through (e) No change.

(f) DFS-D0-1407, "Medical Authorization", rev. 2/10 ~~11/05~~;

(g) through (i) No change.

(2) No change.

Rulemaking Authority 284.17, 284.39 FS. Law Implemented 284.30, 284.40, 284.41 FS. History—New 1-7-92, Amended 6-28-01, Formerly 4H-2.008, Amended 7-4-04, 5-4-05, 10-5-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 George Rozes, Senior Management Analyst II, Division of
 Risk Management, Department of Financial Services
 NAME OF AGENCY HEAD WHO APPROVED THE
 PROPOSED RULE: Alex Sink, Chief Financial Officer,
 Department of Financial Services
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: September 23, 2010
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: July 23, 2010

Section III

Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF COMMUNITY AFFAIRS
Division of Housing and Community Development

RULE NO.: RULE TITLE:
 9B-70.002 Commission Approval and
 Accreditation of Advanced
 Building Code Training Courses
 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. 29, July 23, 2010 issue of the Florida Administrative Weekly.

(1) Approval of Course Accreditors. The Commission shall approve persons to serve as accreditors of advanced training courses. Persons desiring to be accreditors shall apply using the Register Accreditor function and associated online screens, Form FBC-ED-001 ~~9B-70.002(4)~~, effective September 10, 2010 ~~January 1, 2009~~ adopted herein by reference and available from the Building Code Information System at www.floridabuilding.org/ce/ce_tporgapp_dt11.aspx. Applications shall be accompanied by an application fee of \$100.00. Applications shall be approved by the Commission if the applicant has demonstrated five years of Florida Building Code expertise in the field for which approval is sought, or equivalent as specified below, or possesses an active license issued pursuant to Section 471.015, 481.213, or 481.311; Chapter 489, Part I or II, F.S.; or a standard certificate issued pursuant to Section 468.609, F.S. Accreditors approved by the Commission under prior versions of this rule are authorized to continue accreditation of building code courses. Equivalent expertise or proficiency under this provision shall include:

- (a) through (2)(d) No change.
- (3) Training Provider Registration and Requirements.
 - (a) Training providers approved by the Department of Business and Professional Regulation who desire Commission approval and accreditation for advanced building code courses shall register with the Building Code Information System using the Register Training Provider function and associated online

screens, Form FBC-ED-002 ~~9B-70.002(4)(a)~~ effective September 10, 2010 ~~January 1, 2009~~, adopted herein by reference and available from the Building Code Information System at www.floridabuilding.org/ce/ce_tporgapp_dt11.aspx, and pay a registration fee of \$25.00.

(b) Registered training providers shall submit materials and information pertaining to courses for which Commission accreditation and approval is sought utilizing the Submit a Course Application function and associates online screens, Form FBCED 2003-03 ~~9B-70.002(4)(b)~~ effective September 10, 2010 ~~January 1, 2009~~, adopted herein by reference and available from the Building Code Information System at www.floridabuilding.org.

(c) through (7) No change.

Rulemaking Authority 553.841(2) FS. Law Implemented 553.841 FS. History—New 6-8-05, Amended 4-30-07, 6-12-08, 3-4-09, 11-2-09, _____.

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

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 39, October 1, 2010 issue of the Florida Administrative Weekly.

The following was inadvertently omitted from the Notice of Proposed Rule:

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 373.044, 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.

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: Following the regularly scheduled Governing Board Meeting on November 9, 2010, which begins at 1:00 p.m.

PLACE: St. Johns River Water Management District Headquarters, Executive Building, 4049 Reid Street, Palatka, Florida 32177

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE 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, email wgaylord@sjrwmd.com

REGIONAL UTILITY AUTHORITIES

Peace River/Manasota Regional Water Supply Authority

RULE NOS.:	RULE TITLES:
49D-1.001	Agency Description
49D-1.002	Address, Office Hours and Copies of Documents
49D-1.003	Boundaries
49D-1.004	Statutes and Rules Affecting Agency Operations
49D-1.005	Delegation of Authority by the Board of Directors
49D-1.006	General Description of Agency Operations
49D-1.007	Designation of Agency Clerk and Official Reporter
49D-1.008	Voting
49D-1.009	Adoption of Model Rules of Procedure

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 37, September 17, 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 to correct the name of the agency head approving the proposed rule on September 1, 2010 from the Executive Director, Patrick Lehman, to the Peace River Manasota Regional Water Supply Authority Board of Directors

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Peace River Manasota Regional Water Supply Authority Board of Directors

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 1, 2010

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NOS.:	RULE TITLES:
60BB-3.0251	Definitions Relating to Emergency Unemployment Compensation
60BB-3.0252	Eligibility for Emergency Unemployment Compensation
60BB-3.0253	Emergency Unemployment Compensation Individual Accounts
60BB-3.0254	How to Apply for Emergency Unemployment Compensation

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. 35, September 3, 2010 issue of the Florida Administrative Weekly.

60BB-3.0251 Definitions Relating to Emergency Unemployment Compensation.
(No change)

60BB-3.0252 Eligibility for Emergency Unemployment Compensation.

(1) Eligibility Conditions. Emergency Unemployment Compensation is available to individuals who:

- (a) Have exhausted all rights to regular unemployment compensation on a Florida claim with a benefit year that ended on or after May 1, 2007;
- (b) Have no rights to unemployment compensation under any other state or federal law;
- (c) Are not receiving compensation with respect to such week under the unemployment compensation law of Canada; and
- (d) Are legally authorized to work in the United States.

(2) Exhaustion of Benefits. For purposes of this rule, an individual has exhausted all rights to regular unemployment compensation when that individual:

- (a) Has received all regular unemployment compensation available on the qualifying benefit year; or
- (b) Had rights to regular unemployment compensation on the qualifying benefit year, but has insufficient wage credits to establish a new benefit year for regular unemployment compensation.

(3) Exception to Exhaustion Requirement.

(a) Notwithstanding paragraph (1)(a) of this rule, and except as provided in paragraphs (3)(c)-(f) of this rule, the expiration of a qualifying benefit year during which the individual has earned sufficient wage credits to establish monetary eligibility for a new benefit year will not render the individual ineligible for emergency unemployment compensation if:

- 1. The individual has established entitlement to emergency unemployment compensation with respect to that qualifying benefit year;

2. The individual's qualifying benefit year expired on or after July 23, 2010;

3. The individual has remaining entitlement to emergency unemployment compensation benefits with respect to that benefit year; and

4. The weekly benefit amount established under the new benefit year is at least either 25% or \$100 less than the weekly benefit amount for the qualifying benefit year.

(b) If the criteria set forth in paragraph (3)(a) of this rule are satisfied, the Agency shall establish a new benefit year for the individual, but shall defer payment of regular unemployment compensation for the new benefit year until all emergency unemployment compensation payable to the individual has been exhausted.

(c) If the Agency receives information indicating that an individual who qualifies for an exception to the exhaustion requirement under paragraph (3)(a) of this rule has earned income in another state or in other states which would render the individual monetarily eligible for a claim for regular unemployment compensation in that state, the Agency will mail the individual a Form AWI UCB11-I EUC/CWC (09/10), Notice of Eligibility for Regular Benefits in Another State, which will instruct the claimant to notify the appropriate agency in the other state regarding a claim for benefits in that states. The Form AWI UCB11-I EUC/CWC is hereby incorporated by reference into this rule.

(d) The Agency will lift the suspension if the individual files a claim for benefits with the other state as directed on the Form AWI UCB11-I EUC/CWC, and

1. The other state communicates to the Agency that it has determined that the weekly benefit amount for a claim for regular unemployment compensation in that state is at least either 25% or \$100 less than the weekly benefit amount under the individual's EUC claim in Florida; or

2. After twenty eight days have elapsed since the mailing date on the Form AWI UCB11-I EUC/CWC, the other state has not communicated to the Agency its determination regarding the individual's entitlement to regular unemployment compensation in that state.

(e) If the Agency lifts the suspension of the Florida EUC benefits, it will resume paying such benefits to the individual and will also pay the individual benefits for any weeks to which the individual is otherwise entitled that occur during the period of suspension.

(f) If the other state determines that the weekly benefit amount for a claim for regular unemployment compensation in that state is greater than either 25% or \$100 less than the weekly benefit amount under the individual's EUC claim in Florida, the Agency will cease paying on the EUC claim. If, at the time the regular unemployment compensation claim in the other state is exhausted, the individual is still entitled to EUC benefits, the Agency will resume payment of EUC benefits.

(4) Amount Payable.

(a) The amount of emergency unemployment compensation payable to an individual for any week of total unemployment will be equal to the amount of regular unemployment compensation payable during the individual's qualifying benefit year for a week of total unemployment.

(b) The maximum amount of emergency unemployment compensation payable to any individual will not exceed the amount established for such individual in the emergency unemployment compensation account described in Rule 60BB-3.0253, F.A.C.

(5) Applicable Law. The terms and conditions of the law under which the individual claimed and received regular unemployment compensation will apply to claims for and payment of emergency unemployment compensation.

(6) Overpayments. An individual who receives emergency unemployment compensation to which he is not entitled will repay any such overpayment to the Agency for Workforce Innovation. The requirement to repay the overpayment will not be waived.

(a) The Agency may recoup any such overpayments by deducting 50 percent of the weekly benefit amount from any future payments until the overpayment is repaid in full.

(b) Recoupment of overpayments from future benefits may occur at any time during the 3-year period after the date the individual received the payment of the emergency unemployment compensation to which he was not entitled.

(c) No waiver of such recoupment may occur except as permitted by Section 443.151(6)(c), Florida Statutes.

Rulemaking Authority 443.1317(1)(b) FS. Law Implemented 443.091, 443.111, 443.151(6), 443.221(3) FS. History--New 8-11-10, Amended _____.

60BB-3.0253 Emergency Unemployment Compensation Individual Accounts.

(No change)

60BB-3.0254 How to Apply for Emergency Unemployment Compensation.

(No change)

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NOS.:	RULE TITLES:
60BB-3.0261	Definitions Relating to Extended Benefits
60BB-3.0262	Eligibility for Extended Benefits
60BB-3.0263	How to Apply for Extended Benefits

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. 35, September 3, 2010 issue of the Florida Administrative Weekly.

Proposed Rules 60BB-3.0261, 60BB-3.0262, and 60BB-3.0263, Florida Administrative Code, and the forms incorporated by reference into these proposed rules were under review by the Joint Administrative Procedures Committee. On September 17, 2010, the Joint Administrative Procedures Committee directed the attention of the Agency for Workforce attention to a problem with the language in one of the forms incorporated by reference into Proposed Rule 60BB-3.0262, to-wit: EB BRI (7/10), Extended Benefits Benefit Rights Information. The language at issue is: "Failure to meet the EB work search requirements or to accept suitable work in any given week will result in a denial of further benefits until you have worked in at least four (4) different weeks and earned four (4) times your weekly benefit amount."

The Agency has amended this form in response to the Joint Administrative Procedures Committee's comments. Now the language of EB BRI (9/10), Extended Benefits Benefit Rights Information reads as follows: "Failure to apply for, or accept an offer of, suitable work in any given week will result in a denial of further benefits until you have worked in at least four (4) different weeks and earned seventeen (17) times your weekly benefit amount. Failure to furnish tangible evidence of a systematic and sustained effort to find work will result in a denial of further benefits until you have worked in at least four (4) different weeks and earned four (4) times your weekly benefit amount."

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John R. Perry, Assistant General Counsel, Agency for Workforce Innovation, Office of General Counsel, 107 East Madison Street, MSC 110, Tallahassee, Florida 32399-4128, (850)245-7150, fax (850)921-3230, email john.perry@flaawi.com.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF JUVENILE JUSTICE

Residential Services

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

NOTICE OF CORRECTION

Notice is hereby given that the following was inadvertently omitted from the Notice of Proposed Rule published in Vol. 36, No. 39, October 1, 2010 issue of the Florida Administrative Weekly.

NAME OF PERSON ORIGINATING PROPOSED RULE: Darryl Olson, Assistant Secretary for Residential Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Frank Peterson, Jr., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 17, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 27, 2010

DEPARTMENT OF HEALTH

Division of Disease Control

RULE NO.: RULE TITLE:
64D-3.046 Immunization Requirements: Public and Nonpublic Schools, Grades Preschool, Kindergarten Through 12, and Adult Education Classes

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 35, September 3, 2010 issue of the Florida Administrative Weekly.

If requested within 7 days of the date of this notice, a hearing will be held at the date, time, and place shown below.

DATE AND TIME: October 18, 2010, 10:00 a.m. (EDT)

PLACE: 2585 Merchants Row Boulevard, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Lincicome, Senior Management Analyst Supervisor, Department of Health, Bureau of Immunization, 2585 Merchants Row Boulevard, Room 210N, Tallahassee, Florida 32399, (850)245-4342

DEPARTMENT OF HEALTH

Office of Statewide Research

RULE NO.: RULE TITLE:
64H-1.002 Biomedical Research Grant Applications

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. 7, February 19, 2010 issue of the Florida Administrative Weekly.

The original proposed rule has been replaced in its entirety to now read:

64H-1.002 Biomedical Research Grant Applications.

(1) All documents incorporated by reference are available at www.floridabiomed.com.

(2) Grant applications will be accepted in accordance with the following calls for grant applications, incorporated by reference herein:

(a) James & Esther King Biomedical Research Program. Call for Grant Applications: Bridge Grants for Diseases Related to Tobacco Use, Fiscal Year 2011-12. issued December 2010.

(b) James & Esther King Biomedical Research Program. Call for Grant Applications: New Investigator Research (NIR) Grant for Diseases Related to Tobacco Use, Fiscal Year 2011-12, issued December 2010.

(c) James & Esther King Biomedical Research Program. Call for Grant Applications: Team Science Program (TSP) Grant for Diseases Related to Tobacco Use, Fiscal Year 2011-12, issued December 2010.

(d) James & Esther King Biomedical Research Program. Call for Grant Applications: Technology Transfer Feasibility (TTF) Grant for Diseases Related to Tobacco Use, Fiscal Year 2010-11, issued June 2010.

(e) James & Esther King Biomedical Research Program. Call for Grant Applications: Technology Transfer/Commercialization Partnership (TTCP) Grant for Diseases Related to Tobacco Use, Fiscal Year 2010-11, issued June 2010.

(f) Bankhead-Coley Cancer Research Program. Call for Grant Applications: Bridge Grants for Cancer, Fiscal Year 2011-12, issued December 2010.

(g) Bankhead-Coley Cancer Research Program. Call for Grant Applications: New Investigator Research (NIR) Grant for Cancer, Fiscal Year 2011-12, issued December 2010.

(h) Bankhead-Coley Cancer Research Program. Call for Grant Applications: Team Science Program (TSP) Grant for Cancer, Fiscal Year 2011-12, issued December 2010.

(i) Bankhead-Coley Cancer Research Program. Call for Grant Applications: Technology Transfer Feasibility (TTF) Grant for Cancer, Fiscal Year 2010-11, issued June 2010.

(j) Bankhead-Coley Cancer Research Program. Call for Grant Applications: Technology Transfer/Commercialization Partnership (TTCP) Grant for Cancer, Fiscal Year 2010-11, issued June 2010.

(3) Grant applications will be reviewed by peer reviewers located outside Florida in accordance with the following review questions, incorporated by reference herein:

(a) 2011-2012 James & Esther King Program Bridge Grant Review Questions.

(b) 2011-2012 James & Esther King Program New Investigator Research Grant Review Questions.

(c) 2011-2012 James & Esther King Program Team Science Project Grant Review Questions.

(d) 2010-2011 James & Esther King Program Technology Transfer Feasibility Grant Review Questions.

(e) 2010-2011 James & Esther King Program Technology Transfer/Commercialization Partnership Grant Review Questions.

(f) 2011-2012 Bankhead-Coley Program Bridge Grant Review Questions.

(g) 2011-2012 Bankhead-Coley Program New Investigator Research Grant Review Questions.

(h) 2011-2012 Bankhead-Coley Program Team Science Project Grant Review Questions.

(i) 2010-2011 Bankhead-Coley Program Technology Transfer Feasibility Grant Review Questions.

(j) 2010-2011 Bankhead-Coley Program Technology Transfer/Commercialization Partnership Grant Review Questions.

(4) Grantees will execute their award in accordance with the following Terms & Conditions and attachments, incorporated by reference herein:

(a) Florida Biomedical Research Programs James and Esther King Biomedical Research Program and Bankhead-Coley Cancer Research Program Terms and Conditions.

(b) Florida Biomedical Research Programs Terms and Conditions Attachment 1.

(c) Florida Biomedical Research Programs Terms and Conditions Attachment 2 Bridget Grant Schedule of Deliverables and Payments.

(d) Florida Biomedical Research Programs Terms and Conditions Attachment 2 New Investigator Research Grant Schedule of Deliverables and Payments.

(e) Florida Biomedical Research Programs Terms and Conditions Attachment 2 Team Science Project Grant Schedule of Deliverables and Payments.

(f) Florida Biomedical Research Programs Terms and Conditions Attachment 2 Technology Transfer Feasibility Grant Schedule of Deliverables and Payments.

(g) Florida Biomedical Research Programs Terms and Conditions Attachment 2 Technology Transfer/Commercialization Partnership Grant Schedule of Deliverables and Payments.

