

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Elections

RULE NOS.:	RULE TITLES:
1S-2.0011	Constitutional Amendment Ballot Position
1S-2.009	Initiative Constitutional Amendment Petition
1S-2.0091	Constitutional Amendment Initiative Petition Submission Deadline; Verifying Electors' Signatures

PURPOSE AND EFFECT: To implement the amendments to Section 100.371, Florida Statutes, as set forth in section 25 of Chapter 2007-30, Laws of Florida, that pertain to the process for citizen constitutional initiative petitions, including but not limited to codification of the requirements for valid signature verification, imposition of a 30-day timeframe for verification, and recording of certain dates in the statewide voter registration system.

SUBJECT AREA TO BE ADDRESSED: Citizen constitutional initiative process.

SPECIFIC AUTHORITY: 20.10(3), 97.012, 100.371, 101.161 FS.

LAW IMPLEMENTED: 100.371, 101.161 FS.

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

DATE AND TIME: Monday, July 23, 2007, 1:00 p.m. – 2:00 p.m.

PLACE: Florida Heritage Hall (Plaza Level), R. A. Gray Building, 500 S. Bronough 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: Lisa Ginn or Nolah Shotwell, Administrative Assistant, Office of General Counsel, Florida Department of State at (850)245-6536. If you are 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: Sarah Jane Bradshaw, Assistant Director, Division of Elections, Florida Department of State, (850)245-6200

A copy of the preliminary draft, if available, will also be posted on the Division of Elections' proposed rules' webpage at: <http://election.dos.state.fl.us/laws/ProposedRules/ProposedRules.shtml>

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

DEPARTMENT OF STATE

Division of Elections

RULE NO.:	RULE TITLE:
1S-2.0095	Constitutional Amendment Initiative Petition Revocation

PURPOSE AND EFFECT: To implement the provisions of section 25 of Chapter 2007-30, Laws of Florida, which amended Section 100.371, Florida Statutes, by creating a process for revoking signed citizen initiated constitutional amendment petitions.

SUBJECT AREA TO BE ADDRESSED: Constitutional Amendment by Initiative Petition Process.

SPECIFIC AUTHORITY: 20.10(3), 97.012, 100.371, 101.161 FS.

LAW IMPLEMENTED: 100.371, 101.161 FS.

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

DATE AND TIME: Monday, July 23, 2007, 1:00 p.m. – 2:00 p.m.

PLACE: Florida Heritage Hall (Plaza Level), R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sarah Jane Bradshaw, Assistant Director, Division of Elections, Florida Department of State, at (850)245-6200

Copies of the preliminary text, once available, will also be posted on the Division of Elections' proposed rules' website at: <http://election.dos.state.fl.us/laws/ProposedRules/ProposedRules.shtml>

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

DEPARTMENT OF STATE

Division of Elections

RULE NO.:	RULE TITLE:
1S-2.045	Candidate Petition Process

PURPOSE AND EFFECT: To implement the provisions of Section 99.095, F.S., as amended in section 14 of Chapter 2005-277, Laws of Florida, and section 17 of chapter 2007-30, Laws of Florida, relating to the process for qualifying by petition for candidates seeking federal, state, county or special district offices.

SUBJECT AREA TO BE ADDRESSED: Candidate qualifying by petition process.

SPECIFIC AUTHORITY: 20.10(3), 99.095 FS.

LAW IMPLEMENTED: 99.095 FS.

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

DATE AND TIME: Monday, July 23, 2007, 1:00 p.m. – 2:00 p.m.

PLACE: Florida Heritage Hall (Plaza Level), R. A. Gray Building, 500 S. Bronough 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: Lisa Ginn, Administrative Assistant, Office of General Counsel, Florida Department of State, at (850)245-6536. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kristi Bronson, Chief, Bureau of Election Records, Division of Elections, Florida Department of State, (850)245-6200. The preliminary draft is posted to the Division of Elections' website for proposed rulemaking at <http://election.dos.state.fl.us>, and through the Department of State's E-rulemaking program at www.flrules.org

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

1S-2.045 Candidate Petition Process.

(1) Qualification by Petition. A person who seeks to qualify as a candidate for any office and who meets the petition requirements of this rule and Section 99.095, F.S., is not required to pay the qualifying fee or party assessment required by Chapter 99, F.S.

(2) Required Number of Signatures. A candidate shall obtain the number of signatures of voters in the geographical area represented by the office sought equal to at least 1 percent of the total number of registered voters of that geographical area, as shown by the compilation by the Department of State for the immediately preceding general election or at least 25 signatures for special district candidates. Except for special district candidates, signatures may not be obtained until the candidate has filed the appointment of campaign treasurer and designation of campaign depository pursuant to Section 106.021, F.S.

(3) Format of Petition.

(a) The format of a candidate petition shall be in accordance with Form DS-DE 104 (effective /), entitled "Candidate Petition Form." Form DS-DE 104 is hereby incorporated by reference and is available from the Division of Elections, Room 316, R. A. Gray Building, 500 South Bronough Street., Tallahassee, Florida 32399-0250; (850)245-6240, or by download from the Division of

Elections' rules webpage or forms webpage at: <http://election.dos.state.fl.us>. No signature shall be counted toward the number of signatures required unless it is on the petition form prescribed by the Division.

(b) A separate petition is required for each candidate. The petition forms may be included within a larger advertisement, provided the forms are clearly defined by a solid or broken border.

(4) Submission of Petition. Each petition must be submitted before noon of the 28th day preceding the first day of the qualifying period for the office sought to the supervisor of elections of the county in which the signee is registered to vote. It is the responsibility of the candidate to ensure that the signed petition form is properly filed with, or if misfiled, forwarded to the supervisor of elections of the county in which the signee is a registered elector. In the case of a misfiled petition, the filing date of the petition is the date such petition is filed with the proper county.

(5) Verification of Signatures.

(a) Upon receipt of candidate petition forms, the supervisor of elections shall verify the signatures on each petition form to ensure that each person signing said petition form is a registered elector in county, district, or other geographical area represented by the office sought. Except for special district candidates, the supervisor of elections shall also verify that the date the elector signed the petition form is on or after the date the candidate filed the appointment of campaign treasurer and designation of campaign depository pursuant to Section 106.021, F.S., with the appropriate filing officer. If the candidate is running for an office that requires a group or district designation, the petition must indicate that designation and, if it does not, the signatures are not valid.

(b) The supervisor of elections shall not verify a signature on a candidate petition form unless all of the following information is contained on the petition form:

1. The elector's name;
2. The elector's residential street address (including city and county);
3. The elector's date of birth or voter registration number;
4. The elector's original signature; and
5. The date the elector signed the petition as recorded by the elector.

(c) A name on a petition, which name is not in substantially the same form as a name on the voter registration books, shall be counted as a valid signature if, after comparing the signature on the petition with the signature of the alleged signer as shown on the registration books, the supervisor determines that the person signing the petition and the person who registered to vote are one and the same.

(d) If a voter signs a petition and lists an address other than the legal residence where the voter is registered, the supervisor shall treat the signature as if the voter had listed the address where the voter is registered.

(6) Determination of Required Number of Signatures.

(a) No later than 5 p.m. on the 7th day before the first day of the qualifying period, the supervisor of elections shall submit to the Division of Elections a certificate indicating the number of valid signatures for each candidate for federal, state, multicounty district, or multicounty special district office. Certificates may be submitted to the Division via facsimile in order to meet the deadline, followed by an original copy by mail. The Division shall determine whether the required number of signatures has been obtained and shall notify the candidate.

(b) For candidates for county, district or special district office not covered by paragraph (a), the supervisor shall determine whether the required number of signatures has been obtained and shall notify the candidate.

(c) If the required number of signatures has been obtained, the candidate is eligible to qualify pursuant to Section 99.061, F.S.

Specific Authority 20.10(3), 97.012(1), 99.095 FS. Law Implemented 99.095, 99.061 FS. History—New _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
5F-14	Farm to Fuel Grants Program
RULE NOS.:	RULE TITLES:
5F-14.001	General
5F-14.002	Definitions
5F-14.003	Grant Proposals; Criteria; Ranking; Award

PURPOSE AND EFFECT: The purpose and effect of this rule is to implement Section 570.957, Florida Statutes, and provide grants for bioenergy projects.

SUBJECT AREA TO BE ADDRESSED: Chapter 570.957, Florida Statutes. The Farm-to-Fuel Grants Program is established within the Department of Agriculture and Consumer Services in order to provide matching grants for bioenergy projects. Such grants may be made for research, demonstration, or commercialization projects relating to the production of bioenergy or feedstocks used in bioenergy production.

SPECIFIC AUTHORITY: 570.957 FS.

LAW IMPLEMENTED: 570.957 FS.

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

DATE AND TIME: July 30, 2007, 10:00 a.m.