(5) Grantees will manage their award in accordance with the Florida Biomedical Research Programs, Grant Administration Manual, Version 1, January 2008.

Rulemaking Authority 215.5602(9) FS. Law Implemented 215.5602(5), 381.922(3)(a) FS. History—New _____.

FINANCIAL SERVICES COMMISSION

Securities

<p>RULE NOS.:</p> <p>69W-600.012</p> <p>69W-600.013</p> <p>69W-600.0131</p> <p>69W-600.020</p>	<p>RULE TITLES:</p> <p>Rules of Conduct</p> <p>Prohibited Business Practices for Dealers and Their Associated Persons</p> <p>Prohibited Business Practices for Investment Advisers and Their Associated Persons</p> <p>Continuing Education Requirements</p>
--	--

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. 33, August 20, 2010 issue of the Florida Administrative Weekly.

The rules have been changed to address comments from the staff of the Joint Administrative Procedures Committee. The changes include the following:

1) Effective dates have been added to materials incorporated by reference in Rule 69W-600.012(1)(d); 69W-600.013(1)(h)1. and (1)(h)5.; and Rule 69W-600.020(1)(a), (c), and (e).

2) Paragraphs 69W-600.012(5)(c), (d), (e), and (f) are changed as follows to clarify citations to federal regulations incorporated by reference:

(c) SEC Rules 10b-1, 10b-3, 10b-5, 10b5-1, 10b5-2, 10b-9, 10b-10, 10b-16, 10b-17, 10b-18, and 10b-21 (17 CFR §§ 240.10b-1, 240.10b-3, 240.10b-5, 240.10b5-1, 240.10b5-2, 240.10b-9, 240.10b-10, 240.10b-16, 240.10b-17, 240.10b-18, and 240.10b-21 (2010));

(d) SEC Rules 15c1-1 through 15c1-3 and 15c1-5 through 15c1-9 (17 CFR §§ 240.15c1-1 through 240.15c1-3 and 240.15c1-5 through 240.15c1-9 (2010));

(e) SEC Rules 15c2-1, 15c2-4, 15c2-5, 15c2-7, 15c2-8, 15c2-11, and 15c2-12 (17 CFR §§ 240.15c2-1, 240.15c2-4, 240.15c2-5, 240.15c2-7, 240.15c2-8, 240.15c2-11, and 240.15c2-12 (2010));

(f) SEC Rules 15g-1 through 15g-6, 15g-8, and 15g-9 (17 CFR §§ 240.15g-1 through 240.15g-6, 240.15g-8 and 240.15g-9 (2010));

3) Rule 69W-600.013(1)(a), (1)(h)1., (1)(h)4., and (2)(a) are changed as follows to clarify citations to federal regulations, FINRA rules, and NASD rules:

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

(a) Extending, arranging for, or participating in arranging for credit to a customer in violation of Regulation T, Credit by Brokers and Dealers, (12 C.F.R. §§ 220.1 through 220.12, 220.101, 220.103, 220.105, 220.108, 220.110, 220.111, 220.113, 220.117, 220.118, 220.119, 220.121, 220.122, 220.123, 220.124, 220.127, 220.128, 220.131, and 220.132 (2010) and 12 C.F.R. § 221.125 (2010) ~~220.1-220.132 (2006), which is incorporated by reference.~~

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

1. Financial Industry Regulatory Authority (FINRA) rules contained in the Rule 2000 Series (Duties and Conflicts), Rule 3000 Series (Supervision and Responsibilities Relating to Associated Persons), Rule 4000 Series (Financial and Operational Rules), Rule 5000 Series (Securities Offering and Trading Standards and Practices), Rule 6000 Series (Quotation and Transaction Reporting Facilities), or Rule 7000 Series

(Clearing, Transaction and Order Data Requirements, and Facility Charges), as such rules existed on June 28, 2010; National Association of Securities Dealers (NASD) Conduct Rules contained in the Rule 2000 Series (Business Conduct) or Rule 3000 Series (Responsibilities Relating to Associated Persons, Employees, and Others' Employees), as such rules existed on June 28, 2010; or NASD Uniform Practice Code rules contained in the Rule 11000 Series, as such rules existed on June 28, 2010. Conduct Rules, Marketplace Rules, or the Uniform Practice Code of the National Association of Securities Dealers (NASD). The foregoing NASD regulations, along with the interpretive materials for those regulations, are published in the NASD manual dated March 2006, which is incorporated by reference.

4. Section 15(b)(4)(E) of the Securities Exchange Act of 1934, (15 U.S.C.A. § 78o(b)(4)(E) (2006 & Supp. III Thomson/West 2006 (current through P.L. 109-229)); Regulation SHO, Regulation of Short Sales, (17 C.F.R. §§ 242.200-242.203 (2010 2006)); or NASD Conduct Rule 3210, as it existed on June 28, 2010. The foregoing provisions of the Securities Exchange Act of 1934 and Regulation SHO, Regulation of Short Sales, are incorporated by reference. NASD Conduct Rule 3210, as it existed on July 3, 2006, is incorporated by reference.

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

(a) Borrowing money or securities from a customer, except when persons are in compliance with FINRA NASD Conduct Rule 32402370(a)(1), (a)(2)(A)-(C) only, and FINRA NASD Conduct Rule 32402370(b)-(c), as these rules existed on June 28, 2010 which are incorporated by reference in subparagraph (1)(h)1;

4) Rule 69W-600.0131 has been changed to correct the citation to the National Securities Markets Improvement Act of 1996.

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 LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN THAT on September 21, 2010, the Criminal Justice Standards and Training Commission, received a petition for a waiver of paragraphs 11B-35.001(3)(a), (b), and 11B-35.0021(6)(a), F.A.C., by Santa Fe Community College. The Petitioner wishes to waive the requirement in the rule that all aspects of firearms instructor certification be in place prior to instructors instructing firearms courses. Petitioner specifically requests a waiver of these requirements for Instructor Sgt. Terrence Stevens for correctional basic recruit firearms courses taught on April 28, 2010, May 4, 2010 and May 6, 2010. Petitioner states the Sgt. Stevens met all the requirements for teaching the firearms courses at issue, but had not yet been approved by the CJSTC's field representative and entered into the CJSTC instructor database prior to instructing these courses. Instructor Stevens was subsequently approved and entered into the database on July 22, 2010.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302, or by telephoning (850)410-7676.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN THAT on September 14, 2010, the Agency for Health Care Administration, received a petition for Partial Variance from Rule 59A-33.013, Florida Administrative Code, from JSA HEALTHCARE CORPORATION. The petition requests a variance from the provision of Rule 59A-33.013, F.A.C., that states that a medical or clinic director may not serve in that capacity for more than a maximum of five health care clinics.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Marvin McCalister, Marvin.Mccalister@ahca.myflorida.com, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #3, Tallahassee, Florida 32308.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on September 21, 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 Florida Atlantic University, filed June 9, 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 2.20.1, 2.20.9 and 2.24.2 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 specifies the type of ropes, sheaves, fastenings and pitch diameter 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 2010-394, VW 2010-396, VW 2010-397, VW 2010-398).

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 September 21, 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 Sheraton Suites Tampa Airport, filed July 8, 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 and 2.7.4 ASME A17.3, 1996 edition and from Rule 111.12 ASME A17.1b, 1983 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 September 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 2010-459).

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 September 21, 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 2314 Medical Office Bldg., filed July 13, 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 2.4.1.5 and 2.15.9.2 ASME A17.1, 2007 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 no part of the car hitting the pit floor 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 2010-468).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 21, 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 Boca Raton Community Hospital, 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 2.13.5 and 2.12.6 ASME A17.1, 2007 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, and from Rule 61C-5.0051, Florida Administrative Code, that requires upgrading the elevators for firefighters' service phase I nudging software, door unlocking devices and emergency stop switches 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 2010-472).

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 September 21, 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 Pointe Towers Condo, filed July 22, 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,

2.7.4, 3.10.4(t), 3.11.1(a)(1), 3.3.2, 2.2.3, 3.4.5, 3.9.1, 3.10.3 and 4.7.8 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, two-way communication, platform guards, car illumination, normal terminal stopping devices, lighting, top-of-car operating devices and emergency signaling devices until September 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 2010-481).

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 September 21, 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 Shipmaster, filed July 22, 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 January 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 2010-484).

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 September 21, 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 Sailmaster, filed July 22, 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 January 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 2010-485).

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 September 22, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That Final Order was in response to a Petition for Variance from 200 E. Forsyth St., Inc., filed July 29, 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 denies the Petitioner a variance from Rule 3.11.3 and 3.10.3, 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 and top-of-car operating devices because the Petitioner has not demonstrated that the purpose of the statute underlying the rule will be met (VW 2010-493).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, (850)488-1133.

NOTICE IS HEREBY GIVEN THAT on September 21, 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 University Heights Apts., filed August 18, 2010, and advertised in Vol. 36, No. 36, 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, 3.11.1 and 3.4.5 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, emergency signaling devices and car illumination until August 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 2010-540).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 21, 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, filed August 18, 2010, and advertised in Vol. 36, No. 36, 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 September 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 2010-541).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 21, 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 Mardi Executive Center, filed August 19, 2010, and advertised in Vol. 36, No. 36, 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 A17.1, 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 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 2010-542).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 21, 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 Courtyard Marriott Bradenton Riverfront, filed August 19, 2010, and advertised in Vol. 36, No. 36, 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 September 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 2010-543).

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 September 21, 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 Club at Barefoot Beach, filed August 23, 2010, and advertised in Vol. 36, No. 38, 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 2.4.1.5 and 2.15.9.2 ASME A17.1, 2007 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 no part of the car hitting the pit floor 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 2010-550).

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 September 21, 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 City of Tampa, Police Headquarters, filed August 27, 2010, and advertised in Vol. 36, No. 38, 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 5.3.7 ASME A17.3, 1996 edition and from Rule 8.6.8.3.3 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 with a skirt obstruction device and step/skirt performance index until August 15, 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 2010-556).

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 September 21, 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 Citizens Building of West Palm Beach, filed August 31, 2010, and advertised in Vol. 36, No. 38, 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 2010-560).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 21, 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 Palace, filed September 7, 2010, and advertised in Vol. 36, No. 38, 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, 3.4.3(d), 3.10.3, 3.10.4(q) and 3.11.1(a)(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 restricted door openings, platform guards, sight guards, top-of-car operating devices, normal terminal stopping devices and two-way communication until August 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 2010-569).

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 September 21, 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 Links Condo Phase II, filed September 8, 2010, and advertised in Vol. 36, No. 38, 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 303.3d ASME A17.1a, 1982 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 a supply line shutoff valve 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 2010-571).

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 September 8, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Bank of America Centre. 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 2010-573).

A copy of the Petition 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 September 9, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Islander. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.1(a)(1), 3.3.2, 3.10.3(a) and 3.9.1, of the requirements of ASME A17.1, Section 207.3 and of the requirements of ANSI/NFPA 70, Article 620.22(A), NEC 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 car emergency signaling devices, platform guards, top-of-car operating devices, normal terminal stopping devices, plates required and locations and car light source 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 2010-574).

A copy of the Petition 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 September 9, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Housing Authority of the City of Daytona Beach. 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 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 2010-575).

A copy of the Petition 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 September 9, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Mansions by the Sea. 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 2010-576).

A copy of the Petition 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 September 13, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Bridgehampton Bay #1/#2. 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 2010-578).

A copy of the Petition 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 September 13, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Silver Sands Condo. Petitioner seeks a variance of the requirements of ASME A17.3, Section 2.7.4, 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 restricted door openings 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 2010-579).

A copy of the Petition 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 September 13, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Oak Hill Hospital. 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 2010-580).

A copy of the Petition 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 September 13, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Oak Hill Hospital. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3 and an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), 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 2010-581).

A copy of the Petition 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 September 13, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Purdom Power Plant. 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 2010-582).

A copy of the Petition 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 September 14, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Isle of Clearwater Condo Assoc., Inc. Petitioner seeks a variance of the requirements of an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, 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 2010-583).

A copy of the Petition 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 September 14, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Ben Hill Griffin Stadium. Petitioner seeks a variance of an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, 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 2010-584).

A copy of the Petition 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 September 9, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Marker "5" Condo Assoc., Inc. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3 and 3.3.2, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations and platform guards 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 2010-585).

A copy of the Petition 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 September 24, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Broadview Terrace. Petitioner seeks a variance of the requirements of an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, 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 2010-586).

A copy of the Petition 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 September 24, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Reef Resort Condo Assoc. Inc. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3 and 3.11.1(a)(2), 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 two-way communication 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 2010-587).

A copy of the Petition 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 September 27, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Salvation Army. Petitioner seeks a variance of the requirements of ASME A17.3, Section 2.7.4, 3.11.1, 3.10.5, 2.4.4 and 2.6.5, 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 restricted door openings, emergency communication, power supply line disconnecting means, top car clearance and nonshearing astragals 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 2010-588).

A copy of the Petition 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 27, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The Department received a Routine Variance petition on August 6, 2010 for Paragraph 6-501.115(A), 2001 FDA Food Code and subsection 61C-4.010(6), Florida Administrative Code, from Crabs located in Gulf Breeze. The above referenced F.A.C. addresses the requirement 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.

The initial petition was published in Vol. 36, No. 34 on August 27, 2010. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service facility. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating the underlying statute has been achieved by ensuring the hermit crabs will not contaminate, either directly or indirectly, food, clean equipment, utensils, linens, or unwrapped single-service or single-use articles. The hermit crabs will only be handled by a contract vendor and will only be on the premise from March 1 through September 30 each year. No other prohibited animal will be allowed on the premise. For the foregoing reasons and the aforesaid restrictions, the Division grants the variance because it will not cause any cross contamination.

A copy of the Order may be obtained by contacting: Lydia.Gonzalez@DBPR.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on September 13, 2010, the Board of Accountancy, received a petition for Trisha Floyd, seeking a variance or waiver of paragraph 61H1-28.0052(1)(b), Florida Administrative Code, that requires candidates to pass all four test sections of the CPA Examination within a rolling eighteen-month period, which begins on the NASBA grade release date for the first test section(s) passed.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on August 30, 2010, the Board of Accountancy, received a petition for Brandy Wunker, seeking a variance or waiver of paragraph 61H1-28.0052(1)(b), Florida Administrative Code, that requires candidates to pass all four test sections of the CPA Examination within a rolling eighteen-month period, which begins on the NASBA grade release date for the first test section(s) passed.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on September 9, 2010, the Department of Health, received a petition for Variance from subparagraph 64E-16.004(2)(d)3., Florida Administrative Code, from Michael Kovacs, on behalf of Clear Medical, Inc. Subparagraph 64E-16.004(2)(d)3., Florida Administrative Code, prescribes that reusable sharps containers shall be emptied into a treatment cart or directly into the treatment unit. The Petitioner requests a variance from the rule to allow the Petitioner to open 10, 12, and 17 gallon reusable sharps containers that contain recyclable medical devices from

operating rooms and empty the contents onto a tray so that the recyclable medical devices can be retrieved. Upon completion of the recyclable medical device retrieval, the tray will be emptied directly into a treatment cart. Comments on this Petition should be filed with the: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Gina Vallone-Hood, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1710, (850)245-4277, extension 4273.

NOTICE IS HEREBY GIVEN THAT on September 15, 2010, the Florida Department of Health, received a petition for Emergency Variance from or Waiver of Agency subsection 64F-12.015(7), F.A.C., from Community Blood Centers of Florida, Inc., 1700 North State Road 7, Lauderhill, Florida 33313. The petition seeks an emergency variance from or waiver of subsection 64F-12.015(7), F.A.C. That rule subsection provides application content requirements for licensure and renewal of licensure as a Prescription Drug Wholesale Distributor.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rebecca Poston, R.Ph., Executive Director, Drugs Devices and Cosmetics Program, 4052 Bald Cypress Way, Mail Bin #C-04, Tallahassee, Florida 32399, (850)245-4294.

NOTICE IS HEREBY GIVEN THAT on September 13, 2010, the Florida Department of Health, received a petition for Emergency Variance from or Waiver of Agency subsection 64F-12.015(7), F.A.C., from Florida Blood Services, Inc., 10100 Dr. Martin Luther King, Jr. Street North, St. Petersburg, Florida 33716, and Southeastern Community Blood Center, Inc., 1731 Riggins Road, Tallahassee, Florida 32308. The petition seeks an emergency variance from or waiver of subsection 64F-12.015(7), F.A.C. That rule subsection provides application content requirements for licensure and renewal of licensure as a Prescription Drug Wholesale Distributor.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rebecca Poston, R.Ph., Executive Director, Drugs Devices and Cosmetics Program, 4052 Bald Cypress Way, Mail Bin #C-04, Tallahassee, Florida 32399, (850)245-4294.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN THAT on September 15, 2010, the Department of Financial Services, Division of State Fire Marshal, has issued an order.

An Order Granting Petition for Variance or Waiver in RE: Patrick Pointu, Case #111315-07-FM, was issued on September 15, 2010. The Petition for Variance or Waiver of Rules 69A-37.084 and 69A-37.085, Florida Administrative Code, is granted to the limited extent that "accredited" does not require "accreditation from an accrediting agency that is recognized by the U.S. Department of Education" under these particular facts and circumstances.

A copy of the Final Order may be obtained by contacting: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, FL 32399-0340 or by emailing your request to: Lesley.Mendelson@myfloridadfs.com.

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: October 26, 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 **Department of State, Division of Historical Resources** announces a workshop to which all persons are invited.

DATE AND TIME: Wednesday, October 20, 2010, 9:00 a.m. – 10:30 a.m. (ET)

PLACE: Webinar (register online: www.suncom.webex.com)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Application review instruction for 2012 Special Category grant application reviewers.

A copy of the agenda may be obtained by contacting: Historic Preservation Grants Staff at 1(800)847-7278 or via email: bhpgrants@flheritage.com.

The **Division of Cultural Affairs and Citizens for Florida Arts, Inc.** announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 20, 2010, 10:00 a.m.

PLACE: This meeting will be held via teleconference. Instructions on participating can be found at: www.florida-arts.org.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion on general activities and follow-up to the September 14, 2010 Cultural Summit.

A copy of the agenda may be obtained by contacting: Morgan Lewis at email: mblewis@dos.state.fl.us or (850)245-6470.

Pursuant to the provisions of 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 email: 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 email: mblewis@dos.state.fl.us or (850)245-6470.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Florida Agricultural Center and Horse Park Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 19, 2010, 5:00 p.m.

PLACE: Holiday Inn & Suites, Ocala Conference Center, 3600 S. W. 38th Avenue, Ocala, Florida 33474

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is to discuss general board business.

A copy of the agenda may be obtained by contacting: Richard Gunnels at (850)488-3022 or email: gunnelr@doacs.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: Richard Gunnels at (850)488-3022 or email: gunnelr@doacs.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 **Florida Agricultural Center and Horse Park Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 19, 2010, 5:00 p.m.

PLACE: Holiday Inn and Suites, Ocala Conference Center, 3600 Southwest 38th Avenue, Ocala, Florida 34474

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct business relating to the Florida Agricultural Center and Horse Park, including planning, construction and operations.

A copy of the agenda may be obtained by contacting: Richard Gunnels at (850)488-3022 or email: gunnelr@doacs.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: Richard Gunnels at (850)488-3022 or email: gunnelr@doacs.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 **Pesticide Registration Evaluation Committee** announces a public meeting to which all persons are invited.

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

PLACE: Bureau of Pesticides Conference Room, 3125 Conner Boulevard, Building 6, Room 606, Tallahassee, Florida 32399, (850)617-7940

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee discusses and makes recommendations on pesticide registration issues impacting human health and safety and the environment.

A copy of the agenda may be obtained by contacting: Pesticide Registration Section at (850)617-7940 or from the PREC Web Site at: <http://www.flaes.org/pesticide/pesticideregistration.html>.

For more information, you may contact: Mr. Charlie L. Clark, Administrator, Pesticide Registration Section; 3125 Conner Boulevard, Bldg. 6, Rm. 601, Tallahassee, Florida 32399-1650, (850)617-7940.

The **Subcommittee on Managed Marshes** announces a public meeting to which all persons are invited.

DATE AND TIME: October 14, 2010, 9:30 a.m.

PLACE: Indian River Mosquito Control District, 5655 41st Street, Vero Beach, Florida 32967, (772)562-2393

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the quarterly business meeting and field trip of the subcommittee.

For more information, you may contact: Mr. Doug Carlson, Chairman at (772)562-2393, doug.carlson@irmosquito2.org.

DEPARTMENT OF EDUCATION

The **Florida Rehabilitation Council** announces a public meeting to which all persons are invited.

DATE AND TIME: October 12, 2010, 3:00 p.m. – 4:00 p.m.

PLACE: VR Headquarters, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Please note that committees of the Florida Rehabilitation Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission, or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based (Florida Statutes, 286.0105).

A copy of the agenda may be obtained by contacting: Florida Rehabilitation Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32301-4862, (850)245-3397. Any interested parties that need further information may contact: Yolanda Manning at (850)245-3320 or Paige Sharpton at (850)245-3280.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3-5 days before the workshop/meeting by contacting: Yolanda Manning at (850)245-3320 or Paige Sharpton at (850)245-3280. If you are 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: Yolanda Manning at (850)245-3320 or Paige Sharpton at (850)245-3280.

The **Florida Rehabilitation Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Planning and Executive, October 13, 2010, 9:00 a.m. – 11:30 a.m.

PLACE: Conference Call; VR Headquarters, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Please note that committees of the Florida Rehabilitation Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission, or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

A copy of the agenda may be obtained by contacting: Florida Rehabilitation Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32301-4862, (850)245-3397. Any interested parties that need further information may contact: Yolanda Manning at (850)245-3320 or Paige Sharpton at (850)245-3280.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3-5 days before the workshop/meeting by contacting: Yolanda Manning at (850)245-3320 or Paige Sharpton at (850)245-3280. If you are 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: Yolanda Manning at (850)245-3320 or Paige Sharpton at (850)245-3280.

The **Florida Rehabilitation Council** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Coordination Committee, October 14, 2010, 9:30 a.m. – 11:30 a.m.

PLACE: Conference Call; VR Headquarters, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Please note that committees of the Florida Rehabilitation Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission, or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

A copy of the agenda may be obtained by contacting: Florida Rehabilitation Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32301-4862, (850)245-3397. Any interested parties that need further information may contact: Yolanda Manning at (850)245-3320 or Paige Sharpton at (850)245-3280.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3-5 days before the workshop/meeting by contacting: Yolanda Manning at (850)245-3320 or Paige Sharpton at (850)245-3280. If you are 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: Yolanda Manning at (850)245-3320 or Paige Sharpton at (850)245-3280.

The **Articulation Coordinating Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: October 27, 2010, 10:00 a.m. – 4:00 p.m.

PLACE: Florida Department of Education, 325 W. Gaines St., Ste. 1703/1707, Tallahassee, FL 32399-0400

GENERAL SUBJECT MATTER TO BE CONSIDERED: Articulation issues regarding secondary and postsecondary education.

A copy of the agenda may be obtained by contacting: Office of Articulation, 325 W. Gaines Street, Ste. 1401, Tallahassee, Florida 32399-0400, (850)245-0427.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Dr. Shruti Graf at (850)245-7820 or email: shruti.graf@fldoe.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Duval County Research and Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 25, 2010, 3:30 p.m.
PLACE: University of North Florida, University Center, 12000 Alumni Drive, Jacksonville, FL 32224
GENERAL SUBJECT MATTER TO BE CONSIDERED: Business Meeting.
A copy of the agenda may be obtained by contacting: Dr. Earle C. Traynham, Executive Director.

DEPARTMENT OF LAW ENFORCEMENT

The **Region XIV Trust Fund Advisory Council** announces a public meeting to which all persons are invited.
DATE AND TIME: October 19, 2010, 10:00 a.m.
PLACE: Miami Dade College, North Campus, Room 9118, Miami, FL
GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Region XIV reports and other Region XIV business matters.
A copy of the agenda may be obtained by contacting: Maevis Manoly, Interim, Region XIV Secretary Officer at (305)237-1327, email: mmanoly1@mdc.edu.

The **Criminal Justice Standards and Training Commission** announces a public meeting to which all persons are invited.
DATES AND TIMES: Florida Criminal Justice Educators Association Meeting Monday, October 25, 2010, 8:30 a.m.; Training Center Director Association Meetings: Board Meeting, Tuesday, October 26 2010, 1:00 p.m.; Distance Learning and Trust Fund Overview, 1:30 p.m.; Basic Recruit Training, Advanced Training, and Rule Committees, 3:30 p.m. General Assembly, Tuesday, 4:30 p.m.; Training Center Director Association Business Meeting, October 27, 2010, 8:30 a.m.; Probable Cause Determination Hearings, 10:00 a.m.; Rules Workshop, 2:00 p.m.; Regional Criminal Justice Selection Center Directors Association, 3:00 p.m.; Criminal Justice Standards and Training Commission Meeting Business Agenda, October 28, 2010, 8:00 a.m.; Criminal Justice Standards and Training Commission Officer Discipline Agenda, 9:30 a.m.
PLACE: Sawgrass Marriott, 1000 PGA Tour Boulevard, Ponte Vedra Beach, FL 32082. Telephone Number: (904)285-7777; Fax: (904)285-0906. (Group Name: Criminal Justice Standards and Training Commission Meeting Group). To make on-line Reservations, the website is: <http://www.sawgrassmarriott.com> (group code CJSCJA). ROOM RATE: \$119.00 Single or Double from 10/24/10 – 10/30/10. Check-in is 4:00 p.m. and Check-out is 11:00 a.m. RESERVATION DEADLINE: October 1, 2010. HOTEL CONTACT: Cheryl Taylor, (850)410-8657, email: cheryltaylor@fdle.state.fl.us.
GENERAL SUBJECT MATTER TO BE CONSIDERED: The above meetings will be held to discuss issues relating to standards, training, examinations, certification, de-certification, record management for law enforcement,

correctional, and correctional probation officers, Commission rules, officer discipline penalty guidelines, and certification and recertification of criminal justice training schools. Commission Meeting information and agenda items can be accessed at: <http://www.fdle.state.fl.us>., then Click on “A-Z Index,” then Click on “Criminal Justice Standards and Training Commission,” and then Click on “Commission Meeting Schedule,” or on “Meeting Packet.”

A copy of the agenda may be obtained by contacting: Donna Hunt at (850)410-8615 or email: donnahunt@fdle.state.fl.us.

A copy of the Officer Discipline agenda may be obtained by contacting: Lori Morea at (850)410-8625 or email: lorimorea@fdle.state.fl.us.

A copy of the Training Center Directors’ Association agenda may be obtained by contacting: Training Center Directors’ Association Chairman, Tim Gillette, Broward County Sheriff’s Office Institute, Criminal Justice Studies at (954)831-8178 or email: tim_gillette@sheriff.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: Donna Hunt at (850)410-8615 or email: donnahunt@fdle.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Donna Hunt at (850)410-8615 or email: donnahunt@fdle.state.fl.us.

The Florida **Department of Law Enforcement** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, October 12, 2010, 2:00 p.m. – 3:00 p.m. (EST)

PLACE: Florida Department of Law Enforcement Headquarters, 2331 Phillips Road, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Violent Crime and Drug Control Council will hold a telephone conference call to discuss issues relating to violent crime and multi-agency or statewide drug control or illicit money laundering investigative or task force efforts.

A copy of the agenda may be obtained by contacting: Government Analyst Joyce Gainous-Harris, Florida Department of Law Enforcement, Investigations & Forensic Science Program, Office of Field Services, Post Office Box 1489, Tallahassee, FL 32302, (850)410-7096.

For more information, you may contact: Government Analyst Joyce Gainous-Harris at (850)410-7096.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

The **Florida Hurricane Catastrophe Fund Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: October 19, 2010, 9:00 a.m. – 1:00 p.m. (ET)

PLACE: Persons who wish to participate by phone may call 1(888)808-6959, Conference Code: 4765251363#; Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The discussion will include the October claims paying capacity estimates and other general business of the Council.

A copy of the agenda may be obtained by contacting: Donna Sirmons, Florida Hurricane Catastrophe Fund at email: donna.sirmons@sbafla.com or (850)413-1349.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Donna Sirmons at the email or number listed above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF CITRUS

The Florida **Department of Citrus**, Florida Citrus Commission announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 20, 2010, 9:00 a.m.

PLACE: Florida Department of Citrus, 605 E. Main Street, Bartow, Florida 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will convene for the purpose of standing committee meetings and the regularly scheduled meeting of the Florida Citrus Commission. The Commission will address issues pertaining to budget items and revisions, contracts, advertising programs, program evaluation measurements, licensing, rulemaking, and other matters addressed during regular meetings of the Commission.

A copy of the agenda may be obtained by contacting: Linda Gurney at (863)537-3953.

Pursuant to the provisions of 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 Screws at (863)537-3984. If you are 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: Linda Gurney at (863)537-3953.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a prehearing to be held in the following dockets, to which all interested persons are invited.

Docket No.: 100001-EI – Fuel and purchased power cost recovery clause with generating performance incentive factor

Docket No.: 100002-EG – Energy conservation cost recovery clause

Docket No.: 100003-GU – Purchased gas adjustment (PGA) true-up

Docket No.: 100004-GU – Natural gas conservation cost recovery

Docket No.: 100007-EI – Environmental cost recovery clause

DATE AND TIME: October 25, 2010, 9:30 a.m. (EST)

PLACE: Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and, (6) such other matters as may aid in the disposition of the action.

Any person requiring some accommodation at this prehearing because of a physical impairment should call: Office of the Commission Clerk, (850)413-6770 at least 48 hours prior to the prehearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If a named storm or other disaster requires cancellation of the hearing, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the hearing will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: October 26, 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.

The agenda and recommendations are accessible on the PSC Website, <http://www.floridapsc.com>, at no charge or can be purchased by contacting: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399 0850, (850)413-6770 at a cost of 15 cents per single sided page or 20 cents per duplexed page.

Persons deciding to appeal any decisions made by the Commission with respect to any matter considered at this conference will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact: Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

TIME: October 26, 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/>.

The Florida **Public Service Commission** announces public customer meetings in the following docket to which all persons are invited.

DATE AND TIME: Wednesday, October 27, 2010, 6:00 p.m.

PLACE: Highlands County, Administration Building, Board Chambers (Room B104), 600 South Commerce Avenue, Sebring, Florida

DATE AND TIME: Thursday, October 28, 2010, 6:00 p.m.

PLACE: Lakeland City Hall, City Commission Chambers (3rd Floor), 228 S. Massachusetts Avenue, Lakeland, Florida

DATE AND TIME: Friday, October 29, 2010, 10:00 a.m.

PLACE: Eustis Community Center, 601 Northshore Drive, Eustis, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Docket No.: 100330-WS – Application for increase in water/wastewater rates in Alachua, Brevard, DeSoto, Hardee, Highlands, Lake, Lee, Marion, Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter, Volusia, and Washington Counties by Aqua Utilities Florida, Inc.

The purpose of the meeting is to give customers and other interested persons an opportunity to offer comments regarding the quality of service the utility provides, the proposed rate increase, and to ask questions and comment on other issues. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in this meeting.

For questions, contact: Commission staff, Katherine Fleming at (850)413-6199.

Emergency Cancellation of Customer Meeting: If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the meeting will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the: Office of the General Counsel at (850)413-6199.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodation at this meeting because of a physical impairment is asked to advise the agency at least 48 hours before the meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard,

Tallahassee, Florida 32399-085 (850)413-6770. If you are hearing or speech impaired, please contact the Agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

The Florida **Public Service Commission** announces a hearing to be held in the following dockets, to which all interested persons are invited.

Docket No.: 100001-EI – Fuel and purchased power cost recovery clause and generating performance incentive factor

Docket No.: 100002-EG – Energy conservation cost recovery clause

Docket No.: 100003-GU – Purchased gas adjustment (PGA) true-up

Docket No.: 100004-GU – Natural gas conservation cost recovery

Docket No.: 100007-EI – Environmental cost recovery clause

DATES AND TIME: November 1-3, 2010, 9:30 a.m. (EST) (The starting times on November 2 and 3, 2010, will be announced at the conclusion of the hearing on November 1 and 2, 2010, respectively. The hearing may be adjourned early if all testimony is concluded.)

PLACE: Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this hearing shall be to receive testimony and exhibits relative to issues and subjects, including but not limited to, the following:

1. Determination of the Projected Levelized Fuel Adjustment Factors for all investor-owned electric utilities for the period January 2011 through December 2011.
2. Determination of the Estimated Fuel Adjustment True-Up Amounts for all investor-owned electric utilities for the period January 2010 through December 2010.
3. Determination of the Final Fuel Adjustment True-Up Amounts for all investor-owned electric utilities for the period January 2009 through December 2009, which are to be based on actual data for that period.
4. Determination of Generating Performance Incentive Factor Targets and Ranges for the period January 2011 through December 2011.
5. Determination of Generating Performance Incentive Factor Rewards and Penalties for the period January 2009 through December 2009.
6. Determination of the Projected Capacity Cost Recovery Factors for the period January 2011 through December 2011, including nuclear costs.

7. Determination of the Estimated Capacity Cost Recovery True-Up Amounts for the period January 2010 through December 2010, including nuclear costs.
8. Determination of the Final Capacity Cost Recovery True-Up Amounts for the period January 2009 through December 2009, which are to be based on actual data for that period, including nuclear costs.
9. Determination of the Projected Conservation Cost Recovery Factors for certain investor-owned electric and gas utilities for the period January 2011 through December 2011.
10. Determination of Conservation Actual/Estimated Amounts for certain investor-owned electric and gas utilities for the period January 2010 through December 2010.
11. Determination of the Final Conservation True-up Amounts for the period January 2009 through December 2009 for certain investor-owned electric and gas utilities, which are to be based on actual data for that period.
12. Determination of the Purchased Gas Adjustment Cost Recovery Factors for the period January 2011 through December 2011.
13. Determination of Actual/Estimated Purchased Gas True-Up Amounts for the period January 2010 through December 2010.
14. Determination of the Final Purchased Gas True-Up Amounts for the period January 2009 through December 2009.
15. Determination of the Projected Environmental Cost Recovery Factors for the period January 2011 through December 2011.
16. Determination of the Estimated Environmental Cost Recovery True-Up Amounts for the period January 2010 through December 2010.
17. Determination of the Final Environmental Cost Recovery True-Up Amounts for the period January 2009 through December 2009, which are to be based on actual data for that period.