PLACE: George Eyster Auditorium, Conner Building, 3125 Conner 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 5 days before the workshop/meeting by contacting: Tom A. Steckler, Deputy Director, Division of

Standards, Doyle Conner Building, 3125 Conner Boulevard, Suite E, Tallahassee, FL 32399-1650; Phone: (850)488-0645; Fax: (850)922-8971. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tom Steckler, Deputy Director, Division of Standards, Doyle Conner Building, 3125 Conner Boulevard, Suite E, Tallahassee, FL 32399-1650; Phone: (850)488-0645; Fax: (850)922-8971

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

FARM TO FUEL GRANTS PROGRAM

5F-14.001 General.

This part implements the Farm to Fuel Grants Program, providing for grants for bioenergy projects.

Specific Authority 570.957 FS. Law Implemented 570.957 FS. History—New _____.

5F-14.002 Definitions.

The words, terms and phrases used in this Chapter, unless otherwise indicated, shall have the meaning set forth in Section 570.957, F.S. In addition, when used in this chapter, the following words, phrases, or terms shall have the following meanings:

(1) "Biomass" means: Organic matter available on a renewable or recurring basis. Biomass includes, but is not limited to, crops and trees, agricultural food and feed crop residues, wood and wood wastes and residues, aquatic plants, grasses, animal wastes and residues, and other organic waste materials and residues.

(2) "Matching Funds or Other In-Kind Contributions" means:

(a) Actual cash outlays contributed, including, but not limited to, cash outlays for wages, rental expenses, travel expenses, indirect costs, and purchases of material and supplies, as a direct benefit to the project; or

(b) Non-cash contributions necessary and reasonable for proper and efficient accomplishment of project objectives, the value of which must be established using the following guidelines:

1. Rates for donated or volunteer services of any person must be consistent with their regular rate of pay, or the rate of pay of those paid for similar work at a similar level of experience in the labor market, including the value of fringe benefits.

2. The value of donated expendable property such as office supplies or workshop supplies must not exceed the fair market value of the property.

3. The value of donated real property such as land must not exceed the fair market value of the property.

4. Donated space must be valued at fair rental value of comparable space and facilities in a privately-owned building in the same locale.

5. The value of loaned equipment can not exceed its fair rental value.

6. In-kind travel expense must be valued at the approved State rate as specified in Section 112.061, F.S.

Specific Authority 570.957 FS. Law Implemented 570.957 FS. History--New _____.

5F-14.003 Grant Proposals; Criteria; Ranking; Award.

(1) REQUEST FOR GRANT PROPOSALS.

(a) The department shall issue a request for grant proposals ("RFGP"). The RFGP shall include a copy of the grant application form, instructions for submission of the grant application, and contact information for the department.

(b) The RFGP shall be issued by advertisement in the Florida Administrative Weekly, download at the department's internet site at <http://www.floridafarmtofuel.com>, and requests for hard copies can be made by calling the department's purchasing office at (850)488-7552.

(2) QUALIFIED APPLICANTS. Qualified applicants are those applicants identified in Section 570.957(2)(a), F.S.

(3) APPLICATIONS. Applications for the Farm to Fuel Grants Program shall be submitted to the Department of Agriculture and Consumer Services, ATTN: Farm to Fuel Grants Program, 3125 Conner Boulevard, Suite E, MS-C17, Tallahassee, FL 32399-1650 as follows:

(a) Eight copies of the application shall be submitted in hard copy format, using form DACS # _____, Florida Farm to Fuel Grants Program Application, which is herein adopted and incorporated by reference. The form is listed by form number, and by the subject title and effective date. A copy of the form may be obtained by writing to: Department of Agriculture and Consumer Services, ATTN: Farm to Fuel Grants Program, 3125 Conner Boulevard, Suite E, MS-C17, Tallahassee, FL 32399-1650 or by accessing the internet at <http://www.floridafarmtofuel.com>. One copy shall be submitted in electronic format on compact disc at the same time as the hard copies. Acceptable formats for electronic versions are Microsoft Word for Windows versions 5.0 or higher; and Rich Text Format. Acceptable formats for electronic versions of the signed commitment letters required by DACS # _____, from third parties are Adobe PDF; Microsoft Word for Windows versions 5.0 or higher; and Rich Text Format.

(b) Applications must be received by the department no later than 5:00 p.m. on the date specified by the department in the RFGP.

(c) The application filing deadline shall be extended by the department when the department determines specifically for this grant program that extenuating circumstances exist, such

as a hurricane or other natural disaster. Any deadline extension shall apply for all applicants. The department shall publish notice of the deadline extension on the department's web site.

(d) A total of \$25 million in grant money shall be disbursed for projects classified into two categories as follows:

1. A total of \$3 million in grant money shall be awarded for projects classified by applicants as Research and Development or Demonstration. Under this category, the minimum allowable amount for an application to be eligible for consideration for an award shall be \$100 thousand and the maximum allowable amount shall be \$500 thousand.

2. A total of \$22 million in grant money shall be awarded for projects classified by applicants as Commercialization. Under this category, the minimum allowable amount for an application to be eligible for consideration for an award shall be \$250 thousand and the maximum allowable amount shall be \$7 million.

(e) Completeness. Any application which does not include all required information shall be determined incomplete and ineligible for the award of the grant sought. The department shall notify the applicant of the determination of ineligibility.

(f) An applicant is not eligible for award of a grant if the department determines that the applicant:

1. Has a pending civil, criminal or administrative action alleging that the applicant has committed violations of Florida Statutes or the rules promulgated thereunder; or

2. Has not satisfied a fine, penalty or other judgment arising out of any civil, criminal or administrative action brought by any governmental agency based upon violation of Florida Statutes or the rules promulgated thereunder.

(4) CRITERIA.

(a) The criteria listed in subsection 6 below shall apply to grants evaluated pursuant to Section 570.957, F.S.

(b) In order to be eligible for consideration, grant applications for Research and Development or Demonstration must have scientific merit and grant applications for Commercialization must be technically feasible. Scientific merit and technical feasibility shall be determined by persons having expertise in renewable energy technologies.

1. Scientific Merit means the extent to which the proposed project has scientific merit based on pilot project demonstrations, laboratory testing, scientific modeling, or engineering or chemical theory that supports the proposal.

2. Technical Feasibility means the extent to which the proposed project is technically feasible based on pilot project demonstrations, laboratory testing, scientific modeling, or engineering or chemical theory that supports the proposal.

(5) MATCHING FUNDS.

(a) For matching funds, the minimum allowable amount for an application to be eligible for consideration for award shall be 25% of the total project costs.

(b) All matching funds and other in-kind contributions, including third party in-kind contributions, shall be verifiable from the applicant's and/or its partner's records, and shall not be included as contributions for any other state-assisted project or program.

(c) Expenses related to a proposed project incurred prior to the award announcement are not eligible as matching funds or in-kind contributions.

(d) State funds are not eligible as matching funds or in-kind contributions.

(6) RANKING

(a) The department shall use a point system to score grants. In scoring grants, points shall be awarded as follows:

Criteria	Max Points Possible	Max Points Possible
	Commercialization	R&D/Demonstration
1- Florida-Grown Biomass	30	30
2- Energy Efficiency	10	10
3- Cost Share Percentage	20	20
4- Expand Agribusiness	30	30
5- Market Potential	20	10
6- Economic Development	20	N/A
7. Innovative Technology	10	10
8. Project Progress and Timelines	10	N/A
Total Numerical Rating	150	110

1 – Florida Grown Biomass: The project produces bioenergy from Florida grown crops or biomass.

Minimum (0 points): No bioenergy production potential from Florida grown biomass resources or this element of the evaluation criteria was not addressed.

Maximum (30 points): Project results in significant bioenergy production from Florida grown biomass resources.

2 – Energy Efficiency: The degree to which a project demonstrates efficient use of energy and material resources.

Minimum (0 points): No consideration for energy efficiency or material resources or this element of the evaluation criteria was not addressed.

Maximum (10 points): Project incorporates energy efficient products, material resources and practices including process improvements that lead to source reduction, waste minimization, and on-site recycling.

3 – Cost Share Percentage: The availability of matching funds or other in-kind contributions applied to the total project from the applicant.

All projects are to use the following scale:

2 points = 25% up to and including 32% of total project cost.

4 points = Greater than 32% up to and including 39% of total project cost.

6 points = Greater than 39% up to and including 46% of total project cost.

8 points = Greater than 46% up to and including 53% of total project cost.

10 points = Greater than 53% up to and including 60% of total project cost.

12 points = Greater than 60% up to and including 67% of total project cost.

14 points = Greater than 67% up to and including 74% of total project cost.

16 points = Greater than 74% up to and including 81% of total project cost.

18 points = Greater than 81% up to and including 88% of total project cost.

20 points = Greater than 88% of total project cost.

4 – Expand Agribusiness: The project has a reasonable assurance of enhancing the value of agricultural products or will expand agribusiness in the state.

Minimum (0 points): No enhancement of value or expansion of agribusiness, or this element of the evaluation criteria was not addressed.

Maximum (30 points): Significant potential for enhancing the value of agricultural products and expanding agribusiness in Florida.

5 – Market Potential: Preliminary market and feasibility research has been conducted by the applicant or others and shows there is a reasonable assurance of a potential market. (Not a criterion for Commercialization projects)

Minimum (0 points): No research conducted or this element of the evaluation criteria was not addressed.