All witnesses shall be subject to cross-examination at the conclusion of their testimony. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapters 28-106 and 25-22, F.A.C.

Any person requiring some accommodation at this hearing because of a physical impairment should call: Office of the Commission Clerk, (850)413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

If a named storm or other disaster requires cancellation of the hearing, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the hearing will

also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

REGIONAL PLANNING COUNCILS

The **West Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIMES: Monday, October 18, 2010, 4:00 p.m.; Executive Committee, 2:45 p.m.; Audit Committee, 3:30 p.m.

PLACE: Niceville City Hall, 208 Partin Drive, Niceville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular business of the West Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: Ms. Terry Joseph, Executive Director, West Florida Regional Planning Council at email: terry.joseph@wfrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: Ms. Terry Joseph, Executive Director, WFRPC at email: terry.joseph@wfrpc.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: Ms. Terry Joseph, Executive Director, West Florida Regional Planning Council at email: terry.joseph@wfrpc.org.

The **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

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

PLACE: City Commission Meeting Room, City Hall, 209 North Thompson Street, Starke, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Bradford County Transportation Disadvantaged Coordinating Board.

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 **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

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

PLACE: North Central Florida Regional Planning Council, 2009 N. W. 67th Place, Gainesville, FL 32653

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Comprehensive Economic Development Strategy Committee.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67th Place, Gainesville, FL 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 **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: October 19, 2010, 1:15 p.m.

PLACE: Board of County Commissioners Meeting Room, County Courthouse, 55 West Main Street, Lake Butler, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Union County Transportation Disadvantaged Coordinating Board.

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 **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: October 20, 2010, 10:30 a.m.

PLACE: Board of County Commissioners Meeting Room, County Courthouse, 401 North Cedar Street, Cross City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Dixie County Transportation Disadvantaged Coordinating Board.

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 **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: October 20, 2010, 1:30 p.m.

PLACE: Board of County Commissioners Meeting Facility, 210 South Main Street, Trenton, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Gilchrist County Transportation Disadvantaged Coordinating Board.

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 **District 5 Local Emergency Planning Committee** announces a public meeting to which all persons are invited.

DATE AND TIMES: Training Subcommittee, Wednesday, October 20, 2010, 9:30 a.m.; Local Emergency Planning Committee, 10:30 a.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34471

GENERAL SUBJECT MATTER TO BE CONSIDERED: Chairman report, Committee updates, and other organizational matters regarding the committees.

A copy of the agenda may be obtained by contacting: Michael Arnold at (352)732-1315, ext. 228.

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 **Withlacoochee Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: WRPC Executive Committee, Thursday, October 21, 2010, 7:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34471-0323

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual Review of Executive Director.

A copy of the agenda may be obtained by contacting: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34471-0323.

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 **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 20, 2010, 10:00 a.m.

PLACE: 309 Cranes Roost Blvd., Suite 2000, Altamonte Springs, FL 32701 (Visit: www.ecfrpc.org for map and directions)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The regular monthly meeting of the East Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: Tuesdai Brunsonbyrd-Bowden at (407)262-7772, tbyrd@ecfrpc.org or visit our website at: www.ecfrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Tuesdai Brunsonbyrd-Bowden at (407)262-7772. If you are 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 **Local Emergency Planning Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 29, 2010, 10:00 a.m.

PLACE: East Central Florida Regional Planning Council Offices, 309 Cranes Roost Blvd., Suite 2000, Altamonte Springs, Florida 32701

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular quarterly meeting of the Local Emergency Planning Committee.

A copy of the agenda may be obtained by contacting: April Raulerson at (407)262-7772.

Pursuant to the provisions of 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: April Raulerson at (407)262-7772 or raulerson@ecfrpc.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: April Raulerson at (407)262-7772 or raulerson@ecfrpc.org.

The **Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: October 27, 2010, 1:30 p.m.

PLACE: Veterans Administration Building, 7209 S. George Boulevard, Sebring, FL 33870

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular quarterly meeting of the Transportation Disadvantaged Local Coordinating Board.

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: Marcia Staszko, Program Coordinator, 555 East Church Street, Bartow, FL 33830, (863)534-7130, mstaszko@cfrpc.org.

The **Southwest Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 21, 2010, 9:00 a.m.

PLACE: Southwest Florida Regional Planning Council, 1st Floor, Conference Room, 1926 Victoria Avenue, Fort Myers, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The regular monthly meeting of the Southwest Florida Regional Planning Council Board to discuss and approve issues affecting the Southwest Florida Region.

A copy of the agenda may be obtained by contacting: Ms. Nichole Gwinnett at (239)338-2550, ext. 232 or ngwinnett@swfrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ms. Deborah Kooi at (239)338-2550, ext. 210 or dkooi@swfrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Visit our website at: www.swfrpc.org

The **Southwest Florida Regional Planning Council** announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 21, 2010, 12:00 Noon

PLACE: Southwest Florida Regional Planning Council, 2nd Floor, Meeting Room, 1926 Victoria Avenue, Fort Myers, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Several of the SWFRPC's Board Members will be participating in the Florida League of Cities Business Meeting conference call.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ms. Deborah Kooi at (239)338-2550, ext. 210 or dkooi@swfrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Mr. Kenneth Heatherington at (239)338-2550, ext. 222 or kheatherington@swfrpc.org.

The **Southwest Florida Regional Planning Council**, Lee County MPO announces a public meeting to which all persons are invited.

DATE AND TIME: October 26, 2010, 5:00 p.m. – 7:00 p.m.

PLACE: Three Oaks Banquet and Conference Center, 20991 Three Oaks Parkway, Estero, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Lee County Metropolitan Planning Organization will be holding a 2035 Long Range Transportation Plan (LRTP) Workshop to receive public input on the Cost Feasible Plan for Lee County through the year 2035.

This location is accessible through transit, LeeTran Route 60, and for more information go to www.rideleetrans.com.

A copy of the agenda may be obtained by contacting: Ms. Meghan Marion at (239)338-2550, ext. 219 or by email: mmarion@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: Ms. Meghan Marion at (239)338-2550, ext. 219 or by email: mmarion@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: Ms. Meghan Marion at (239)338-2550, ext. 219 or by email: mmarion@swfrpc.org.

COMMISSION ON ETHICS

The **Commission on Ethics** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 22, 2010, 8:30 a.m.

PLACE: Senate Office Building, Room 37, 404 South Monroe Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by contacting: Commission on Ethics at website: www.ethics.state.fl.us or (850)488-7864.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Commission on Ethics at (850)488-7864. If you are

hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** announces a workshop to which all persons are invited.

Governing Board Reunion Dinner

DATE AND TIME: Monday, November 8, 2010, 6:00 p.m.

PLACE: District Headquarters, Governing Board Room, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Recognition of current and former Governing Board members of the St. Johns River Water Management District and discussion of District events and projects.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Marji Hightower, 4049 Reid Street, Palatka, FL 32177, (386)329-4214.

Pursuant to the provisions of 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).

The **Southwest Florida Water Management District (SWFWMD)** announces a workshop to which all persons are invited.

DATE AND TIME: Saturday, October 16, 2010, 7:00 p.m.

PLACE: Museum of Science & Industry, 4801 E. Fowler Avenue, Tampa, FL 33617

GENERAL SUBJECT MATTER TO BE CONSIDERED: MOSI's National Hispanic Scientist of the Year Award Event: One or more Governing or Basin Board members may attend.

A copy of the agenda may be obtained by contacting: Janice.Cox@watermatters.org or 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4703 (Ad Order EXE0083).

For more information, you may contact: Janice Cox as indicated above.

The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 18, 2010, 3:00 p.m.

PLACE: Southwest Florida Water Management District, 1st Floor, Conference Rooms A & B, 2379 Broad Street, Brooksville, Florida 34604

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of council business for 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 or online: www.watermatters.org/waterways.

Pursuant to the provisions of 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 workshop to which all persons are invited.

DATE AND TIME: Tuesday, October 19, 2010, 8:00 a.m.

PLACE: University of Central Florida Fairwinds Alumni Center, 4000 Central Florida Boulevard, Orlando, FL 32817

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Choices Forum – Water Quality: Forum for stakeholder discussion regarding water quality regulations and recent EPA numeric nutrient criteria rulings. One or more Governing Board members may attend.

A copy of the agenda may be obtained by contacting: www.contact@floridaearth.org or 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4606.

For more information, you may contact: Lou.Kavouras@watermatters.org or 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4606 (Ad Order EXE0082).

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Special meeting of the Everglades Technical Oversight Committee (TOC), October 19, 2010, 10:00 a.m.

PLACE: South Florida Water Management District Headquarters, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is tentatively scheduled for a follow-up presentation of the Everglades Restoration Transition Plan (ERTP). Other presentations may be added. The meeting will

be cancelled if the U.S. Army Corps of Engineers is not ready to present on the ERTP and no other items are added to the agenda.

A copy of the agenda may be obtained by contacting: (1) District Website (<http://www.swfwmd.gov/toc>) or (2) by writing: South Florida Water Management District, Mail Stop 7282, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District Clerk's Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Dr. Garth Redfield, Environmental Resource Assessment Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 7210, West Palm Beach, FL 33406, (561)682-6611.

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 20, 2010, 10:00 a.m.

PLACE: South Florida Water Management District, B-1 Bill Storch Conference Room, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Meeting to Discuss Regulatory Matters.

All or part of these meetings will be video-conferenced in order to permit maximum participation from the South Florida Water Management District Service Centers located at:

Lower West Coast Service Center
2301 McGregor Blvd.
Fort Myers, FL 33901

Martin/St. Lucie Service Center
780 S. E. Indian Street
Stuart, FL 34997

Orlando Service Center
1707 Orlando Central Parkway Suite 200
Orlando, FL 32809

The meeting will also be webcast.

A copy of the agenda may be obtained by contacting: Seven (7) days prior to the meeting date, you may obtain a copy of the agenda by going to our website at: www.swfwmd.gov

- Hold mouse over the “Topics” tab, scroll down to “Permits” and click
- Under “Upcoming Events” on the right hand column, click the “Monthly Regulatory Meetings” link.

For additional information, you may also call our information line at (561)682-6207 or Florida toll-free 1(800)432-2045, ext. 6207.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District Clerk’s Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: District Clerk’s Office at (561)682-2087.

DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs** announces a public meeting to which all persons are invited.

DATE AND TIME: October 22, 2010, 10:00 a.m. – 3:30 p.m. (EST)

PLACE: Sheraton Suites Orlando Airport, 7550 Augusta National Drive, Orlando, Florida 32822

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Alzheimer’s Disease Committee initiatives.

A copy of the agenda may be obtained by contacting: Karen Griffith, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000, email: griffithkb@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Karen Griffith, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, (850)414-2000, email: griffithkb@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Karen Griffith, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000, email: Griffithkb@elderaffairs.org.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration**, on behalf of the Low Income Poll (LIP) Council announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 20, 2010, 10:00 a.m. – 4:00 p.m.

PLACE: Winnie Palmer Hospital for Women & Babies, 83 West Miller St., Orlando, FL 32806; 1(866)631-2413 Listen-in, 1(866)526-0550 Member, Conference ID #: 84715923#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of the LIP program including legislative updates, funding methodology, policies and procedures in accordance with the approved Medicaid Reform Section 1115 Demonstration.

A copy of the agenda may be obtained by contacting: Contact Edwin Stephens at (850)412-4077 or email: edwin.stephens@ahca.myflorida.com, with any questions or to obtain an agenda when it is set.

For more information, you may contact: Contact Edwin Stephens at (850)412-4077 or email: edwin.stephens@ahca.myflorida.com, with any questions or to obtain an agenda when it is set.

The **Agency for Health Care Administration**, on behalf of the Intergovernmental Transfer (IGT) Technical Advisory Panel (TAP), announces a public meeting to which all persons are invited.

DATES AND TIME: October 27, 2010; November 16, 2010, 9:00 a.m. – 3:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, FL 32308; Conference Call: 1(888)808-6959, Conference Code: 4138067#

GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with Senate Bill 1484 (Chapter 2010-144, Laws of Florida), Section 2, the Agency Secretary shall appoint and convene a technical advisory panel to advise the Agency in the study and development of intergovernmental transfer distribution methods. The panel shall include representatives from contributing hospitals, medical schools, local governments, and managed care plans. The panel shall advise the agency regarding the best methods for ensuring the continued availability of intergovernmental transfers, specific issues to resolve in negotiations with the Centers for Medicare and Medicaid, and appropriate safeguards for appropriate implementation of any developed payment methodologies.

A copy of the agenda may be obtained by contacting: Edwin Stephens at (850)412-4077 or email: edwin.stephens@ahca.myflorida.com, with any questions or to obtain an agenda when it is set.

For more information, you may contact: Edwin Stephens at (850)412-4077 or email: edwin.stephens@ahca.myflorida.com with any questions.

DEPARTMENT OF MANAGEMENT SERVICES

The **State Retirement Commission** announces a hearing to which all persons are invited.

DATE AND TIME: October 18, 2010, 8:30 a.m.

PLACE: Embassy Suites Orlando North, 225 Shorecrest Drive, Altamonte Springs, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct hearings pursuant to Section 121.23, Florida Statutes, and to consider other matters related to the business of the Commission.

A copy of the agenda may be obtained by contacting: Department of Management Services, State Retirement Commission, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950, (850)487-2410.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 15 days before the workshop/meeting by contacting: Department of Management Services, State Retirement Commission, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950, (850)487-2410. If you are 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: Department of Management Services, State Retirement Commission, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950, (850)487-2410.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a public meeting to which all persons are invited.

DATE AND TIMES: October 26, 2010, 9:00 a.m. and 10:00 a.m.

PLACE: Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: Jeffrey J. Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062.

Pursuant to the provisions of 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: Jeffrey J. Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062. If you are 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: Jeffrey J. Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062.

The **Board of Accountancy** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, December 14, 2010, 10:30 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 3332505#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Continuing Professional Education Committee will meet to discuss items relating to CPE credits.

A copy of the agenda may be obtained by contacting: Karan Lee, Board of Accountancy, 240 N. W. 76th Drive, Suite A, Gainesville, FL 32607, (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 2 days before the workshop/meeting by contacting: Karan Lee, Board of Accountancy, 240 N. W. 76th Drive, Suite A, Gainesville, FL 32607, (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.

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, Division of Recreation and Parks** announces a workshop to which all persons are invited.

DATE AND TIME: Tuesday, October 12, 2010, 7:00 p.m. (ET)
PLACE: Weeki Wachee Springs State Park, Banquet Hall, 6131 Commercial Way, Spring Hill, Florida 34606

GENERAL SUBJECT MATTER TO BE CONSIDERED: Presentation and discussion of the proposed management plan for Weeki Wachee Springs State Park.

A copy of the agenda may be obtained by contacting: Toby Brewer, Park Manger at (352)592-5656 or email Toby.Brewer@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Toby Brewer, Park Manger at (352)592-5656 or email: Toby.Brewer@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Toby Brewer, Park Manger at (352)592-5656 or email: Toby.Brewer@dep.state.fl.us.

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a workshop to which all persons are invited.

DATE AND TIME: Wednesday, October 13, 2010, 9:00 a.m. (ET)

PLACE: Weeki Wachee Springs State Park, Banquet Hall, 6131 Commercial Way, Spring Hill, Florida 34606

GENERAL SUBJECT MATTER TO BE CONSIDERED: Presentation and discussion of the proposed management plan for Weeki Wachee Springs State Park with the Advisory Group members.

A copy of the agenda may be obtained by contacting: Toby Brewer, Park Manger at (352)592-5656 or email: Toby.Brewer@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Toby Brewer, Park Manger at (352)592-5656 or email: Toby.Brewer@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Toby Brewer, Park Manger at (352)592-5656 or email: Toby.Brewer@dep.state.fl.us.

The **Environmental Regulation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: October 21, 2010, 9:00 a.m.

PLACE: 3900 Commonwealth Blvd., Douglas Building, Conference Room A, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: A regularly scheduled meeting of the Environmental Regulation Commission will be held. On remand from the United States District Court for the Southern District of Florida (Case No.: 04-21448-Civ-Gold/McAliley), the U.S. Environmental Protection Agency ("EPA") has disapproved portions of Rule 62-302.540, F.A.C. as being inconsistent with the Federal Clean Water Act. The Department is amending Rule 62-302.540, F.A.C., to delete those portions of the Rule that were disapproved by EPA and to ensure consistency with the Federal Clean Water Act and the Court's orders.

A copy of the agenda may be obtained by contacting: Kay Buchanan at (850)245-2293.

Pursuant to the provisions of 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: Kay Buchanan at (850)245-2293. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: October 21, 2010, 10:00 a.m. – 12:00 Noon

PLACE: Lyonia Community Room, 2150 Eustace Avenue, Deltona, FL 32725

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a general public meeting of interested stakeholders to discuss issues related to the Lakes Harney/Monroe Basin Management Action Plan (BMAP). This meeting will provide an opportunity for stakeholders to provide their comments and recommendations to the Department of Environmental Protection regarding development of the Lakes Harney/Monroe BMAP. The BMAP is the means for implementation of the adopted Total Maximum Daily Loads (TMDLs). The primary topic of discussion during this meeting will be the ongoing process of BMAP development.