Maximum (20 points for Commercialization projects and 10 points for Research and Development or Demonstration projects): Documented recent market and feasibility research papers published in reputable trade journals clearly indicating significant market potential for Florida.

6 – Economic Development: The degree to which the project demonstrates an increase for in-state capital investment and economic development in metropolitan and rural areas, including the creation of jobs and the future development of a commercial market for bioenergy. (Not a criterion for Research and Development or Demonstration projects).

Minimum (0 points): No contribution in Florida or this element of the evaluation criteria was not addressed.

Maximum (20 points): Significant potential for economic development in Florida.

7 – Innovative Technology: The project incorporates an innovative new technology or an innovative application of an existing technology.

Minimum (0 points): No innovative new technology or innovative application of existing technology or this element of the evaluation criteria was not addressed.

Maximum (10 points): Project includes the use of an innovative new technology or an innovative application of existing technology.

8 – Project Progress & Timelines: The degree to which the project demonstrates the capability to begin development expeditiously, establishes a readily identifiable ability to show steady progress, and meets project objectives and exhausts grant funds within the 2-year grant agreement timeframe. Project complexity shall be taken into consideration when evaluating this criterion. (Not a criterion for Research and Development or Demonstration projects).

Minimum (0 points): Project demonstrates no ability to expeditiously begin project and show distinct progress and/or project objectives will not be met and grant funds will not be exhausted within the 2-year grant agreement timeframe.

Maximum (10 points): Project demonstrates capacity to expeditiously initiate project, to achieve distinct periodic progress, and to accomplish project objectives and expend funds within grant agreement timeframe.

(b) The department shall establish a review group of no less than four (4) people, one (1) of which shall be from the Department of Environmental Protection. Each reviewer shall individually review grant applications, and score each application according to the point system provided in paragraph (6)(a), with the exception of Criterion #6 – Economic Development. With respect to Criterion #6 – Economic Development, this criterion shall be reviewed and scored by a representative from the Office of Tourism, Trade, and Economic Development.

(c) Scored point totals from all reviewers shall be scored and ranked as follows: On each eligible application, reviewers shall individually score each category by assigning a number within the range specified for that category. After all categories on each individual application have been scored, each reviewer shall total the category scores for that application. After all application categories have been scored independently by all reviewers, the totals shall be compiled and the applications, as a whole, ranked. For example, the top scored application by all reviewers shall be assigned a ranking number of 1, the second highest scored application shall be assigned a ranking number of 2, and the third highest scored application shall be assigned a ranking number of 3, and so on, until all eligible applications are ranked.

(7) AWARD.

(a) For each category, the department shall award grants based upon highest ranking and availability of funding, with 1 being the highest ranking. Grants shall be awarded to the top ranked application first, then to the second highest ranked application, and so on until the total amount of the fiscal appropriation in each state fiscal year is met.

The maximum amount for a Commercialization project shall be \$7 million and the maximum amount for a Research and Development or Demonstration project shall be \$500 thousand.

(b) For each category, the department shall award up to the total amount requested in individual grant applications to the top ranked applicants up to the maximum amount allowed under paragraph (7)(a). If funds are not available to award the total amount requested by an applicant due to awards of grants to higher ranked applicants, the department may award partial grants to applicants up to the amount of the fiscal appropriation remaining for each category in each state fiscal year that funds are made available.

(c) In the instance of a ranking tie between two or more applicants, the applicant proposing the higher percentage of matching funds shall be ranked higher. In the instance of a ranking tie between two or more applicants, and those applicants propose the same percentage of matching funds, the higher ranking application shall be determined by lot, i.e. a coin toss.

(8) ADMINISTRATION.

(a) Grant funds must be awarded through a formal grant agreement executed between the department and the grant applicant. The grant agreement must contain all provisions required by Florida Statutes and Florida Administrative Code. If the agreement is not executed within 45 days of the announcement of the award, the grant shall not be awarded to that grant applicant and the department will award the grant amount to the next highest ranked applicant.

(b) Grant agreements shall be limited to no longer than two years in duration and are subject to the availability of an appropriation.

(c) Grant funds shall be distributed as reimbursements to recipients upon receipt of a formal invoice, supporting documentation, and upon department grant manager approval for compliance with all requirements of the grant agreement, this rule chapter, and the Florida Statutes.

(d) Invoices shall be submitted by grantees not more frequently than once per month, and not less frequently than once per quarter.

Specific Authority 570.957 FS. Law Implemented 570.957 FS. History–New _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE NO.: RULE TITLE:

5L-1.003 Shellfish Harvesting Area Standards

PURPOSE AND EFFECT: This amendment proposes to reclassify the Choctawhatchee Bay shellfish harvesting area. A sanitary survey has been conducted that evaluated current information on pollution sources and bacteriological water quality, and recommends reclassification of the Choctawhatchee Bay shellfish harvesting area.

SUBJECT AREA TO BE ADDRESSED: The proposed reclassification and management of the Choctawhatchee Bay shellfish harvesting area for shellfish harvesting is in accordance with Rule 5L-1.003, F.A.C., to protect the health of shellfish consumers and to provide access to renewable shellfish resources.

SPECIFIC AUTHORITY: 597.020 FS.

LAW IMPLEMENTED: 597.020 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: Chris Brooks, Division of Aquaculture, 1203 Governor’s Square Boulevard, 5th Floor, Tallahassee, Florida 32301, phone: (850)488-4033

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-2.0010 RULE TITLE: Educational Facilities

PURPOSE AND EFFECT: The purpose of the rule development is to further review the requirements as incorporated by reference in the document “State Requirements for Educational Facilities.” The effect will be a rule consistent with statute.

SUBJECT AREA TO BE ADDRESSED: Educational Facilities Requirements.

SPECIFIC AUTHORITY: 1013.01-.82 FS.

LAW IMPLEMENTED: 1013.01-.82 FS.

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

DATE AND TIME: July 18, 2007, 9:00 a.m. – 12:00 Noon

PLACE: Gateway High School, 93 Panther Paws Trail, Auditorium, Kissimmee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, FL 32399-0400

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

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

Southwest Florida Water Management District

RULE NO.: 40D-1.600 RULE TITLE: Permit Applications – General and Noticed General Permits

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to revise Rule 40D-1.600, F.A.C., to state that a General Environmental Resource Permit with an associated proprietary authorization that is of heightened public concern must be approved by the Governing Board. The effect of this revision will allow the Governing Board an opportunity to gain an awareness of these projects and to provide staff with comment and direction prior to appearing before the Board of Trustees.

SUBJECT AREA TO BE ADDRESSED: Approval of General Environmental Resource Permits with associated proprietary authorizations.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.118 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: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-1.600 Permit Applications – General and Noticed General Permits.

(1) General Permits issued pursuant to Sections 373.118 and 373.414, F.S., under Chapters 40D-2, 40D-4, and 40D-40, F.A.C., are issued by staff except when the application is concurrently reviewed with an application for a proprietary authorization that is deemed to be of heightened public concern pursuant to subsection 18-21.0051(4), F.A.C., or denied in which case final action is taken by the Governing Board.

(2) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.118 FS. History—New 10-1-84, Amended 12-22-94, 7-2-98, 9-26-02,_____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to revise the existing Water Well Contractor License Renewal Form to eliminate driver’s license number and date of birth from the Form. The effect will be to retain confidentiality of personal information.

SUBJECT AREA TO BE ADDRESSED: Water Well Contractor License Renewal Form.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 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: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this chapter. Copies of these forms may be obtained from the District.

GROUND WATER

- (1) No change.
- (2) APPLICATION FOR RENEWAL OF A WATER WELL CONTRACTOR’S LICENSE FORM NO. LEG-R.004.01 (_____) ~~LEG-R004.00 (10/05)~~.
- (3) through (20) No change.

SURFACE WATER

Application for Permit – Used for Docks or Piers and Bulkheads

- (1) through (14) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 FS. History—New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-95, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 10-26-00, 6-26-01, 11-4-01, 6-12-02, 8-25-02, 2-26-03, 9-14-03, 2-1-05, 6-5-05, 10-19-05, 2-6-07,_____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

PURPOSE AND EFFECT: The purpose of the rule amendments is to incorporate by reference revisions to the Environmental Resource Permit (ERP) Application, Form 547.27/ERP (2/05), that request information regarding applicants that are corporations, partnerships or trusts. The effect of the proposed revisions will help ensure that ERPs are issued to legal entities, in the correct name.

SUBJECT AREA TO BE ADDRESSED: District forms relating to Environmental Resource Permitting.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 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: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this chapter. Copies of these forms may be obtained from the District.

GROUND WATER

- (1) through (20) No change.

SURFACE WATER

Application for Permit – Used for Docks or Piers and Bulkheads

(1) JOINT APPLICATION FOR: ENVIRONMENTAL RESOURCE PERMIT/AUTHORIZATION TO USE STATE OWNED SUBMERGED LANDS/FEDERAL DREDGE AND FILL PERMIT

FORM 547.27 ERP (_____ ~~2/05~~)

(2) through (14) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 FS. History–New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, 40D-1.1.901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-95, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 9-3-00, 10-26-00, 6-26-01, 11-4-01, 6-12-02, 8-25-02, 2-26-03, 9-14-03, 9-30-04, 2-1-05, 6-5-05, 10-19-05, 2-6-07, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-4.051	Exemptions
40D-4.091	Publications and Agreements Incorporated by Reference

PURPOSE AND EFFECT: The proposed amendment to Environmental Resource Permit (ERP) rules will exempt from permitting certain minor roadway safety-related activities pertaining to the construction of sidewalks, turn lanes, intersection improvements, road widening, shoulder paving and recreational trails located along roadways. The amendments will streamline the permitting process for minor roadway safety-related projects having no or minimal resource impacts.

SUBJECT AREA TO BE ADDRESSED: Environmental Resource Permitting exemptions.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171, 373.414(9) FS.

LAW IMPLEMENTED: 373.406, 373.413, 373.414(9) 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: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-4.051 Exemptions.

The following activities are exempt from permitting under this chapter:

(1) through (11) No change.

(12) Minor Roadway Safety Projects. The construction of the following minor roadway safety projects, provided that the capacity of existing swales, ditches or other stormwater management systems is not reduced; the projects are not located within wetlands or other surface waters; and the projects include best management practices during construction to prevent secondary impacts in adjacent wetlands or other surface waters due to erosion and sedimentation:

(a) Sidewalks adjacent to new or existing roadways that have a width of six feet or less and do not obstruct or impound surface waters;

(b) Turnlanes less than 0.25 mile in length and other intersection improvements; and

(c) Road widening and shoulder paving projects which do not result in the creation of additional traffic lanes.

(13) Recreational Paths. Recreational paths adjacent to new or existing roadways, provided that the recreational paths are not located within wetlands or other surface waters; do not obstruct or impound surface waters; best management practices are used during construction to prevent secondary impacts in adjacent wetlands or other surface waters due to erosion or sedimentation; do not exceed eight feet in width for unidirectional paths and 12 feet in width for bidirectional paths; and do not allow motorized vehicles powered by internal combustion engines except for maintenance and emergency vehicles.

~~(14)~~(12) The performance of activities pursuant to the provisions of the exemptions described above does not relieve the person or persons who are using the exemption or who are constructing or otherwise implementing the activity from meeting the permitting or performance requirements of other District rules.

Specific Authority 373.044, 373.113, 373.149, 373.171, 373.414(9) FS. Law Implemented 373.406, 373.413, 373.414(9) FS. History–Readopted 10-5-74, Formerly 16J-4.05, Amended 10-1-84, 10-1-86, 3-1-88, 1-24-90, 10-3-95, 4-18-01, 5-17-01, 4-9-02, 2-19-04, 6-30-05, _____.

40D-4.091 Publications and Agreements Incorporated by Reference.

The following documents are hereby incorporated into this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) Environmental Resource Permitting Information Manual Part B, Basis of Review, for Environmental Resource Permit Applications within the Southwest Florida Water Management District, _____ ~~May 2, 2006~~. This document is available from the District upon request.

(2) through (5) No change.

Specific Authority 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS. History–New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-88, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, 10-11-01, 2-27-02, 7-29-02, 3-26-03, 7-22-03, 8-3-03, 3-11-04, 6-7-04, 2-1-05, 6-30-05, 10-19-05, 2-8-06, 5-2-06, 7-1-07,_____.

Environmental Resource Permitting Information Manual Part B, Basis of Review, Environmental Resource Permit Applications within the Southwest Florida Water Management District

5.8 Alterations to existing public roadway projects will be required to treat a volume equal to those specified in Section 5.2 and the contributing area according to the following options.

~~a. The following alterations will not require water quality treatment when the project involves:~~

~~1. Road widening and shoulder paving which do not create additional traffic lanes or displace existing treatment capacity and only discharge into Class III waters; the applicant must provide reasonable assurance that adequate erosion and turbidity control measures will be provided during construction.~~

~~2. Intersection improvements which do not result in a reduction in the treatment capacity of existing vegetated swales and which discharge only to Class III waters;~~

~~3. In-kind bridge replacements.~~

b. through d. renumbered a. through c. No change.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

PURPOSE AND EFFECT: The purpose of the proposed amendment is to reference Chapter 62-345, F.A.C., which sets forth the Uniform Mitigation Assessment Method (UMAM). The proposed amendment also clarifies that for those projects for which the UMAM does not apply, the existing District rules for calculating wetland mitigation requirements continue to apply.

SUBJECT AREA TO BE ADDRESSED: Wetland mitigation assessment.

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

LAW IMPLEMENTED: 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 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 IS: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-4.091 Publications and Agreements Incorporated by Reference.

The following documents are hereby incorporated into this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) Environmental Resource Permitting Information Manual Part B, Basis of Review, for Environmental Resource Permit Applications within the Southwest Florida Water Management District, _____ May 2, 2006. This document is available from the District upon request.

(2) through (5) No change.

Specific Authority 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS. History–New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-88, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, 10-11-01, 2-27-02, 7-29-02, 3-26-03, 7-23-03, 8-3-03, 3-11-04, 6-7-04, 2-1-05, 6-30-05, 10-19-05, 2-8-06, 5-2-06,_____.

Environmental Resource Permitting Information Manual Part B, Basis of Review, Environmental Resource Permit Applications within the Southwest Florida Water Management District

5.8 Mitigation Ratio Guidelines

a. Except as provided in Rule 62-345, F.A.C., subsections 3.3.2 through 3.3.2.3, are superseded by Rule 62-345, F.A.C.

b. Subsections 3.3.2 through 3.3.2.2 establish ratios for the acreage of mitigation required compared to the acreage which is adversely impacted by regulated activities and are applicable as provided in Rule 62-345, F.A.C. Ranges of ratios are provided below for certain specific types of mitigation, including creation, restoration, enhancement and preservation. The difference between the ranges of ratios provided for mitigation types is based on the degree of improvement in ecological value expected from each type. Creation and restoration are assigned the lowest range of ratios as these activities, when successfully conducted, add new wetlands or other surface waters which provide the same or similar functions as the areas adversely impacted. The range of ratios established for enhancement is higher than that for creation and restoration, as the area being enhanced currently

provides a degree of the desired functions, and this type of mitigation serves to increase, rather than create, those functions. Preservation differs from the other types of mitigation in that it does not serve to improve the existing ecological value of an area in the short term. However, preservation does provide benefits as it can ensure that the values of the preserved area are protected and maintained in the regulatory programs. Therefore, the range of ratios established for preservation is higher than those for other types of mitigation. These ratios are provided as guidelines for preliminary planning purposes only. The actual ratio needed to offset adverse impacts may be higher or lower based on a consideration of the factors listed in subsections 3.3.2.1 and 3.3.2.2. For example, in instances where the proposed system results in only a small loss of ecological value in the impacted area, such as cases involving impacts to areas of low ecological value or cases where the proposed system results in a small reduction of ecological value of the impacted area, then the actual mitigation ratio would normally be in the lower end of or below the range. For other types of mitigation, ratios will be determined based upon the reduction in quality and relative value of the functions of the areas adversely impacted as compared to the expected improvement in quality and value of the functions of the mitigation area.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

PURPOSE AND EFFECT: The purpose of the proposed amendment is to repeal the 2000 agreement between the District and the Florida Department of Agriculture and Consumer Services (FDACS), entered into to facilitate the resolution of disputed claims under Section 373.406(2), Florida Statutes (F.S.). The effect will be the application of a new agreement entered into by the five water management districts and FDACS in compliance with Section 373.407, F.S., and which will replace this District’s existing agreement with FDACS, proposed for repeal.

SUBJECT AREA TO BE ADDRESSED: Publications and agreements adopted by rule and incorporated by reference into the District’s rules.

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

LAW IMPLEMENTED: 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 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 IS: Carrie N. Felice, Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-4.091 Publications and Agreements Incorporated by Reference.

The following documents are hereby incorporated into this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) through (3) No change.

~~(4) Memorandum of Understanding Between the Southwest Florida Water Management District and the Florida Department of Agriculture and Consumer Services for the Non-Binding Review of Disputed Environmental Resource Permitting Exemption Claims Under Section 373.406(2), F.S., dated December 13, 2002. This document is available from the District upon request.~~

~~(4)(5) No change.~~

Specific Authority 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS. History–New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-88, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, 10-11-01, 2-27-02, 7-29-02, 3-26-03, 7-23-03, 8-3-03, 3-11-04, 6-7-04, 2-1-05, 6-30-05, 10-19-05, 2-8-06, 5-2-06, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-4.331
 RULE TITLE: Modification of Permits

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to allow applicants to extend the duration of an Environmental Resource Permit (ERP) to be made by letter. Rule amendments also clarify existing language.

SUBJECT AREA TO BE ADDRESSED: Application process for extending the duration of an ERP.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.413, 373.416(1), 373.429, 373.805 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: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-4.331 Modification of Permits.

An application for modification of an Environmental Resource Permit shall be processed in accordance with this rule, unless the permit is revoked, suspended or expired.