A copy of the agenda may be obtained by contacting: Ms. Samantha Budd, Watershed Planning and Coordination Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS #3565, Tallahassee, Florida 32399-2400, e-mail: samantha.budd@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Samantha Budd at (850)245-8418. If you are 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 Environmental Protection**, Office of Coastal and Aquatic Managed Areas announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 27, 2010, 6:00 p.m. – 8:00 p.m.

PLACE: Guana Tolomato Matanzas National Estuarine Research Reserve, Environmental Education Center, 505 Guana River Road, Ponte Vedra Beach, FL 32082

DATE AND TIME: Thursday, November 4, 2010, 6:00 p.m. – 8:00 p.m.

PLACE: Loxahatchee River Center, 805 North U.S. Highway 1, Jupiter, FL 33477

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Governors' South Atlantic Alliance is hosting two meetings in Florida to solicit comments from the public on the Draft Action Plan. The plan is available for review and comments at www.dep.state.fl.us/coastal.

A copy of the agenda may be obtained by contacting: Stephanie Culp by e-mail: Stephanie.Culp@dep.state.fl.us, phone: (850)245-2094, by mail: 3900 Commonwealth Blvd., MS #235, Tallahassee, FL 32399-3000.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Stephanie Culp at Stephanie.Culp@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 public meeting to which all persons are invited.

DATE AND TIME: October 21, 2010, 10:00 a.m. – 12:00 Noon

PLACE: Conference Call: 1(888)808-6959 (Toll Free), Conference Code: 5391969#; 4030 Esplanade Way, Bldg. 4030, Room 280N, Tallahassee, FL 32399-1732

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continued discussion of correctional health care budget and personnel issues.

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 **Board of Chiropractic Medicine**, Probable Cause Panel announces a telephone conference call to which all persons are invited.

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

PLACE: Conference Call: 1(888)808-6959, Conference Code: 9849329103#; Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda may be obtained by contacting: Sherra Causey, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257 or email: sherra_causey@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 48 hours before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Massage Therapy** announces a public meeting to which all persons are invited.

DATES AND TIME: Thursday, October 28, 2010; Friday October 29, 2010, 9:00 a.m. or shortly thereafter

PLACE: Marriott Tampa Airport, 4200 George J. Bean Parkway, Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda may be obtained by contacting: Kaye Howerton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, (850)245-4161.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Paula Mask at (850)245-4161. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Pharmacy**, Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 26, 2010, 9:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 5642037#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Reconsideration cases.

A copy of the agenda may be obtained by contacting: Board of Pharmacy at (850)245-4292.

The **Department of Health** announces a public meeting to which all persons are invited.

DATE AND TIME: October 28, 2010, 9:00 a.m.

PLACE: Florida Department of Health, Capital Circle Office Complex, Prather Building, Room 310A, 2585 Bald Cypress Way, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Technical Review and Advisory Panel will discuss numerous issues relating to onsite sewage treatment and disposal systems which may require changes to Chapter 64E-6, Florida Administrative Code. Issues to discuss will include proposed rules implementing provisions of Laws of Florida, 2010-205 (SB 550) related to the statewide evaluation of onsite sewage treatment and disposal systems on a five-year recurring basis. The panel may also discuss research proposals as requested by the Research review and Advisory Committee.

A copy of the agenda may be obtained by contacting: Shirley Kugler, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713.

Pursuant to the provisions of 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: Shirley Kugler, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713. If you are 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: Gerald Briggs, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Family Services** announces a public meeting to which all persons are invited.

DATES: September 14, 2010 through October 8, 2010

PLACE: 400 W. Robinson Street, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: INVITATION TO NEGOTIATE ITN#: C9CBCITN2011.

To become the Lead Agency for Community-Based Care in Circuit 9/Central Region Orange and Osceola Counties.

ADDENDUM #: 003

CHANGES TO SCHEDULE OF EVENTS AND EVALUATION METHODOLOGY.

Due to scheduling conflicts, additional changes are required for the Schedule of Events. The Evaluation Methodology section was revised to reflect the number of financial and programmatic team members. The Department apologizes for any inconvenience.

REVISION TO THE SCHEDULE OF EVENTS: Section 2, pages 9 and 10 as follows:

SECTION 2: INVITATION TO NEGOTIATE (ITN) PROCESS

2.4 Schedule of Events and Deadlines

ITN Advertised/Released: Monday, April 26, 2010, 3:00 p.m.
Florida Communities Network Electronic Posting site: http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu

Notice of Intent to Submit a Reply to be received by the Department: Monday, May 3, 2010, 10:00 a.m.

Attn.: Christine Barber, CBC Contract Manager, 400 W. Robinson St., Suite S1118, Orlando, FL 32801

Vendor's Conference: Thursday, May 13, 2010, 2:00 p.m., 400 W. Robinson St., Suite S1112, Orlando, FL 32801

Deadline for Submission of Inquiries:

Friday, May 28, 2010, 11:00 a.m.

Attn.: Christine Barber, CBC Contract Manager, 400 W. Robinson St., Suite S1118, Orlando, FL 32801

Deadline for Department’s Response to Inquiries:
 Monday, June 14, 2010, 11:00 a.m.
 Florida Communities Network Electronic Posting site:
http://vbs.dms.state.fl.us/vbs/main_menu
 Sealed Replies must be received by the Department:
 Wednesday, July 14, 2010, 3:00 p.m.
 Attn.: Christine Barbary, CBC Contract Manager, 400 W. Robinson St., Suite S1118, Orlando, FL 32801
 Reply Opening and Review of Mandatory Criteria:
 Wednesday, July 14, 2010, 3:05 p.m.
 Attn.: Christine Barbary, CBC Contract Manager, 400 W. Robinson St., Suite S1112, Orlando, FL 32801
 Evaluation Team Meeting:
 Monday, July 19, 2010, 10:00 a.m.
 400 W. Robinson St., Suite S1112, Orlando, FL 32801
 Debriefing Meeting of the Evaluation Team:
 Monday, August 2, 2010, 4:00 p.m.
 400 W. Robinson St., Suite S1112, Orlando, FL 32801
 Posting of Response Scores and Notice of Intent to Negotiate:
 Tuesday, August 10, 2010, 3:00 p.m.
 Florida Communities Network Electronic Posting site:
http://vbs.dms.state.fl.us/vbs/main_menu
 Period of Negotiation Tuesday, September 14, 2010 through Friday, October 8, 2010
 Posting of Notice of Intent to Award:
 Friday, October 22, 2010, 3:00 p.m.
 Florida Communities Network Electronic Posting site:
http://vbs.dms.state.fl.us/vbs/main_menu
 Anticipated Effective Date of Contract:
 January 1, 2011
 The ITN C9CBCITN2011 To Become the Lead Agency for Community Based Care in the Central Region – Circuit 9, Orange and Osceola Counties, was released on April 26, 2010. Three replies were received and evaluated. The three vendors responding were CBC of Seminole, Inc., Choices, Inc. and Family Services of Metro Orlando, Inc.
 On August 2, 2010, the Department held its Debriefing Meeting of the Evaluation Team. The Department’s Response Evaluation Scorebook is attached hereto. As a result of the Department’s screening of replies received in response to ITN #C9CBCITN2011, the Department has compiled a list of vendors with whom it wishes to negotiate:
 Family Services of Metro Orlando, Inc.
 CBC of Seminole, Inc.
 This list contains the vendors who have been determined to meet the basic requirements set out in the ITN and demonstrate the potential for fulfilling the services needs of the Department. The Department of Children and Families reserves the right, should it determine in its sole judgment that negotiations with CBC of Seminole or Family Services of Metro Orlando, Inc., are not proceeding in a beneficial manner,

to initiate negotiations with Choices, Inc., without further notice. Such negotiations may be in parallel with or in lieu of negotiations with any vendor. No presumption of preference or merit in the negotiation process or for contract award shall arise from the order of vendors listed in this posting.

The Department will meet with both prospective vendors at an agreed upon date and time during a negotiation period of September 14, 2010 through October 8, 2010. All negotiation meetings are closed to the public. Accordingly, the Department hereby amends, modifies, supplements and/or clarifies the ITN as follows: Pages 9-10, section 2.4, Schedule of Events and Deadlines, original version, is hereby deleted and the attached Addendum #003 is inserted in lieu thereof.

The department reserves the right to change the method of negotiation (concurrent versus by order of ranking), if it determines that to do either would be in the best interests of the State.

After the initial negotiation session with the selected vendors, in its sole discretion, the department shall determine whether to hold additional negotiation sessions and with which vendors it will negotiate.

The department reserves the right at any time during the negotiation process to:

- Schedule additional negotiating sessions with any or all short-listed vendors;
- Require any or all short-listed vendors to provide additional or revised detailed written proposals addressing specified topics;
- Require any or all short-listed vendors to provide a written best and final offer;
- Require any or all short-listed vendors to address services, prices, or conditions offered by any other vendor;
- Pursue a contract with one or more short-listed vendors for the services encompassed by this solicitation, any addenda thereto and any request for additional or revised detailed written proposals or request for best and final offers;
- Arrive at an agreement with any short-listed vendor, finalize contract terms with such vendor and terminate negotiations with any or all other vendors, regardless of the status of or scheduled negotiations with such other vendors; and
- Decline to conduct further negotiations with any vendor;
- Reopen negotiations with any vendor; and
- Take any additional administrative steps deemed necessary in determining the final award, including additional fact-finding, evaluation, or negotiation where necessary and consistent with the terms of this solicitation.

The department has sole discretion in deciding whether and when to take any of the foregoing actions, the scope and manner of such actions, the responsive vendor or vendors affected and whether to provide concurrent notice of such decision.

Any person who is adversely affected by the terms, conditions and specifications contained in this Notice of Intent to Conduct Negotiations with Vendor, including any provisions governing the methods of ranking bids, proposals or replies, awarding contracts, reserving rights of further negotiation, or modifying or amending any contract shall file a notice of protest in writing within 72 hours (Saturday, Sundays and state holidays excluded) after the posting of the decision, or intended decision. The formal written protest shall be filed within 10 days after the date the notice of protest is filed. Failure to file a protest within the time prescribed in Section 120.57(3), F.S., shall constitute a waiver of proceedings under Chapter 120, F.S.

When protesting a decision or intended decision the protestor must post a bond equal to one percent (1%) of the department's estimated contract amount. The bond is not to be filed with the notice of protest, but must be filed with the formal written protest or within the 10-day period allowed for the filing of the formal written protest. The estimated contract amount is listed in the Invitation to Negotiate number C9CBCITN2011. The estimated contract amount is not subject to protest pursuant to Section 120.57(3), F.S. The bond shall be conditioned upon the payment of all cost and charges that are adjudged against the protestor in the administrative hearing in which action is brought and in any subsequent appellate court proceeding. Failure to file the proper bond at the time of filing the formal protest will result in a rejection of the protest. In lieu of a bond the department may accept a cashier's check, official bank check, or money order in the amount of the bond.

Invitation to Negotiate will be available at: 400 W. Robinson Street, Suite S1118, Orlando, FL 32814

Please direct all questions to: Christine Barbery at (407)317-7057, Fax: (407)245-0575, email: Christine_Barbery@dcf.state.fl.us.

Any person with a qualified disability requiring special accommodations at the pre-solicitation conference and/or bid/proposal opening shall contact purchasing at the phone number above at least five (5) working days prior to the event. If you are hearing or speech impaired, please contact this office by using the Florida Relay Services which can be reached at 1(800)955-8771 (TDD).

The Department reserves the right to reject any and all bids or accept minor irregularities in the best interest of the State of Florida.

A copy of the agenda may be obtained by contacting: Christine Barbery, 400 W. Robinson St., Suite 1118, Orlando, FL 32801, (407)317-7000.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Cecilia Ravak at (407)317-7000. If you are 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 **Child Care Standards and Improvements Work Group** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 18, 2010, 10:00 a.m. – 4:00 p.m.

PLACE: 2300 High Ridge Road, Board Room, Boynton Beach, FL 33426

Conference call information is as follows:

Conference Call: 1(888)808-6959, Conference code: 4884900#.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The work group will meet to assess and make recommendations for legislative, administrative rule, process, or procedural enhancements to Florida's child care standards.

A copy of the agenda may be obtained by contacting: Cindy Bull, Department of Children and Families, Executive Staff, 1317 Winewood Boulevard, Building 2, Room 205, Tallahassee, FL 32399-0700, (850)488-4306.

Pursuant to the provisions of 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: Cindy Bull at (850)488-4306. If you are 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 **Refugee Services Program** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 13, 2010, 10:00 a.m. – 12:00 Noon

PLACE: USCIS Field Office, 6680 Corporate Center Boulevard, Orlando, Florida 32822

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the Orlando 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: Pedro Padua at email: Pedro_Padua@dcf.state.fl.us, Fax: (407)245-0584 or mail: Pedro Padua, 400 W. Robinson Street, Suite S915D, Orlando, Florida 32801. If you

are 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: Pedro Padua at (407)317-7336, email: Pedro_Padua@dcf.state.fl.us, Fax: (407)245-0584 or mail: Pedro Padua, 400 W. Robinson Street, Suite S915D, Orlando, Florida 32801; Taddese Fessehaye at email: Taddese_Fessehaye@dcf.state.fl.us.

The **DCF, Refugee Services Program** announces a public meeting to which all persons are invited.

DATE AND TIME: October 15, 2010, 9:00 a.m.

PLACE: Florida Department of Children and Families, Refugee Services, 1317 Winewood Boulevard, Building 5, Room 203, Tallahassee, Florida 32399-0700; Conference Call: 1(888)808-6959, Conference Code: 4883791#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting of the negotiation team to develop a recommendation for contract award for Refugee Student Academic Enrichment Services in Duval County as provided for in Section 2.6 of ITN #08K10BS3 published on the Vendor Bid System (VBS) on August 17, 2010.

Pursuant to the provisions of 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 Boulevard, Building 5, Room 203, Tallahassee, Florida 32399 or 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 Boulevard, Building 5, Room 203, Tallahassee, Florida 32399 or Anna_Bethea@dcf.state.fl.us.

The **Department of Children and Families**, Statewide Human Trafficking Task Force announces a public meeting to which all persons are invited.

DATE AND TIME: October 20, 2010, 10:00 a.m. – 3:00 p.m.

PLACE: 1317 Winewood Blvd., Building 1, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Ad Hoc Committee on Domestic Minor Sex Trafficking.

A copy of the agenda may be obtained by contacting: Jeannee Elswick-Morrison at (850)487-4386.

Pursuant to the provisions of 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: Jeannee Elswick-Morrison at (850)487-4386. If you are 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: Jeannee Elswick-Morrison at (850)487-4386.

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 20, 2010, 10:00 a.m. (Eastern Time)

PLACE: Rick Seltzer Conference Room, Suite 6000, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Review Committee meeting will be to discuss, evaluate, score and rank each proposal and to submit a recommendation to Florida Housing's Board of Directors. The proposals are submitted in response to Florida Housing Finance Corporation's Request for Proposals #2010-14 relating to the Applicants that received Exchange Funding under RFP 2010-04, dated February 26, 2010 and who will commit to provide additional set-aside units for Extremely Low Income (ELI) households to submit Proposals in accordance with the terms and conditions set forth in the Request for Proposals (RFP) 2010-14.

A copy of the agenda may be obtained by contacting: Sherry Green at (850)488-4197 or sherry.green@floridahousing.org.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Florida Housing Finance Corporation**, Board of Directors announces a public meeting to which all persons are invited.

DATE AND TIME: October 22, 2010, 8:30 a.m. – until adjourned

PLACE: Tallahassee City Hall Commission Chambers, 300 Adams Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Consider financing and acknowledgement resolutions for various multifamily developments, under any multifamily program, including the ranking of developments.
2. Consider appointment of professionals including but not limited to trustee and/or originator/servicer for upcoming and/or past multifamily programs and single-family programs.
3. Consider approval of all bond documents for and terms of all upcoming single-family and multifamily bond sales, including those secured by third-party guarantors, letters-of-credit, insurance or other mechanisms.
4. Consider adopting resolutions authorizing negotiated or competitive sale of bonds on various single-family and multifamily issues.
5. Consider directing Staff to submit summaries of various TEFRA/Public Hearings to the Governor.
6. Consideration of policy issues concerning ongoing and upcoming single-family bond issues including initiation of request for proposals on an emergency basis, and structuring new issues.
7. Consideration of all necessary actions with regard to the Multifamily Bond Program.
8. Consideration of approval of underwriters for inclusion on approved master list and teams.
9. Consideration of all necessary actions with regard to the HOME Rental Program.
10. Consideration of all necessary actions with regard to the HC (Housing Credits) Program.
11. Consideration of all necessary actions with regard to the SAIL (State Apartment Incentive Loan) Program.
12. Consideration of all necessary actions with regard to the SHIP (State Housing Initiatives Partnership) Program.
13. Consideration of all necessary actions with regard to the PLP (Predevelopment Loan) Program.
14. Consideration of all necessary actions with regard to the Homeownership Programs.
15. Consideration of all necessary actions for initiating new rules or rule amendments on an emergency or non-emergency basis.
16. Consideration of Appeals from Universal Cycle ranking and grading with entry of final orders.
17. Consideration of workouts or modifications for existing projects funded by the Corporation.
18. Consideration of matters relating to the stated purpose of the Corporation to provide safe and sanitary housing that is affordable for the residents of Florida.
19. Consideration of funding additional reserves for the Guarantee Fund.
20. Consideration of audit issues.
21. Evaluation of professional and consultant performance.
22. Such other matters as may be included on the Agenda for the October 22, 2010, Board Meeting.