- (1) No change.
- (2) Applications to modify a construction permit shall be made:
 - (a) No change.
 - (b) By letter, provided the requested modification does not:

- 1. through 4. No change.
- 5. Decrease the required flood control elevations for roads or buildings, or
- 6. Decrease pollution removal efficiency.

~~7. Renew or extend the existing permit duration.~~

(3) Applications for modifications of a site conditions assessment permit shall be made by formal application and reviewed using the same criteria as new applications:

- (a) through (b) No change.
- (c) For any ~~renewal or~~ extension of a current permit, or
- (d) No change.

(4) Application for permit modification to ~~renew or~~ extend the existing permit duration shall ~~occur by formal application and review, and such requests shall~~ be submitted no sooner than 180 days prior to the permit expiration date.

(a) A modification for construction permit extension ~~renewal~~ will be granted if it is reasonably assured by the applicant and determined that ~~any completed construction is in compliance with a currently valid permit, and~~ the proposed construction will be in compliance with the District's rules in effect at the time the application for modification to extend ~~renew~~ is filed.

(b) Applications for conceptual permit extension ~~renewal~~ and site conditions assessment permit ~~renewal or~~ extension must comply with the same criteria as new applications.

(c) Each modification to ~~renew or~~ extend can be granted for a duration as needed, up to five years for construction permits and site conditions assessment permits, and up to two years for conceptual permits.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.413, 373.416(1), 373.429, 373.805 FS. History—Readopted 10-5-74, Formerly 16J-4.13, Amended 10-1-84, 3-1-88, 10-1-88, 6-29-93, 10-3-95, 7-23-96, 2-1-05, 2-6-07, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.: 40D-400.443 40D-400.447	RULE TITLES: General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Bridge Alteration, Replacement, Maintenance and Operation General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Activities Within Existing Rights-of-Way or Easements
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PURPOSE AND EFFECT: The purpose of the proposed amendments is to allow noticed general ERPs to be issued for minor activities associated with road bridges and activities conducted within existing roadway rights-of-way or easements. The amendments will clarify what activities are appropriate for a noticed general permit and make the rules more consistent with similar rules adopted by the Florida Department of Environmental Protection and other water management districts.

SUBJECT AREA TO BE ADDRESSED: Noticed General ERPs.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.413, 373.416, 373.426 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: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-400.443 General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Bridge Alteration, Replacement, Maintenance and Operation.

(1) A general permit is hereby granted to the Florida Department of Transportation, Counties and Municipalities to conduct the activities described below:

(a) The replacement, ~~or~~ modification or maintenance of bridges and approaches where the combined total of dredging and filling, both temporary and permanent, in wetlands and other surface waters does not exceed 0.5 acre.

(b) No change.

(2)(a) through (c) No change.

(d) all fill placed in wetlands other than ~~fill~~ ~~at~~ on which a bridge or approach described in paragraph (1)(a) is constructed, shall be regraded to the original wetland elevations and these filled wetland areas revegetated with native wetland species endemic to adjoining, undisturbed wetlands, within seven days of completion of construction. Within "Clear Zones" as described in Chapter Three, Roadside Design Manual, American Association of State Highway and Transportation Officials, dated October 1988, revegetation shall be with native herbaceous species endemic to adjoining undisturbed wetlands. These wetland areas shall be maintained and planted as necessary, to ensure that satisfactory revegetation occurs. For the purposes of this general permit, "satisfactory revegetation" means that the herbaceous wetlands, and forested wetlands within clear zones that are disturbed by fill shall have achieved not less than 33 percent cover of planted or naturally reestablished herbaceous wetland species within 18 months of completion of construction, and the forested wetlands other than the forested wetlands in clear zones that are disturbed by fill shall achieve a survival rate of not less than 400 wetland trees per acre within 18 months of completion of construction, and a maintenance plan must be developed and implemented to ensure the survival of the planted or naturally reestablishing wetland species. Within the revegetated wetland areas, non-native vegetation must be controlled such that it does not constitute more than 10 percent of the area cover in any stratum at any time for the five-year period following the initial planting or restoration of the site;

(e) through (k) No change.

(l) this general permit authorized dredging and filling for the replacement, ~~or~~ modification or maintenance of a bridge and approaches for a specific crossing of a wetland or other surface water. Replacement of a bridge or modification of a bridge that includes changes in the configuration of the bridge or fill areas due to changes in materials, construction techniques or for purposes of meeting current construction codes or safety standards are authorized under this Permit. Any connecting road expansion or alteration associated with such replacement or modification must be authorized by a separate general or individual permit under Chapter 40D-4 or 40D-40, or 40D-400, F.A.C., as applicable, before the start of construction; and

(m) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.413, 373.416, 373.426 FS. History--New 10-3-95, Amended 2-19-04, _____.

40D-400.447 General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Activities Within Existing Rights-of-Way or Easements.

(1) A general permit is hereby granted to the Florida Department of Transportation, Counties and Municipalities to conduct the activities described below:

(a) The extension of existing culverts and crossing approaches to accommodate widening of the roadway where excavation or deposition of material shall not exceed 1000 cubic yards in wetlands and other surface waters and the area from which material is excavated or to which material is deposited shall not exceed a total of 0.25 acres at any one ~~culverted crossing location (project site)~~. The 1000 cubic yardage limitation shall be separately applied to excavation and deposition of material.

(b) through (f) No change.

(2) through (3) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.413, 373.416, 373.426 FS. History--New 10-3-95, Amended _____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-24.101	Definitions
40E-24.201	Year-Round Landscape Irrigation Measures
40E-24.301	Local Government Option
40E-24.401	Enforcement

PURPOSE AND EFFECT: The purpose is to amend the mandatory year-round landscape irrigation measures for Lee, Collier and Charlotte counties and to implement the rules District-wide. The proposed amendments are a result of issues raised in rule development workshops to implement District-wide mandatory year-round landscape irrigation measures. The earlier notice of rule development was published in Vol. 33, No. 22, June 1, 2007, issue of the Florida Administrative Weekly.

SUBJECT AREA TO BE ADDRESSED: Proposed measures setting forth standards for local government's ordinance adoption regarding specific days of the week and times of day for landscape irrigation for residential, public, commercial and recreation areas.

SPECIFIC AUTHORITY: 120.54, 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 120.54, 373.042, 373.0421, 373.103, 373.117, 373.223, 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.

Pursuant to the provisions of 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: Clerk of the South Florida Water Management District, (800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Bruce Adams, Water Conservation Officer, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, ext. 6785 or (561)682-6785, email: badams@sfwmd.gov. For procedural issues, contact Jan Sluth, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-24.101 Definitions.

The preliminary text of the proposed rule amendment is not available.

40E-24.201 Year-Round Landscape Irrigation Measures.

(1) through (4) No change.

(5) The following requirements or exceptions shall apply to all users unless specified otherwise herein:

(a) Landscape irrigation shall be prohibited daily between the hours of 10:00 a.m. and 4:00 p.m., except as otherwise provided herein.

(b) Even addresses as defined in subsection 40E-24.101(4), F.A.C., may accomplish necessary landscape irrigation only on Tuesday, and/or Thursday and/or Sunday.

(c) Odd addresses as defined in subsection 40E-24.101(7), F.A.C., and rights-of-way or other locations without an address may accomplish necessary landscape irrigation only on Monday and/or Wednesday and/or Saturday.

(d) Installations with irrigation systems which irrigate both even and odd addresses within the same zones, including multi-family units and homeowners' associations, may accomplish necessary landscape irrigation of individual zones on Monday, Wednesday and Saturday or Tuesday, Thursday and Sunday. No zone shall be irrigated more than 3 times per week.

~~(e)~~ Landscape irrigation systems may be operated during restricted days and/or times for cleaning and maintenance purposes with an attendant on site in the area being tested. Landscape irrigation systems may routinely be operated for such purposes no more than once per week, and the run time for any one test should not exceed 10 minutes.

~~(f)~~ Landscape irrigation for the purpose of watering in insecticides, fungicides and herbicides, where such watering-in is required by the manufacturer, or by federal, state or local law, shall be allowed under the following conditions:

1. Such watering-in shall be limited to one application in the absence of specific alternative instructions from the manufacturer; and

2. Such watering-in shall be accomplished during normally allowable watering days and times unless a professional licensed applicator has posted a temporary pesticide sign containing the date of application and the date(s) of needed watering-in activity.

~~(g)~~ Any plant material may be watered using low-volume hand watering methods without regard to the watering days or times allowed pursuant to this section.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.171, 373.223 FS. History--New 6-12-03, Amended _____.

40E-24.301 Local Government Option.

(1) Local governments that wish to enforce alternative landscape irrigation measures, shall be considered to be in substantial compliance with this rule upon the enactment of an ordinance establishing landscape irrigation measures which achieve water conservation and which allow no more cumulative time for landscape irrigation than subsection 40E-24.201(5), F.A.C. Such ordinance shall provide for variance procedures that do not diminish the effectiveness of the measures. Local governments with a jurisdiction divided between the South Florida Water Management District and another water management district may propose an alternative schedule of measures as necessary for the local government to achieve a uniform schedule within its jurisdiction.

(2) through (3) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.171, 373.223 FS. History--New 6-12-03, Amended _____.

40E-24.401 Enforcement.

The preliminary text of the proposed rule amendment is not available.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NOS.:	RULE TITLES:
61D-11.001	Definitions
61D-11.002	Cardroom Games
61D-11.003	Card-Play Hands
61D-11.004	Dealer Responsibilities
61D-11.005	Prohibitions

61D-11.006	Inspection of Premises, Records
61D-11.007	Cardroom Operator License
61D-11.008	Cardroom Business Occupational License
61D-11.009	Cardroom Employee Occupational License
61D-11.011	Notification of Criminal Conviction or Charge
61D-11.012	Duties of Cardroom Operators
61D-11.013	Duties of Cardroom Employee Occupational Licensees
61D-11.014	Cards
61D-11.015	Chips and Tokens
61D-11.016	Card Tables
61D-11.017	Admissions Requirements
61D-11.018	Reporting Requirements to Determine Net Proceeds
61D-11.019	Internal Control System
61D-11.020	Card Game Drop Box Procedures
61D-11.021	Card Game Tip Box Procedures
61D-11.022	Cardroom Imprest Bank
61D-11.023	Accounting for Transactions Between Card Table Imprest Tray and Cardroom Imprest Bank
61D-11.024	Rake-Off Procedures
61D-11.025	Cardroom Electronic Surveillance

PURPOSE AND EFFECT: The purpose and effect of the proposed rules will be to implement changes in accordance with Senate Bills 134 and 752, which both have an effective date of July 1, 2007.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in these rules are: Amendments to the existing rules and potential new rules to address the play of dominoes, applications for a cardroom license, giveaways, jackpots, and prizes for players with specific combinations of cards, increase in wagering amounts, rules to implement play of Texas Hold'em with a buy-in of no more than \$100, and rule to implement tournament play. There may also be additional rule numbers created to implement changes to Section 849.086, FS. **SPECIFIC AUTHORITY:** 550.0251(12), 849.086(4), (4)(a), (5), (6), (7), (8), (10), (11), (12), (13), (14) FS.

LAW IMPLEMENTED: 849.086(4)(a), (b), (f), (6), (7)(a) FS. **IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

DATE AND TIME: July 23, 2007, 9:00 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, (800)955-8771 (TDD) or (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 NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: 61D-12.001
RULE TITLE: Incorporated and Approved Forms
PURPOSE AND EFFECT: The purpose and effect of the proposed rules will be to amend the various forms related to cardrooms used by the Division of Pari-Mutuel Wagering in accordance with Senate Bills 134 and 752, which have an effective date of July 1, 2007.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is changes to forms of the Division of Pari-Mutuel Wagering related to cardrooms needed to implement changes in Section 849.086, F.S.

SPECIFIC AUTHORITY: 550.0251(12), 849.086(4), (5), (6), (7), (9), (11), (13), (16), (17) FS.

LAW IMPLEMENTED: 849.086 FS.

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

DATE AND TIME: July 23, 2007, 9:00 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, (800)955-8771 (TDD) or (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 NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-20.003
 RULE TITLE: Inspections
 PURPOSE AND EFFECT: To address inspection frequency.
 SUBJECT AREA TO BE ADDRESSED: Inspections.
 SPECIFIC AUTHORITY: 477.016 FS.
 LAW IMPLEMENTED: 477.025(4), (9) 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: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G5-20.003 Inspections.

The Department of Business and Professional Regulation shall cause an inspection of all proposed salons to determine if all the requirements have been met. Each licensed salon shall be inspected at least ~~bi-annually~~ annually by the Department. No person shall, for any reason intentionally, or directly inhibit an authorized representative of the Department from performing said inspections.

Specific Authority 477.016 FS. Law Implemented 477.025(4), (9) FS. History--New 4-22-81, Amended 9-11-81, 5-3-82, 10-6-85, Formerly 21F-20.03, Amended 10-18-87, Formerly 21F-20.003, Amended _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-3.010
 RULE TITLE: License Reactivation Education for Brokers and Sales Associates
 PURPOSE AND EFFECT: The Commission proposes the rule amendment to add language to the rule setting forth the required contents of the course to reactivate a license that has been inactive for more than 12 months but less than 24 months. The rule amendment will also set forth the requirements for retesting.
 SUBJECT AREA TO BE ADDRESSED: License Reactivation Education for Brokers and Sales Associates.
 SPECIFIC AUTHORITY: 475.05 FS.
 LAW IMPLEMENTED: 475.04, 475.17, 475.182, 475.183475.451 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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61J2-3.010 License Reactivation Education for Brokers and Sales Associates.

(1) Brokers and sales associates holding an involuntarily inactive license may only maintain this status for 2 years. The first day of this allowable 2-year period is the first day the broker or sales associate failed to hold a valid and current active or voluntarily inactive license. After the second year, the broker's or sales associate's right to request an active or voluntarily inactive license automatically expires, by operation of law.

(2) Effective October 1, 2007, a licensee may reactivate a license that has been involuntarily inactive for more than 12 months but less than 24 months by satisfactorily completing 28 hours of a Commission-prescribed education course derived from the Florida Real Estate Commission Salesperson Course Syllabus (FREC for licensure as a sales associate Course I). The Course I hours must be based on an approved course as set forth in Rule 61J2-3.008, F.A.C. Emphasis shall be placed on the real estate law and license law portions. The course shall contain coverage of the following topics: Real Estate License Law and Qualifications for Licensure (Session 2); Real Estate License Law and Commission Rules (Session 3); Authorized Relationships, Duties and Disclosure (Session 4); Real Estate Brokerage Activities: Guides for Salespersons (Session 5); Violations of License Law, Penalties and Procedures (Session 6); Federal and State Laws Pertaining to Real Estate (Session 7); Real Estate Contracts (Session 11); Real Estate Related Computations and Closing of Transactions (Session 14); and Real Estate Investments and Business Opportunity Brokerage (Session 17).

(3) Students who fail the Commission-prescribed end-of-course examination must wait at least 30 days from the date of the original examination to retest. Within one year of the original examination, a student may retest a maximum of one time. Otherwise, students who fail the end-of-course examination must repeat the course again to become eligible to take the end-of-course examination. Schools shall administer a different end-of-course examination to a student who retakes the exam or repeats the course.

~~(4)~~⁽³⁾ A licensee may demonstrate satisfactory completion for reactivation by achieving a grade of 70% or higher on the Commission-prescribed ~~25-item~~ end-of-course examination. The end-of-course examination shall contain 2 items per instructional hour or a minimum of 50 questions. The school must develop at least two forms of the end-of-course examination and submit them to the Department for approval. All courses shall conform to the requirements of Rule 61J2-3.008, F.A.C. The school shall test only students who have completed at least 90% of the required hours of instruction.

~~(5)~~⁽⁴⁾ The school offering these Commission-prescribed courses shall inform each student of the standards and requirements at the commencement of each course and issue a notice of course completion as prescribed by the Commission in Rule 61J2-3.015, F.A.C.

~~(6)~~⁽⁵⁾ Accredited universities, colleges, community colleges in this state, area technical centers or real estate schools registered pursuant to Section 475.451, F.S., may offer the Commission-prescribed courses. Satisfactory completion of these courses will not entitle any person to reactivate an involuntary inactive license as a real estate broker or sales associate until such person has met all other requirements of law.

~~(7)~~⁽⁶⁾ Any active member in good standing with The Florida Bar, who is otherwise qualified under the real estate license law, is exempt from the reactivation education requirements of this rule.

Specific Authority 475.05 FS. Law Implemented 475.04, 475.17, 475.182, 475.183, 475.451 FS. History–New 1-1-80, Amended 8-24-80, 9-16-84, Formerly 21V-3.10, Amended 10-13-88, 6-28-93, Formerly 21V-3.010, Amended 12-30-97, 10-25-98, 1-18-00, 3-15-04, 11-8-06,_____.

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 Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: RULE TITLE:
64B4-6.001 Renewal of Active License
PURPOSE AND EFFECT: The Board proposes the rule amendment deleting the provision that would give an applicant credit for taking video cassette courses.
SUBJECT AREA TO BE ADDRESSED: Deletion of language that would give an applicant credit for taking video cassette courses.
SPECIFIC AUTHORITY: 491.004(5), 491.007(1) FS.
LAW IMPLEMENTED: 456.013(6), (7), 456.031(1)(a), 491.007(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B4-6.001 Renewal of Active License.

(1) through (3) No change.

~~(4)~~ Pursuant to Section 456.013(6), F.S., credit for video cassette courses shall not exceed 5 hours per subject and proof of completion shall be submitted to the Department along with the license renewal application on a validation form signed by the vendor and the licensee. For the purpose of this section, the validation form shall be a copy of the certificate of completion pursuant to paragraphs 64B4-6.003(4)(a) and (b), F.A.C.

~~(4)~~⁽⁵⁾ Continuing Education hours earned by a licensee to satisfy any disciplinary action shall be in addition to those required for renewal for each biennium.