A copy of the agenda may be obtained by contacting: Sheila Freaney, Board Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197 approximately two days prior to the meeting, or by visiting the Corporation's website at: www.floridahousing.org.

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **FHFC II, Inc.**, Board of Directors announces a public meeting to which all persons are invited.

DATE AND TIME: October 22, 2010, 11:00 a.m., or upon adjournment of the Florida Housing Finance Corporation Board of Directors meeting, until adjourned

PLACE: Tallahassee City Hall Commission Chambers, 300 Adams Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Conduct business necessary for the organization of FHFC II, Inc.
2. Consider adopting resolutions delegating operational authority to the Executive Director.
3. Consideration of all necessary actions with regard to any property owned or held by FHFC II, Inc.
4. Consideration of approval of underwriters for inclusion on approved master list and teams.
5. Consideration of all necessary actions for initiating new rules or rule amendments on an emergency or non-emergency basis.
6. Consideration of status, workouts, or modifications for existing projects.
7. Consideration of matters relating to the statutory purpose of FHFC II, Inc., to provide safe and sanitary housing that is affordable for the residents of Florida.
8. Such other matters as may be included on the Agenda for the October 22, 2010, Board Meeting.

A copy of the agenda may be obtained by contacting: Sheila Freaney, Board Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida

32301-1329, (850)488-4197, approximately two days prior to the meeting, or by visiting the Corporation's website at: www.floridahousing.org.

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **FHFC III, Inc.**, Board of Directors announces a public meeting to which all persons are invited.

DATE AND TIME: October 22, 2010, 11:00 a.m. – or upon adjournment of the Florida Housing Finance Corporation Board of Directors meeting, until adjourned

PLACE: Tallahassee City Hall Commission Chambers, 300 Adams Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Conduct business necessary for the organization of FHFC III, Inc.
2. Consider adopting resolutions delegating operational authority to the Executive Director.
3. Consideration of all necessary actions with regard to any property owned or held by FHFC III, Inc.
4. Consideration of approval of underwriters for inclusion on approved master list and teams.
5. Consideration of all necessary actions for initiating new rules or rule amendments on an emergency or non-emergency basis.
6. Consideration of status, workouts, or modifications for existing projects.
7. Consideration of matters relating to the statutory purpose of FHFC III, Inc., to provide safe and sanitary housing that is affordable for the residents of Florida.
8. Such other matters as may be included on the Agenda for the October 22, 2010, Board Meeting.

A copy of the agenda may be obtained by contacting: Sheila Freaney, Board Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197, approximately two days prior to the meeting, or by visiting the Corporation's website at: www.floridahousing.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 5 days before the workshop/meeting by contacting: Sheila Freaney, Florida Housing Finance Corporation at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida **Fish and Wildlife Conservation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: November 17, 2010, 6:00 p.m. – 8:00 p.m.

PLACE: Joseph P. D'Alessandro Office Complex, 2295 Victoria Ave., Ft. Myers, FL 33901

DATE AND TIME: December 13, 2010, 6:00 p.m. – 8:00 p.m.

PLACE: Fish and Wildlife Research Institute, Karen A. Steidinger Auditorium, 100 Eighth Ave., S. E., St. Petersburg, FL 33701

DATE AND TIME: December 14, 2010, 6:00 p.m. – 8:00 p.m.

PLACE: City Hall Council Chambers, 123 N. W. Hwy. 19, Crystal River, FL 34428

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review the Commission's recent regional analysis of the red drum stock assessment. Possible rule changes will be discussed including creating regional management areas for red drum and raising the bag limit to two red drum per person per day in the two northern regions of the state. Possible rule changes will also be discussed for the southeast region of the state such as a change to the slot limit or closed seasons.

The purpose of this Notice is also to cancel the following meetings:

DATE AND TIME: November 30, 2010, 6:00 p.m. – 8:00 p.m.

PLACE: Fish and Wildlife Research Institute, Karen A. Steidinger Auditorium, 100 Eighth Ave., S. E., St. Petersburg, FL 33701

DATE AND TIME: December 1, 2010, 6:00 p.m. – 8:00 p.m.

PLACE: City Hall Council Chambers, 123 N. W. Hwy. 19, Crystal River, FL 34428

A copy of the agenda may be obtained by contacting: Mark Robson, 620 S. Meridian Street, Tallahassee, FL 32399, (850)487-0554.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator at (850)488-6411. If you are

hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Mark Robson, 620 S. Meridian Street, Tallahassee, FL 32399, (850)487-0554.

The Florida **Fish and Wildlife Conservation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: December 8, 2010, 6:00 p.m. – 8:00 p.m. (EST)

PLACE: International Game Fish Association, Fishing Hall of Fame and Museum, 300 Gulf Stream Way, Dania Beach, FL 33004

DATE AND TIME: December 9, 2010, 6:00 p.m. – 8:00 p.m. (EST)

PLACE: City of Key Colony Beach – City Hall Building, City Hall Auditorium, Mile Marker 53.5, 600 W. Ocean Drive, Key Colony Beach, FL 33051-0141

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of these workshops is to gather public comments on possible rule changes that would make bonefish a catch-and-release-only fishery. Possession exceptions for record purposes and tournaments are being considered. Creation of a tournament registration program for tournaments in which bonefish would be temporarily possessed and transported for weigh-in purposes will also be discussed.

A copy of the agenda may be obtained by contacting: Mark Robson, 620 S. Meridian Street, Tallahassee, FL 32399, (850)487-0554.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Mark Robson, 620 S. Meridian Street, Tallahassee, FL 32399, (850)487-0554.

The Florida **Fish and Wildlife Conservation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: December 15, 2010, 6:00 p.m. – 8:00 p.m. (EDT) (5:00 p.m. – 7:00 p.m. CDT for the Panama City location)

PLACE: The public may access this workshop via voice-only line and video conference. Please RSVP to the Division of Marine Fisheries Management at (850)487-0554 to confirm a location or obtain instructions to join the meeting via the voice-only line. The public may access the video conference at the following locations:

Florida Fish and Wildlife Conservation Commission
Farris Bryant Building
2nd Floor, Conference Room
620 S. Meridian Street
Tallahassee, FL 32399
(850)487-0554

Northwest Regional Office
3911 Hwy. 2321
Panama City, FL 32409
(850)265-3676

North Central Regional Office
3377 E. US Hwy 90
Lake City, FL 32055
(386)758-0525

Northeast Regional Office
1239 S. W. 10th Street
Ocala, FL 34471
(352)732-1225

Southwest Regional Office
3900 Drane Field Road
Lakeland, FL 33811
(863)648-3200

South Regional Office
8535 Northlake Boulevard
West Palm Beach, FL 33412
(561)625-5122

Fish and Wildlife Research Institute
100 Eighth Avenue, S. E.
St. Petersburg, FL 33701
(727)896-8626

South Florida Regional Lab
Marathon Government Center
2796 Overseas Highway
Mile Marker 48.5
Marathon, FL 33050
(305)289-2330

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of these workshops is to review the Commission's recent regional analysis of the red drum stock assessment. Possible rule changes will be discussed including creating regional management areas for red drum and raising the bag limit to two red drum per person per day in the two northern regions of the state. Possible rule changes will also be discussed for the southeast region of the state.

A copy of the agenda may be obtained by contacting: Mark Robson, 620 S. Meridian Street, Tallahassee, FL 32399, (850)487-0554.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Mark Robson, 620 S. Meridian Street, Tallahassee, FL 32399, (850)487-0554.

FINANCIAL SERVICES COMMISSION

The **Financial Services Commission, Office of Insurance Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: October 21, 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: First Community Insurance Company has requested a 26.7% overall rate increase for its homeowners program, effective November 1, 2010, for new and renewal business. The requested rate increases are not uniform and some areas are subject to higher rate increases.

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@floir.com; the subject line of your e-mail should read "First Community."

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 email: cindy.walden@floir.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 email: cindy.walden@floir.com.

AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY

The **Agency for Enterprise Information Technology**, Chief Information Officers Council announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 18, 2010, 10:00 a.m. – 12:00 Noon

PLACE: Betty Easley Conference Center, Room 166, 4075 Esplanade Way, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To enhance communication among the Chief Information Officers of all state agencies and assist in identifying critical statewide information technology issues.

A copy of the agenda may be obtained by contacting: Margie (Rainey) Drury, Florida Department of Legal Affairs, Office of Information Technology at (850)414-3525 or email: 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).

FLORIDA MEDICAL MALPRACTICE JOINT UNDERWRITING ASSOCIATION

The **Florida Medical Malpractice Joint Underwriting Association** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 22, 2010, 2:00 p.m.

PLACE: Hyatt Regency Bonaventure, Weston, FL 33326

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is an organizational meeting of the Audit Committee. The Committee will consider other business properly brought before the Committee.

A copy of the agenda may be obtained by contacting: FMMJUA, 1836 Hermitage Blvd., Suite 201, Tallahassee, FL 32308.

The **Florida Medical Malpractice Joint Underwriting Association** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 22, 2010, 4:00 p.m.

PLACE: Hyatt Regency Bonaventure, Weston, FL 33326

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Claims & Underwriting Committee will receive and consider reports from the Association's General Counsel, General Manager, Servicing Carrier, and such other business properly brought before the Committee.

A copy of the agenda may be obtained by contacting: FMMJUA, 1836 Hermitage Blvd., Suite 201, Tallahassee, FL 32308.

The **Florida Medical Malpractice Joint Underwriting Association** announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, October 23, 2010, 9:00 a.m.
 PLACE: Hyatt Regency Bonaventure, Weston, FL 33326
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Governors will receive and consider quarterly reports from the Association's Investment Counsel, General Counsel, Servicing Carrier, Claims Committee, Audit Committee, General Manager, and such other business properly brought before the Board.

A copy of the agenda may be obtained by contacting: FMMJUA, 1836 Hermitage Blvd., Suite 201, Tallahassee, FL 32308.

FLORIDA LOCAL GOVERNMENT INVESTMENT TRUST

The **Florida Local Government Investment Trust** announces a public meeting to which all persons are invited.

DATE AND TIME: October 22, 2010, 10:30 a.m.
 PLACE: Orlando Airport Marriott, 7499 Augusta National Drive, Orlando, FL 32822-5015
 GENERAL SUBJECT MATTER TO BE CONSIDERED: General Administrative Operations.

A copy of the agenda may be obtained by contacting: Bryant Gries at (850)921-0808 or bgries@flclerks.com.
 For more information, you may contact: Bryant Gries or Jennie Shnitker at (850)921-0808.

FLORIDA ATLANTIC RESEARCH AND DEVELOPMENT AUTHORITY

The **Florida Atlantic R & D Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: October 12, 2010, 4:00 p.m. – 6:00 p.m.
 PLACE: Technology Business Incubator Conference Room, 3701 FAU Blvd., Suite 210, Boca Raton, FL 33431
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Selection Committee Meeting for FARDA President & CEO position.

A copy of the agenda may be obtained by contacting: Christine Cannon-Burres at (561)620-8494, ext. 10 or email: ccannon@edc-tech.org.
 For more information, you may contact: Chrisitne Cannon-Burres at (561)620-8494, ext. 10 or email: ccannon@edc-tech.org.

The **Florida Atlantic Research and Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: October 19, 2010, 8:00 a.m. – 9:30 a.m.
 PLACE: TBI Conference Room, 3701 FAU Blvd., Suite 210, Boca Raton, FL 33431
 GENERAL SUBJECT MATTER TO BE CONSIDERED: FARDA Board of Directors meeting. General FARDA matters/business.

A copy of the agenda may be obtained by contacting: Christine Cannon-Burres at (561)620-8494, ext. 10 or email: ccannon@research-park.org.

LEON COUNTY TRANSPORTATION DISADVANTAGED COORDINATING BOARD

The **Leon County Transportation Disadvantaged Coordinating Board** announces a Quarterly meeting and public hearing:

DATE AND TIME: October 13, 2010, 3:00 p.m.
 PLACE: Community Room, AMTRAK Station, Railroad Avenue, Tallahassee, FL.

Contact: Colleen Roland at (850)891-6812 for additional information or special needs accommodations (24 hour advance notice, minimum).

CENTER FOR INDEPENDENT LIVING IN CENTRAL FLORIDA, INC.

The **Center for Independent Living in Central Florida, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 20, 2010, 4:00 p.m. – 7:00 p.m.
 PLACE: 720 North Denning Drive, Winter Park, FL 32789
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Strategic Plan/Annual Meeting.

A copy of the agenda may be obtained by contacting: Luana Kutz at (407)623-1070 or lkutz@cilorlando.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 7 days before the workshop/meeting by contacting: Luana Kutz at (407)623-1070. If you are 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: Luana Kutz at (407)623-1070.

NORTHWOOD SHARED RESOURCE CENTER

The **NSRC Executive Director Hiring Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 13, 2010, 2:00 p.m.

PLACE: Department of State, 1949 N. Monroe Street, Suite 79, Room 115, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Hiring of the Executive Director for the Northwood Shared Resource Center.

A copy of the agenda may be obtained by contacting: monica_cash@nsrc.myflorida.com.

The **NSRC Executive Director Hiring Committee** announces a public meeting to which all persons are invited.

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

PLACE: Department of State, 1949 N. Monroe Street, Suite 79, Room 115, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Hiring of the Executive Director of the Northwood Shared Resource Center.

A copy of the agenda may be obtained by contacting: monica_cash@nsrc.myflorida.com.

The **NSRC Executive Director Hiring Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 27, 2010, 2:00 p.m.

PLACE: Department of State, 1949 N. Monroe Street, Suite 79, Room 115, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Hiring of the Executive Director for the Northwood Shared Resource Center.

A copy of the agenda may be obtained by contacting: monica_cash@nsrc.myflorida.com.

CITIZENS PROPERTY INSURANCE CORPORATION

The **Citizens' Actuarial and Underwriting Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: October 21, 2010, 2:00 p.m. (EDT)

PLACE: Via Teleconference: 1(866)631-2413

GENERAL SUBJECT MATTER TO BE CONSIDERED: The items of discussion include, but are not limited to, Inspection Outreach Program Update and HRA Reduction Plan.

A copy of the agenda may be obtained by contacting: <https://www.citizensfla.com/about/index.cfm>.

Pursuant to the provisions of 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: Fawn Brown at 1(800)807-7647, extension 8331. If you are 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: <https://www.citizensfla.com/about/index.cfm> or Fawn Brown at 1(800)807-7647, extension 8331.

FLORIDA INDEPENDENT LIVING COUNCIL, INC.

The **Florida Independent Living Council, Inc.** announces a public meeting to which all persons are invited.

DATES AND TIME: Wednesday-Friday, November 17-19, 2010, 9:00 a.m.

PLACE: Riverside Hotel, 620 East Las Olas Boulevard, Ft. Lauderdale, FL 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the council.

Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Molly Gosline at the council address.

A copy of the agenda may be obtained by contacting: Florida Independent Living Council, 1416 N. Adams Street, Tallahassee, Florida 32303, (850)488-5624 or Toll Free 1(877)822-1993.

Any person who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

A copy of the agenda may be obtained by contacting: Molly Gosline at (850)488-5624.

JUSTICE ADMINISTRATIVE COMMISSION

The **Justice Administrative Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: October 26, 2010, 10:00 a.m. (EST)

PLACE: Justice Administrative Commission, 227 North Bronough Street, Suite 2100, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by contacting: Jessica Kranert at (850)488-2415, ext. 261 or email: jessicak@justiceadmin.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Jessica Kranert at (850)488-2415, ext. 261 or

jessicak@justiceadmin.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).

SUNSHINE STATE ONE CALL OF FLORIDA, INC.

The **Sunshine State One Call of Florida, Inc.** announces a telephone conference call to which all persons are invited.

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

PLACE: Conference Call: 1(888)808-6959, Meeting ID: 6966852081#

GENERAL SUBJECT MATTER TO BE CONSIDERED: To develop the agendas for the December 9-10, 2010 Committee and Board of Directors meetings.

BABCOCK RANCH INC.

The Board of Directors of **Babcock Ranch, Inc.** announces a public teleconference meeting in which the public are invited to listen in as an audience only.

DATE AND TIME: October 14, 2010, 9:00 a.m. – 11:00 a.m.

PLACE: Via 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: The Board will be following up on action items from the August 20, 2010, Babcock Ranch, Inc. Board meeting. An agenda can be requested by contacting Debbie Upp at execassistant@archbold-station.org.

A copy of the agenda may be obtained by contacting: Debbie Upp at execassistant@archbold-station.org.