Specific Authority 456.013(6), 456.031(1)(a), 491.004(5), 491.007(2) FS. Law Implemented 456.013(6), (7), 456.031(1)(a), 491.007(2) FS. History–New 4-4-89, Amended 12-4-90, Formerly 21CC-6.001, Amended 1-9-94, Formerly 61F4-6.001, Amended 1-7-96, 12-29-96, Formerly 59P-6.001, Amended 2-9-99, 2-5-01, 2-7-05, 7-16-06,_____.

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: RULE TITLE:
64B4-7.007 Requirement to Hold Oneself Out as Qualified to Practice Juvenile Sex Offender Therapy

PURPOSE AND EFFECT: To clarify type of education and training.

SUBJECT AREA TO BE ADDRESSED: Requirements to Hold Out as Certified to Practice Juvenile Sex Offender Therapy.

SPECIFIC AUTHORITY: 491.004(5), 491.0144 FS.

LAW IMPLEMENTED: 491.0144 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: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage & Family Therapy and Mental Health Counseling 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B4-7.007 Requirements to Hold Oneself Out as Qualified to Practice Juvenile Sex Offender Therapy. Effective October 1, 2000, in order for a licensed clinical social worker, marriage and family therapist or mental health counselor to hold oneself out as one qualified to practice juvenile sex offender therapy the licensee must have:

(1) Completed education and training through course work which meets the standards for approval as set forth in Rule 64B4-6.002, F.A.C., in the following subject area:

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

Specific Authority 491.004(5), 491.0144 FS. Law Implemented 491.0144 FS. History–New 2-9-99, Amended 4-24-00, 8-24-00,_____.

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: 64B4-22.110
 RULE TITLE: Course Content
 PURPOSE AND EFFECT: To delete specific standard.
 SUBJECT AREA TO BE ADDRESSED: Course Content.
 SPECIFIC AUTHORITY: 491.004(5) FS.
 LAW IMPLEMENTED: 491.005(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 IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B4-22.110 Course Content.

The course requirements set forth in Section 491.005(3), F.S., shall contain the following content:

- (1) through (4) No change.

(5) Psychopathology. This course prepares the student in the evaluation and classification of abnormal human behavior and psychiatric disorders in individuals according to current diagnostic standards (~~DSM-III-R; ICD-9~~).

(6) through (13) No change.

Specific Authority 491.004(5) FS. Law Implemented 491.005(3) FS. History–New 8-20-92, Amended 1-27-93, Formerly 21CC-22.110, Amended 2-22-94, Formerly 61F4-22.110, 59P-22.110, Amended 10-15-02,_____.

DEPARTMENT OF HEALTH

Board of Massage

RULE NO.: 64B7-32.003
 RULE TITLE: Minimum Requirements for Board of Massage Therapy Approval

PURPOSE AND EFFECT: To address course of study and classroom hour requirements.

SUBJECT AREA TO BE ADDRESSED: Minimum Requirements for Board of Massage Therapy Approval.

SPECIFIC AUTHORITY: 480.035(7) FS.

LAW IMPLEMENTED: 480.041(1)(b) 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: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Massage

RULE NO.: 64B7-32.003
 RULE TITLE: Minimum Requirements for Board of Massage Therapy Approval

PURPOSE AND EFFECT: To correct statutory citations.

SUBJECT AREA TO BE ADDRESSED: Minimum Requirements for Board of Massage Therapy Approval.

SPECIFIC AUTHORITY: 480.035(7) FS.

LAW IMPLEMENTED: 480.041(1)(b) 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: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B7-32.003 Minimum Requirements for Board of Massage Therapy Approval

(1) In order to receive and maintain Board of Massage Therapy approval, a massage school, and any satellite location of a previously approved school, must:

(a) Meet the requirements of and be licensed by the Department of Education pursuant to Chapter 1005 246, F.S., or the equivalent licensing authority of another state or county, or be within the public school system of the State of Florida; and

(b) through (5) No change.

Specific Authority 480.035(7) FS. Law Implemented 480.033(9), 480.041(1)(b) FS. History—New 3-25-86, Amended 8-15-89, 12-22-92, Formerly 21L-32.003, Amended 10-20-96, Formerly 61G11-32.003, Amended 8-16-98,_____.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-12.003 RULE TITLE: Applications for Licensure

PURPOSE AND EFFECT: The purpose and effect of this rule development is to incorporate amendments to the new application.

SUBJECT AREA TO BE ADDRESSED: Applications for Licensure.

SPECIFIC AUTHORITY: 456.031(4), 456.033(7), 459.005, 459.0055(1)(i) FS.

LAW IMPLEMENTED: 456.031(2), 456.033(6), 459.0055, 459.006, 459.007 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NOS.:	RULE TITLES:
65A-1.707	Family-Related Medicaid Income and Resource Criteria
65A-1.713	SSI-Related Medicaid Income Eligibility Criteria

PURPOSE AND EFFECT: The proposed amendments clarify policy regarding the treatment of paid medical expenses in the Medically Needy Program. This will benefit recipients by allowing the use of previously paid medical expenses as a deduction to meet their share of cost.

SUBJECT AREA TO BE ADDRESSED: Proposed amendments will revise language to be consistent with federal requirements that allow a deduction of medical bills paid prior to the month of eligibility.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.906, 409.918, 409.919 FS.

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

DATE AND TIME: July 25, 2007, 2:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pat Whitford, Economic Self-Sufficiency Services, Telephone (850)410-3479

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

**Section II
Proposed Rules**

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE NO.: IT-1.001 RULE TITLE: Division of Cultural Affairs

PURPOSE AND EFFECT: The purpose of this amendment will be to change in rule policies for the Division's grant programs and the Cultural Support Grant Program.

SUMMARY: The proposed rule adds that state-supported institutions cannot use state funds as match and are also not allowed to include overhead/indirect costs in the Grant Proposal Budget for any Division grant programs. It adds to the Cultural Support Grants Program that museums must be

open 180 days a year on a regular basis to be eligible to apply to any discipline, the maximum request amount for multidisciplinary museums submitting 2 applications, deletes the listing of Cultural Support Grants Program disciplines, and deletes REDI points.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: There are no regulatory costs associated with this proposed rule.

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

SPECIFIC AUTHORITY: 255.043(4), 265.284(5)(d), 265.285(1)(c), 265.286(1), (6), 265.2861(2)(b), (f), 265.2865(6), 265.605(1), 265.608(1), 265.609(1), (4), 265.701(5), 265.702(8) FS.

LAW IMPLEMENTED: 215.97, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.601-.603, 265.605-.607, 265.608, 265.609, 265.701, 265.702, 286.011, 286.012, 286.25, 288.0656, 288.06561 FS.

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

DATE AND TIME: Monday, July 23, 2007, 9:00 a.m.

PLACE: Division of Cultural Affairs, 500 South Bronough Street, R. A. Gray Building, 3rd Floor, 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 72 hours before the workshop/meeting by contacting: Division staff at (850)245-6356 or Text Telephone 711. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sarah Stage or D. Scott Moore, Division of Cultural Affairs, 500 South Bronough Street, R. A. Gray Building, 3rd Floor, Tallahassee, Florida 32301, (850)245-6470

THE FULL TEXT OF THE PROPOSED RULE IS:

IT-1.001 Division of Cultural Affairs.

The purpose of the rule is to establish administrative procedures for all Division of Cultural Affairs (Division) activities.

(1) through (4) No change.

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

2. State-supported institutions may not include overhead or indirect costs in the Grant Proposal Budget.

3. State-supported institutions may not use state funds as match in the Grant Proposal Budget.

4.2. REDI Waiver. The Division will waive the cash matching requirements on Division project grants for an applicant that has been designated as REDI qualified in accordance with Sections 288.0656 and 288.06561, F.S. This cash waiver is applicable only to the following project programs: Cultural Support Specific Project, Quarterly Assistance, Arts in Education, International Cultural Exchange, and Challenge. In lieu of cash match, the equivalent of total match must be instead shown in the proposal budget as in-kind match. To obtain a match waiver, the applicant must submit a letter from the local county government that acknowledges the grant application and requests the waiver; this letter must accompany the grant application. The list of REDI counties and communities is reviewed and updated annually and is available on the Division's website.

5.3. Grants awarded in the Challenge Grant Program, the Underserved Arts Communities Assistance Program, and the State Touring Program have match requirements specific to those programs.

(f) through (7)(a) No change.

1. General Program Support Funding. In addition to the basic eligibility requirements detailed in subsection (5), applicants for General Program Support must have received at least one non-capital program grant from the Division of Cultural Affairs, and must be a cultural organization or a recurring cultural program conducting programs on a regular basis that meet the intent of one of the disciplinary review categories as detailed in the guidelines. ~~These categories include but are not limited to dance, folk arts, interdisciplinary, literature, media arts, multidisciplinary, museums, music, sponsor/presenter, theatre, visual arts, and discipline service.~~ For the purpose of this program area, a recurring cultural program is one that is part of a multipurpose or state-supported institution. It must function as a discrete unit within its parent institution and present or produce a full season of programming on a yearly basis. The cultural program must have at least one paid full-time staff member, whose responsibilities are solely for the organization's services and operations; have an advisory board which governs the activities of the program, and be able to separately and distinctly fulfill all eligibility and application requirements. Entire departments or schools within a university, college, or other multipurpose institution do not qualify as recurring cultural programs.

a. through c. No change.