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF MANAGEMENT SERVICES

NOTICE IS HEREBY GIVEN THAT the Public Employees Relations Commission has issued an order disposing of the petition for declaratory statement filed by James M. Duggan, Case No.: DS-2010-002 on July 23, 2010. The following is a summary of the agency's disposition of the petition:

The answer to Petitioner's first question is because the "interim" paraprofessional II classification is not specifically included in the bargaining unit, it falls within the category of "all other employees," and is, thus, excluded. The answer to Petitioner's second question is that pursuant to Article I, section six, of the Florida Constitution, the Legislature, not the Commission, has established public employees' rights to collective bargaining.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: The Clerk, Public Employees Relations Commission, 4050 Esplanade Way, Tallahassee, FL 32399-0950 or on-line: PERC.myflorida.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Construction Industry Licensing Board hereby gives notice of the issuance of an Order regarding the Petition for Declaratory Statement for Malcolm Drilling Company, Inc., filed on July 21, 2010. The Notice of Petition for Declaratory Statement was published in Vol. 36, No. 30, of the July 30, 2010, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on August 13, 2010. The petition requested the Board's interpretation of Section 489.103(1), Florida Statutes, and Rule 61G4-12.011, Florida Administrative Code and whether any license is required under Chapter 489, Part 1, Florida Statutes, for work on a public transportation project in the State of Florida as a subcontractor to the general contractor.

The Board's Order, filed on September 22, 2010 answers the Petition for Declaratory Statement. Subcontractors who perform excavation support work are not required to maintain licensure under Chapter 489, Part 1, Florida Statutes, when the subcontractor is working under the supervision of a person who is certified or registered, and the work is within the scope of the supervisor's license, and where there is no separate license for the subcontractor to possess.

A copy of the Board's Order may be obtained by contacting: G. W. Harrell, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

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 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 of Bid/Request for Proposal

Morette Company will be accepting subcontractor/ vendor pre-qualifications for the Structural Package for the New College Business at the University of West Florida, UWF project #0809-012. Currently the following trades will be required to prequalify for upcoming bid packages; Site work, Sheet Pile and Shoring, Structural Erection, Structural Steel Suppliers, Concrete and Masonry. Pre-Qualification

applications will be available by request by contacting: Iris Hardy at email: ihardy@moretteco.com or (850)432-4084. Applications will be available on September 27, 2010 and will be accepted through October 18, 2010. Final review and results will be complete by October 22, 2010. Only approved contractors and vendors will be allowed to provide pricing for this project. Plans for the structural packages will go out tentatively October 25, 2010. Subsequent trades packages will be forthcoming by future notifications.

Notice of Bid/Request for Proposal

NOTICE TO CONSTRUCTION MANAGERS

The Florida International University Board of Trustees announces that construction management services are required for the project identified below:

PROJECT NAME & NUMBER: BT-834 SCP Satellite Chiller Plant

PROJECT LOCATION: Modesto A. Maidique Campus (MMC), Miami, Florida

PROJECT DESCRIPTION: The new Satellite Chiller Plant (SCP) facility, with an ultimate 7,500 ton cooling capacity, shall supplement the University's existing chilled water generation operations serving the immediate and future needs of the Academic Health Center located on the northeast corner of the campus as well as other facilities.

The SCP will provide space for two (2) 1,500 ton chillers and cooling towers, and shell space for three (3) future 1,500 ton chillers and cooling towers. Emergency power by two (2) emergency generators will provide a minimum chilled water capacity of 3,000 tons during periods of power outage. Compliance with High Wind Velocity Zone (HWVZ) criteria will be required pursuant to Florida Building Code wind load requirements for the building envelope and cooling towers enclosure. This will include consideration of enhancements (code+) to assure continuity of operations as an on-going effort by the University to enhance its DRU (Disaster Resistant University) initiatives.

The full scope of the work is subject to funding. The total building construction cost is estimated to be approximately \$6,000,000 with a total gross square footage of 16,000 GSF (inclusive of cooling towers screened area). Total available funding is in the amount of \$7,110,000 of PECO funds. An additional \$7,000,000 future funding has been requested and is subject to legislative approval. In the event additional funds are appropriated, the project scope may be amended to include the full program as described herein.

INSTRUCTIONS: Firms desiring to provide construction management services for the project shall submit a letter of application and a completed Construction Manager Qualifications Supplement (CMQS) form. Proposals must not exceed 80 pages, including the CMQS and letter of application. Pages must be numbered consecutively. Submittals, which do

not comply with these requirements or do not include the requested data, will not be considered. No submittal material will be returned.

Submit seven (7) bound copies of the required proposal data and one CD copy of the complete proposal in Adobe Acrobat PDF format of the above requested data bound in the order listed. 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 Construction Manager Qualifications Supplement (CMQS) form and 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 web-site: <http://facilities.fiu.edu/projects/BT-834.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 to griffith@fiu.edu.

GENERAL REQUIREMENTS: All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

FIU HAS CREATED STANDARD CONTRACT FORMS, GENERAL TERMS AND CONDITIONS OF THE CONTRACT FOR CONSTRUCTION AND STANDARD INSURANCE REQUIREMENTS APPLICABLE TO CM 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-834.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.

SUBMIT QUALIFICATIONS TO: Selection Committee, Florida International University, Real Estate Development and Planning, Campus Support Complex, 11555 S. W. 17th St., Room #142, Modesto A. Maidique Campus, Miami, Florida

33199. 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 November 5, 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.

Public Announcement for

Professional Services for Construction Management

The Florida School for The Deaf and The Blind (FSDB) announces that professional services are required for the project listed below.

PROJECT NAME: Campus Infrastructure, Replacement/Conversion of the Heating Hot Water (HHW) Distribution System.

PROJECT LOCATION: Florida School for the Deaf & the Blind, 207 San Marco Avenue, St. Augustine, FL 32084

SERVICES TO BE PROVIDED: Construction Management services for a new distribution system shall replace a failing underground piping HHW/CW supply and return loop throughout the campus. The distribution system shall be reliable, cost effective, energy efficient, and maintainable.

Strategies include solutions with the utilization of existing boilers, chillers and replacement of underground piping. Individual buildings may require metering systems to be installed to determine loads with other conversions within the campus buildings. The funding shall require multi construction phases based on yearly PECO appropriation.

Construction Management services shall be provided for construction. The project shall conform to the FSDB construction standards and the campus values use of substantial design.

PROJECT NUMBER: FSDB – 20100002

PROJECT BUDGET: TBD

CONSTRUCTION BUDGET: TBD

FSDB PROJECT MANAGER: Steve Armstrong

PHONE NUMBER: (904)827-2363

RESPONSE DUE DATE/TIME: Monday, November 8, 2010, by 3:00 p.m.

INSTRUCTIONS FOR SUBMITTAL: Firms interested in being considered for this project should access: www.fsdb.k12.fl.us. Other Services – Facilities Maintenance & Construction – Construction Information – Selection of Construction Management Firms.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

EXECUTIVE OFFICE OF THE GOVERNOR

Notice of Bid/Request for Proposal

E85/B20 PUBLIC/PRIVATE FUELING GRANT PROGRAM
 On February 17, 2009, the American Recovery and Reinvestment Act of 2009 (ARRA) was enacted. As a result of this new law, the State of Florida was allocated \$126,089,000 in economic stimulus funds for its State Energy Program (SEP). This funding has been allocated to the Florida Energy and Climate Commission (FECC) from the U.S. Department of Energy (DOE). Of the total amount, the FECC will use \$2,283,400 for the creation of the E85/B20 Public/Private Fueling Grant Program. This grant program is intended to expand the use of E85/B20 as a transportation fuel through increased deployment of E85/B20 fueling infrastructure throughout the state. Program guidelines and applications are located at MyFloridaClimate.com.

SUBMITTING THE APPLICATION: Applications must be submitted in a sealed envelope/package, the face referencing E85/B20 Public/Private Fueling Grant Program with the date and time of the submittal. Submit at least one clearly marked ORIGINAL, five (5) additional copies and one digital format on a non-rewritable CD, preferably PDF, of the application and all supplemental materials. Each applicant is responsible for ensuring its application is received and delivered at the proper time and to the proper place. The FECC shall not consider late proposals. To be considered, **SEALED APPLICATIONS MUST BE RECEIVED BY FECC STAFF BEFORE 5:00 p.m. (EST), November 8, 2010.**

Application must be delivered to:

Florida Energy and Climate Commission
 Executive Office of the Governor
 E85/B20 Public/Private Fueling Grant Program
 600 S. Calhoun Street, Suite 251
 Tallahassee, Florida 32399-0001

Any person requiring a special accommodation because of disability should call: FECC, (850)487-3800 at least five (5) workdays prior to the scheduled event. If you are hearing or speech impaired, please contact FECC by using the Florida Relay Service at 1(800)955-8771 (TDD).

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."

FLORIDA HOUSING FINANCE CORPORATION

Notice of Bid/Request for Proposal

RFP 2010-14 Tax Credit Exchange Program (Exchange)
 Funding for Applicants that Received Exchange Funding Under RFP 2010-04 Who Commit to Provide Additional Set-Aside Units for ELI Households.

The Florida Housing Finance Corporation invites all Applicants that received Exchange Funding under RFP 2010-04, dated February 26, 2010 who will commit to provide additional set-aside units for Extremely Low Income (ELI) households to submit Proposals in accordance with the terms and conditions set forth in the Request for Proposals (RFP) 2010-14.

Proposals shall be accepted until 2:00 p.m. (Eastern Time), Friday, October 15, 2010, to the Attention: Sherry Green, Contracts Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

For questions or additional information, please contact: Sherry Green at (850)488-4197 or sherry.green@floridahousing.org. To obtain a copy of the Request for Proposals, which outlines selection criteria and applicant's responsibilities, please submit your request to the Attention: Sherry Green, or you can download the Request for Proposals from the Florida Housing Finance Corporation web site at: http://apps.floridahousing.org/StandAlone/FHFC_ECM/AppPage_LegalRFPs.aspx.

Any modifications that occur to the Request for Proposals will be posted at the web site and may result in an extension of the deadline.

Notice of Bid/Request for Proposal

RFP 2010-12 Technical Assistance Provider for Predevelopment Loan Program and Demonstration Loans.

Florida Housing Finance Corporation is soliciting competitive, sealed responses from qualified firms to perform technical assistance for successful Applicants of the Predevelopment Loan Program and successful respondents of Requests for Proposals issued for Demonstration Loans, in accordance with the terms and conditions set forth in this Request for Proposals, and any other term and condition in the final contract. Florida Housing Finance Corporation intends to select one or more Offerors to provide the services specified in this Request for Proposals.

Proposals shall be accepted until 2:00 p.m. (Eastern Time), Wednesday, November 3, 2010, to the Attention: Sherry Green, Contracts Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

For questions or additional information, please contact: Sherry Green at (850)488-4197 or sherry.green@floridahousing.org. To obtain a copy of the Request for Qualifications, which outlines selection criteria and applicant's responsibilities, please submit your request to the attention of Sherry Green, or you can download the Request for Qualifications from the Florida Housing Finance Corporation web site at: http://apps.floridahousing.org/StandAlone/FHFC_ECM/AppPage_LegalRFPs.aspx.

Any modifications that occur to the Request for Proposal will be posted at the web site and may result in an extension of the deadline.

FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL

REQUEST FOR PROPOSALS (RFP #2010-HC-8600)

Child Developmental Screening Initiative

The Florida Developmental Disabilities Council, Inc. (FDDC) is pleased to announce that this request for proposals (RFP #2010-HC-8600) is released in order to create a statewide Task Force to develop recommendations and policy changes needed to implement a comprehensive statewide system for the developmental screening of children aged zero to five.

Individuals, not-for-profit, and for-profit agencies may submit proposals in response to this RFP. FDDC has set aside federal funds for a period not to exceed one (1) year for fiscal support of this RFP. Funding for the contract period will not exceed \$97,000.00 of federal grant funds from FDDC. The exact amount of this contract will be developed during contract negotiations.

Copies of this RFP can be downloaded from the FDDC website (www.fddc.org) or copies may be requested by writing FDDC at 124 Marriott Drive, Suite 201, Tallahassee, FL 32301, or calling (850)488-4180 or Toll Free 1(800)580-7801 or TDD Toll Free (888)488-8633.

The deadline for submitting written questions and letters of intent for this RFP is November 1, 2010, by 4:00 p.m. (EDT). Letters of intent are encouraged but not mandatory. Letters of Intent will only be accepted by fax, mail, or hand delivery. Letters of Intent by email will not be accepted. All answers to written questions will be posted on the FDDC website during the week of November 8, 2010. The deadline for submitting proposals for this RFP to FDDC is December 7, 2010 by 2:00 p.m. (EST).

QUESTIONS ARE TO BE SUBMITTED IN WRITTEN FORMAT ONLY. THIS IS A LEGAL PROCESS AND WE CANNOT ANSWER QUESTIONS VERBAL.

Request for Proposals (RFP) 2011-IP-100

Training and Conferences RFP

The Florida Developmental Disabilities Council, Inc. (FDDC) announces the availability of a Request for Proposals (RFP). Copies of the RFP can be downloaded from the FDDC website (www.fddc.org) or copies may be requested by writing: FDDC at 124 Marriott Drive, Suite 203, Tallahassee, Florida 32301; or calling (850)488-4180; 1(800)580-7801 (Toll Free); 1(888)488-8633 (TDD). To register to receive electronic mail (email) notices of future RFPs, please visit our website (www.fddc.org).

The Florida Developmental Disabilities Council, Inc. (FDDC) is pleased to announce that this request for proposals (RFP #2011-IP-100) is released in order to respond to the need demonstrated by the numerous requests received by the Council for funds to support workshops, training sessions and conferences. The Council believes that individuals with developmental disabilities should be included in all aspects of life – school, community, work, and play. Appropriate supports and services are needed to ensure full participation in the community. Successful inclusion and attainment of services and supports requires advocacy by individuals with developmental disabilities and their families. Such advocacy necessitates knowledge of disabilities, available supports and services, program requirements, best practices, federal and state laws, and numerous other aspects of the issues and systems for disability services. Advocates who are more informed are better equipped to obtain the supports they need to live successful lives in the community. Advocates need training and access to information to help them navigate the complex disability system and empower them to obtain the support they need. FDDC has set aside federal funds for a period not to exceed one (1) year for fiscal support of this RFP. Interested parties should obtain a copy of RFP #2011-IP-100 for specific information related to funding amounts. Individuals and not-for-profit agencies may submit proposals in response to this RFP.

Proposals should be submitted according to the appropriate quarterly deadlines to ensure they are received at least six (6) months prior to the date of the training or conference for which the proposer is requesting funding. Submission of written questions is encouraged of all prospective proposers. The first quarter deadline for submitting written questions for this RFP is Thursday, October 21, 2010, by 4:00 p.m. (EDT). Written questions will only be accepted by fax, mail, or hand delivery. Questions submitted by email will not be accepted. All answers to first quarter written questions will be posted on the FDDC website during the week of November 1, 2010. The deadline for submitting proposals

for this RFP for first quarter to FDDC is Monday, November 22, 2010, by 2:00 p.m. (EST). The second quarter deadline for submitting written questions for this RFP is Tuesday, January 4, 2011, by 4:00 p.m. (EST). All answers to second quarter written questions will be posted on the FDDC website during the week of January 17, 2011. The deadline for submitting proposals for this RFP for second quarter to FDDC is Monday, February 7, 2011, by 2:00 p.m. (EST). The third quarter deadline for submitting written questions for this RFP is Tuesday, April 5, 2011, by 4:00 p.m. (EDT). All answers to third quarter written questions will be posted on the FDDC website during the week of April 18, 2011. The deadline for submitting proposals for this RFP for third quarter to FDDC is Monday, May 9, 2011, by 2:00 p.m. (EDT). The fourth quarter deadline for submitting written questions for this RFP is Tuesday, July 5, 2011, by 4:00 p.m. (EDT). All answers to fourth quarter written questions will be posted on the FDDC website during the week of July 18, 2011. The deadline for submitting proposals for this RFP to FDDC is Monday, August 8, 2011, by 2:00 p.m. (EDT).

QUESTIONS ARE TO BE SUBMITTED IN WRITTEN FORMAT ONLY. THIS IS A LEGAL PROCESS AND WE CANNOT ANSWER QUESTIONS VERBALLY.

VISIT FLORIDA

EVENT MANAGEMENT/LOGISTICS TEAM ITN

VISIT FLORIDA is requesting information from companies with a successful track record in providing logistical support for large scale, multi-city, single day events to develop a comprehensive strategy and provide logistical support for executing an 825 mile beach walk using volunteer coordinators and walkers. Volunteers will each cover one mile, take and upload a photograph to the internet. Potential provider will be responsible for mapping the beach miles; identifying any access issues and developing a strategy for addressing them; developing the overall execution plan for the day's event; providing all necessary logistical support on the day of the beach walk; providing advance communications to volunteers and volunteer coordinators; providing communications protocol for event coordinators and identifying/supplying technology as needed to support the event. The potential provider must have experience coordinating similar scale events and providing similar services including, event planning; logistical support and event follow-up/clean up. Key project team members must be identified in the proposal. Please provide evidence of your experience and a project cost estimate to include all travel expenses within the initial proposal. Ability to execute quickly is essential as event timing is scheduled within six weeks. Proposal and questions should

be addressed to: beachwalk@jkrconsultingllc.com. Answers will be posted at: visitflorida.org/ITN. All responses are due no later than COB September 29.

FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC.

Notice of RFP for Co-location/Cloud Hosting Services

The FWCJUA is issuing an RFP for co-location or cloud hosting services. The FWCJUA is seeking to acquire hosting of its VMware environment used in daily and disaster recovery operations.

The FWCJUA is a single-line insurer underwriting workers compensation and employers liability coverage in Florida. The FWCJUA is not a state agency. Accordingly, the RFP process is not governed by the contracting procedures applicable to state agencies set forth in Florida Statutes and Rules. Any entity which responds to the RFP must expressly acknowledge in its response its understanding that the contracting procedure requirements which apply to state agencies do not apply to the FWCJUA. Interested parties may obtain the RFP on or after October 12, 2010 from the FWCJUA's website: <http://www.fwcjua.com>. Responses to the RFP will be due at 4:00 p.m. (Eastern Time), November 5, 2010.

Notice of RFP for Telecommunication Services

The FWCJUA is issuing an RFP to secure telecommunication services. The FWCJUA is seeking to acquire voice and data services either from one telecommunications service provider or split between two such providers.

The FWCJUA is a single-line insurer underwriting workers compensation and employers liability coverage in Florida. The FWCJUA is not a state agency. Accordingly, the RFP process is not governed by the contracting procedures applicable to state agencies set forth in Florida Statutes and Rules. Any entity which responds to the RFP must expressly acknowledge in its response its understanding that the contracting procedure requirements which apply to state agencies do not apply to the FWCJUA. Interested parties may obtain the RFP on or after October 15, 2010 from the FWCJUA's website: <http://www.fwcjua.com>. Responses to the RFP will be due at 4:00 p.m. (Eastern Time), November 5, 2010.

Notice of RFP for Telephone System

The FWCJUA is issuing an RFP for a telephone system. The FWCJUA is seeking to acquire a complete telephone system including voice mail, faxing and full reporting capabilities.

The FWCJUA is a single-line insurer underwriting workers compensation and employers liability coverage in Florida. The FWCJUA is not a state agency. Accordingly, the RFP process is not governed by the contracting procedures applicable to state agencies set forth in Florida Statutes and Rules. Any entity which responds to the RFP must expressly acknowledge

in its response its understanding that the contracting procedure requirements which apply to state agencies do not apply to the FWCJUA. Interested parties may obtain the RFP on or after October 15, 2010 from the FWCJUA's website: <http://www.fwcjua.com>. Responses to the RFP will be due at 4:00 p.m. (Eastern Time), November 5, 2010.

Section XII Miscellaneous

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of Less Than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Thoroughbred Motorsports, Inc., intends to allow the establishment of Great American Sales, Inc., as a dealership for the sale of motorcycles manufactured by Thoroughbred Motorsports, Inc., (THBD) at 2461 South US 441/27, Fruitland Park (Lake County), Florida 34731, on or after November 7, 2010.

The name and address of the dealer operator(s) and principal investor(s) of Great American Sales, Inc., are dealer operator(s): Doug Doty, 2461 South US 441/27, Fruitland Park, Florida 34731, principal investor(s): Doug Doty, 2461 South US 441/27, Fruitland Park, Florida 34731.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Wayne Tompkins, Thoroughbred Motorsports, Inc., 22661 FM 15, Troup, Texas 75789.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Adly Moto, LLC, intends to allow the establishment of Power and Play Warehouse, Inc., as a dealership for the sale of motorcycles manufactured by China Jialing Industrial Group Co., Ltd., (JIAL) at 1828 North Dixie Highway, Lake Worth (Palm Beach County), Florida 33460, on or after November 7, 2010.

The name and address of the dealer operator(s) and principal investor(s) of Power And Play Warehouse, Inc., are dealer operator(s): Tom McMahan, 1828 North Dixie Highway, Lake Worth, Florida 33460; principal investor(s): Tom McMahan, 1828 North Dixie Highway, Lake Worth, Florida 33460.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Henry Li, Adly Moto, LLC, 1200 Lakeside Parkway, Suite 325, Flower Mound, Texas 75028.

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 Italica Motors, Inc., intends to allow the establishment of MX Global, Inc., as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co., Ltd. (ZHNG) at 4905 Northwest 72nd Avenue, Suite 6, Miami (Miami-Dade County), Florida 33166, on or after November 8, 2010.

The name and address of the dealer operator(s) and principal investor(s) of MX Global, Inc., are dealer operator(s): Eric Marabini, 4905 Northwest 72nd Avenue, Suite 6, Miami, Florida 33166; principal investor(s): Eric Marabini, 4905 Northwest 72nd Avenue, Suite 6, Miami, Florida 33166.

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: Antonio Palmieri, Italica Motors, Inc., 5001 Southwest 135 Avenue, Miramar, Florida 33027.

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 El Sol Trading, Inc., intends to allow the establishment of MX Global, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Leike Machinery Co., Ltd. (ZLMI) at 4905 Northwest 72nd Avenue, Suite 6, Miami (Miami-Dade County), Florida 33166, on or after November 8, 2010.

The name and address of the dealer operator(s) and principal investor(s) of MX Global, Inc., are dealer operator(s): Eric Marabini, 4905 Northwest 72nd Avenue, Suite 6, Miami, Florida 33166; principal investor(s): Eric Marabini, 4905 Northwest 72nd Avenue, Suite 6, Miami, Florida 33166.

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: Gloria Ma, El Sol Trading, Inc., 19877 Quiroz Court, City of Industry, California 91789.

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."

LAND AND WATER ADJUDICATORY COMMISSION**PETITION TO MERGE THE MAIN STREET COMMUNITY DEVELOPMENT DISTRICT AND THE RIVERS EDGE COMMUNITY DEVELOPMENT DISTRICT**

On July 28, 2010, the Florida Land and Water Adjudicatory Commission ("FLWAC" or "Commission") received a petition to merge the Main Street Community Development District and the Rivers Edge Community Development District. The Commission will follow the requirements of Chapter 42-1, F.A.C., and Chapter 190, F.S., as amended, in ruling on this petition.

SUMMARY OF CONTENTS OF PETITION: The petition, filed by the Main Street Community Development District ("Main Street CDD") and the Rivers Edge Community Development District ("Rivers Edge CDD") (together, "Districts"), requests the merger of the Districts. On June 16, 2010, the Main Street CDD and the Rivers Edge CDD each adopted resolutions authorizing the process necessary to accomplish the merger and approving a Merger Agreement. The Merger Agreement, among other things, provides for: the filing of a petition; the intent that Rivers Edge CDD remain as the surviving district; the proper allocation of the indebtedness; and the manner in which debt is to be retired. The merger agreements are contained as Exhibits 1A and 1B to the petition. Main Street CDD currently covers approximately 89.9 acres of land located entirely within St. Johns County, Florida. Rivers Edge CDD currently covers approximately 4,086.6 acres of land located entirely within St. Johns County, Florida. Main Street CDD and Rivers Edge CDD are generally located in the RiverTown Development of Regional Impact. A general location map is provided in Exhibit 3 to the petition. The current metes and bounds descriptions of the external boundaries of the CDDs are set forth in Exhibit 4 to the petition. After merger, the surviving district will encompass a total of approximately 4,176.5 acres. The approval of the Merger Agreement and authorization to file the petition by the Districts' Board of Supervisors constitutes consent of all landowners within the Districts.

SUMMARY OF ESTIMATED REGULATORY COSTS: The statement of estimated regulatory costs (SERC) supports the petition to merge the Main Street CDD and the Rivers Edge CDD. The complete text of the SERC is contained as Exhibit 9 to the petition. The requirements for a SERC are found in Section 120.541(2), F.S. A SERC must contain (a) a good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a description of the types of individuals likely to be affected by the rule; (b) a good faith estimate of the costs to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues; (c) a good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule; (d) an analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S.; (e) any additional information that the agency determines may be useful; and (f) any good faith written proposal submitted under section (a) and either a statement adopting the alternative or a statement rejecting the alternative in favor of the proposed rule. Addressing section (a), the proposed merged District, current property owners of lands within the boundaries of the proposed merged District, and future property owners are the principal entities that are likely to be required to comply with the rule. Under section (b), FLWAC and the State of Florida will incur administrative costs. St. Johns County may incur costs resulting from the initial review and on-going costs resulting from the on-going administration of the proposed merged District. There is a filing fee paid to St. Johns County to offset any costs it may incur. Adoption of the proposed rule to merge the boundaries of the Main Street CDD and the Rivers Edge CDD will not have any negative impact on State and local revenues. Addressing section (c), the operation and maintenance responsibilities assumed by St. Johns County will not vary from the original arrangements between the County and the existing Districts. The same public infrastructure previously planned for the existing Districts will also support the development of the land within the proposed merged District. All properties within the proposed merged District will be encumbered with obligations to pay for public infrastructure and operations and maintenance expenses incurred by the proposed merged District. However, no new costs are expected to arise as a result of the merger that would not have arisen under the existing Districts. The Districts originally planned to fund a capital improvement plan (CIP) for infrastructure

development of lands within the Districts. The Districts have started construction of certain capital improvements, which will serve the initial phase of 922 residential units and 40,000 square feet of office/retail and commercial space totaling 120,000 square feet. Neither the scope or costs of the Districts' CIP will be altered by the merger of the Districts. Assessments securing repayment of previous bond issuances will not be affected by the merger of the Districts. The proposed merged District will assume assessment collection and enforcement responsibilities from the existing Districts. The proposed merged District may issue future special assessments or other revenue bonds in order to raise funds for completion of infrastructure improvements. Under section (d), approval of the petition to merge the Main Street CDD and the Rivers Edge CDD will have no impact or a positive impact on small businesses. The petition to merge the Districts will not have an impact on small counties as St. Johns County is not a small county as defined by Section 120.52, F.S. Under section (e), the merger is expected to lead to the reduction or elimination of redundant meetings, paperwork, and expenses and is expected to produce direct cost savings to the proposed merged District. The proposed merged District will likely be able to reduce its non-ad valorem assessment collections and still achieve its goal of providing appropriate public infrastructure facilities and services.

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

DATE AND TIME: Tuesday, October 26, 2010, 9:00 a.m.
PLACE: Airport Conference Center,
 4730 Casa Cola Way
 St. Augustine, Florida

(This hearing is not sponsored by the St. Augustine-St. Johns County Airport Authority, its staff or the airport.)

Any person requiring a special accommodation to participate in the hearing because of a disability should contact: Jonathan T. Johnson or Tucker F. Mackie, Hopping Green & Sams, 119 S. Monroe Street, Suite 300, Tallahassee, Florida 32301, (850)222-7500 at least two (2) business days in advance in order to provide sufficient opportunity to make appropriate arrangements.

Copies of the petition may be obtained by contacting: Jonathan T. Johnson or Tucker F. Mackie, Hopping Green & Sams, 119 S. Monroe Street, Suite 300, Tallahassee, Florida 32301,

(850)222-7500 or Barbara Leighty, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, (850)487-1884.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

**NOTICE OF AVAILABILITY
 FLORIDA REAFFIRMATION NOTICE
 HOLLYWOOD, FLORIDA**

The Department of Environmental Protection has determined that the City of Hollywood's proposed project to construct new stormwater management facilities will not have a significant adverse impact on the environment. The total estimated construction cost is \$2,300,000. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds.

A full copy of the Florida Reaffirmation Notice can be obtained by writing to: Thomas Montgomery, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or by calling (850)245-8358.

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 September 27, 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 Ataur Rahman, M.D. License #ME 95010. 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 September 27, 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 Susanne Elizabeth Bathrick, L.P.N. License #PN 5182368. 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 September 23, 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 Vicki Elizabeth Garza, R.N. License #RN 2993122. 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 September 27, 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 India Lorrianna Hall, C.N.A. License #CNA 71657. 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 September 27, 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 Karen Lee Harris, R.N. License #RN 1182442. 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 September 27, 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 Nikkei Leigh Hughes, R.N. License #RN 9278629. 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 September 27, 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 Stacy Lynn Johnson, R.N. License #RN 9248886. 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 September 27, 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 Gail Kostohryz, R.N. License #RN 9257852. 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 September 27, 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 Alba N. Nieves, R.N. License #RN 9267422. 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 September 23, 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 Robert Richard Reyna, R.N. License #RN 9278502. 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.

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN September 20, 2010
 and September 24, 2010**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
----------	-----------	----------------	-------------------	------------------

DEPARTMENT OF TRANSPORTATION

14-22.0011	9/20/10	10/10/10	36/20	
14-22.002	9/20/10	10/10/10	36/20	36/31
14-22.003	9/20/10	10/10/10	36/20	36/31
14-22.0041	9/20/10	10/10/10	36/20	
14-22.0042	9/20/10	10/10/10	36/20	
14-22.005	9/20/10	10/10/10	36/20	
14-22.006	9/20/10	10/10/10	36/20	36/31
14-22.007	9/20/10	10/10/10	36/20	36/31
14-22.008	9/20/10	10/10/10	36/20	
14-22.009	9/20/10	10/10/10	36/20	
14-22.0101	9/20/10	10/10/10	36/20	
14-22.0111	9/20/10	10/10/10	36/20	
14-22.012	9/20/10	10/10/10	36/20	
14-22.0121	9/20/10	10/10/10	36/20	
14-22.014	9/20/10	10/10/10	36/20	
14-22.0141	9/20/10	10/10/10	36/20	
14-22.015	9/20/10	10/10/10	36/20	
14-24.001	9/23/10	10/13/10	36/25	36/32

EXECUTIVE OFFICE OF THE GOVERNOR
Office of Tourism, Trade and Economic Development

27M-3.001	9/20/10	10/10/10	36/30	
27M-3.002	9/20/10	10/10/10	36/30	
27M-3.003	9/20/10	10/10/10	36/30	

COMMISSION ON ETHICS

34-7.010	9/24/10	1/1/11	36/31	
----------	---------	--------	-------	--

DEPARTMENT OF ELDER AFFAIRS
Administration of Federal Aging Programs

58A-5.0181	9/24/10	10/14/10	36/31	36/35
58A-5.0185	9/24/10	10/14/10	36/31	

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
 REGULATION**

Board of Professional Engineers

61G15-32.002	9/21/10	10/11/10	36/31	
--------------	---------	----------	-------	--

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
----------	-----------	----------------	-------------------	------------------

Florida Real Estate Commission

61J2-3.011	9/23/10	10/13/10	36/29	
61J2-3.015	9/23/10	10/13/10	36/29	

DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-204.800	9/24/10	10/1/10	36/34	
62-304.325	9/22/10	10/12/10	36/33	

DEPARTMENT OF JUVENILE JUSTICE
Administration

63F-11.001	9/21/10	10/11/10	36/17	36/34
63F-11.002	9/21/10	10/11/10	36/17	36/34
63F-11.003	9/21/10	10/11/10	36/17	36/34
63F-11.004	9/21/10	10/11/10	36/17	36/34
63F-11.005	9/21/10	10/11/10	36/17	36/34
63F-11.006	9/21/10	10/11/10	36/17	36/34

DEPARTMENT OF HEALTH

Board of Dentistry

64B5-2.0135	9/20/10	10/10/10	36/30	
64B5-2.017	9/20/10	10/10/10	36/30	
64B5-12.013	9/20/10	10/10/10	36/30	

Board of Massage Therapy

64B7-27.008	9/23/10	10/13/10	36/30	
-------------	---------	----------	-------	--

Board of Nursing

64B9-2.016	9/20/10	10/10/10	36/28	
------------	---------	----------	-------	--

Board of Nursing Home Administrators

64B10-11.003	9/21/10	10/11/10	36/4	36/16
64B10-15.001	9/21/10	10/11/10	36/9	36/17

Board of Optometry

64B13-3.009	9/23/10	10/13/10	36/33	
64B13-4.001	9/23/10	10/13/10	36/33	

Board of Pharmacy

64B16-26.204	9/20/10	10/10/10	35/41	36/30
64B16-26.355	9/20/10	10/10/10	36/2	36/32

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.	Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
DEPARTMENT OF CHILDREN AND FAMILY SERVICES									
Family Safety and Preservation Program									
65C-33.001	9/24/10	10/14/10	34/46	36/34	65C-33.010	9/24/10	10/14/10	34/46	36/34
65C-33.002	9/24/10	10/14/10	34/46	36/34	65C-33.011	9/24/10	10/14/10	34/46	
65C-33.003	9/24/10	10/14/10	34/46	36/34	65C-33.012	9/24/10	10/14/10	34/46	36/34
65C-33.004	9/24/10	10/14/10	34/46	36/34	65C-33.013	9/24/10	10/14/10	34/46	36/34
65C-33.005	9/24/10	10/14/10	34/46	36/34	DEPARTMENT OF FINANCIAL SERVICES				
65C-33.006	9/24/10	10/14/10	34/46	36/34	Division of Accounting and Auditing				
65C-33.007	9/24/10	10/14/10	34/46	36/34	69I-20.001	9/23/10	10/13/10	36/25	
65C-33.008	9/24/10	10/14/10	34/46	36/34	69I-20.0022	9/23/10	10/13/10	36/25	
65C-33.009	9/24/10	10/14/10	34/46	36/34	69I-20.0026	9/23/10	10/13/10	36/25	
					69I-20.0037	9/23/10	10/13/10	36/25	
					69I-20.090	9/23/10	10/13/10	36/25	36/32