2.a. through b. No change.

c. Organizations can only receive one General Program Support grant from the Division of Cultural Affairs and any division within the Department of State in the same fiscal year. This policy is effective as of July 1, 2008 for Cultural Organizations and July 1, 2010 for Cultural Institutions. The only exception to this limitation is for a multidisciplinary museum, which is defined as a museum that addresses two or

more disciplines to a significant extent: for example, a museum that interprets both art and history or both history and science. Multidisciplinary museums will be permitted to receive a total of two General Program Support grants from the Division of Cultural Affairs or any other division within the Department of State. A discipline-specific operating budget must be used for each application; multidisciplinary museums cannot use the same operating budget for both applications. Multidisciplinary museums that submit two General Program Support applications to the Cultural Support Grants Program may request a maximum of \$100,000 in the Cultural Organizations category and a maximum of \$350,000 in the Cultural Institutions category.

3. Museums applying to any discipline must have been open to the public on a regular schedule and must have been open for at least 180 days each year.

(b) No change.

~~1. Organizations conducting 50% or more of their proposed cultural project or programming in a financially underserved county, or REDI qualified community, will be awarded three (3) additional points to their Public Impact score, not to exceed thirty points. A financially underserved county is one that has received an average of less than \$10,000 in state cultural grant program funding in the last two state fiscal years preceding the deadline. REDI qualified means those counties or communities designated as of the application deadline pursuant to Sections 288.0656 and 288.06561, F.S.~~

1.2. An average panel score of at least 75 points out of a maximum possible 100 points must be earned to be considered for funding for Specific Project applications. The panel is not required to fund all Specific Project applications that receive a minimum average score of 75 points. An average panel score of 80 points out of a maximum possible 100 points must be earned to receive funding for Cultural Organizations applications; and 85 points out of a maximum possible 100 points must be earned to receive funding for Cultural Institutions applications. General Program Support award amounts recommended to the Council will be determined through the use of a funding method formula for all applications achieving the minimum eligible category-specific score. All General Program Support applications earning an eligible category-specific average will receive funding under the funding method formula of not less than \$2,500. Based on their review, the panel makes funding recommendations for Specific Project grant awards to the Council. In determining which applications to fund, the panel will consider only applications that have achieved the required minimum average score of 75 and other criteria which include the overall group of eligible Specific Project applications, the relative merits of each proposal as demonstrated through scores based on the program review criteria, the anticipated funds available for the program, the perceived needs of the artistic or cultural discipline, the constituency served, and how well the proposed

project fulfills the mission of the Cultural Support Grants program. In determining award amounts for those proposals recommended for funding, the panel may not recommend funding of less than \$2,500.

~~2.3.~~ In addition to the basic eligibility requirements detailed in subsection (5), support documentation in the form of financial statements or audits, investment account statements, and program materials as appropriate to substantiate specific program eligibility; and a response to at least one of the application narrative questions, is required. Cultural Institutions applicants are also required to provide: a complete funding worksheet; applicants must submit financial statements or audits for all 4 fiscal years provided on the funding worksheet; and documentation that the applicant organization has received accreditation by the American Association of Museums or the American Zoological Association. The application will be declared ineligible if required information is not submitted by the application deadline.

(8) through (20) No change.

Specific Authority 255.043(4), 265.284(5)(d), 265.285(1)(c), 265.286(1), (6), 265.2861(2)(b), (f), 265.2865(6), 265.605(1), 265.608(1), 265.609(1), (4), 265.701(5), 265.702(8) FS. Law Implemented 215.97, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.601-.603, 265.605-.607, 265.608, 265.609, 265.701, 265.702, 286.011, 286.012, 286.25, 288.0656, 288.06561 FS. History–New 11-23-82, Formerly IT-1.01, Amended 10-1-96, 10-31-96, 2-2-97, 6-2-97, 7-17-97, 9-10-97, 1-4-98, 7-26-98, 8-2-98, 10-5-98, 10-25-98, 8-17-99, 8-1-02, 12-29-02, 10-14-03(17), 10-14-03(20), 11-16-03, 2-2-05, 5-16-05, 6-21-05, 12-20-05, 5-22-06, 6-5-06, 6-27-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sarah Stage
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sandy Shaughnessy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 8, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 4, 2007

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE NO.: IT-1.001
RULE TITLE: Division of Cultural Affairs
PURPOSE AND EFFECT: The purpose of this amendment will be to establish in rule changes to the Arts in Education Grant Program. This amendment will simplify the program and will help build sustained arts education programs for students of all ages in many areas across Florida that currently have no arts education.
SUMMARY: The proposed rule describes these changes; deletes a category; creates a new category to serve REDI/Underserved areas; deletes bonus points; clarifies

review criteria, and deletes the multiple Artist Residency funding levels replacing those with minimum and maximum funding components.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: There are no regulatory costs associated with this proposed rule.

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

SPECIFIC AUTHORITY: 255.043(4), 265.284(5)(d), 265.285(1)(c), 265.286(1), (6), 265.2861(2)(b), (f), 265.2865(6), 265.605(1), 265.608(1), 265.609(1), (4), 265.701(5), 265.702(8) FS.

LAW IMPLEMENTED: 215.97, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.601-.603, 265.605-.607, 265.608, 265.609, 265.701, 265.702, 286.011, 286.012, 286.25, 288.0656, 288.06561 FS.

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

DATE AND TIME: Monday, July 23, 2007, 10:00 a.m.

PLACE: Division of Cultural Affairs, 500 South Bronough Street, R. A. Gray Building, 3rd Floor, 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 72 hours before the workshop/meeting by contacting: Division staff at (850)245-6356 or Text Telephone 711. If you are 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: Laura L. Stone, Division of Cultural Affairs, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida, (850)245-6475

THE FULL TEXT OF THE PROPOSED RULE IS:

IT-1.001 Division of Cultural Affairs.

The purpose of the rule is to establish administrative procedures for all Division of Cultural Affairs (Division) activities.

(1) through (11) No change.

(12) No change.

(a) Eligibility and funding requests. All applicants must meet the basic eligibility requirements detailed in subsection (5). Eligible organizations may submit no more than one application to each funding category. Organizations receiving more than \$100,000 in General Program Support (Cultural Support Program) may submit only one application to the Arts in Education Program. There are three funding categories in

this program: Artist Residency, Arts Education Partnerships, and Rural Development Grant for REDI and Underserved Communities ~~School-Based Arts Education~~.

1. ~~Artist Residency proposals may request up to \$10,000. Minimum request for funding will not be less than \$5,000. Artist Residency has two levels. Level I is a Short Term Residency where an organization may request from \$1,500 to \$5,000 for a residency of one to four weeks; Level II is a Long Term Residency where an organization may request up to \$10,000 for a residency of five weeks or longer.~~

2. No change.

3. ~~Rural Development Grant for REDI and Underserved Communities is a 3 year development program. Only designated REDI or Rural and Underserved counties are eligible to apply. Planning Year (first year) will award grants of \$3,000. Pilot Year (second year) will award grants of \$5,000. Implementation Year (third year) will award grants of \$7,500. Cash match of 25% of the grant amount is required for the Implementation Year (third year). This category provides funding for three years only and will not be sustained by Division funding beyond year three. School-Based Arts Education proposals may request up to \$10,000.~~

(b) Review criteria, scoring, and funding recommendations. Complete applications will be evaluated by a multidisciplinary review panel according to the following program criteria: Goals and Outcomes (up to 30 points), Educational Excellence (up to 50 points), Quality of Project Activities and Excellence in the Arts (up to 30 points), Project Impact (up to 30 points), Public Participation (up to 10 points), Access (ADA compliance, up to 10 points), and Ability to Achieve Goals and Evaluate Success (up to 20 points) and Program Management (up to 20 points).

~~1. Applicant organizations conducting 50% or more of their proposed project in a REDI-qualified community, or a rural or underserved county, will receive 5 bonus points added to the average panel score. For the purposes of this program, a rural county is one whose population is less than 100,000 or whose population density is less than 250 people per square mile, and an underserved county is one with no designated local arts agency or other means of acquiring arts education programming. REDI-qualified means those counties or communities designated pursuant to Sections 288.0656 and 288.06561, F.S.~~

~~1.2-~~ An average panel score of at least 80 points out of a maximum possible 100 points must be earned to be considered for funding in this program. Award amounts recommended to the Council will be determined by the review panel. Funding recommendations will be made in consideration of the overall group of applications, the relative merits of each proposal, and the anticipated funds available for the program. The panel is not required to fund all proposals that achieve the minimum average score of 80. For those applications recommended for

funding, no award shall be less than ~~\$3,000~~, ~~\$1,500~~ except Level 1 Arts Education Partnerships mini-grants which shall not be recommended for less than \$2,500.

~~3. For this program, a complete application is that which is described in subsection (5) with two exceptions: only the completed fiscal year of Operating Results and Projections is required, and responses to all narrative questions must be included.~~

(13) through (20) No change.

Specific Authority 255.043(4), 265.284(5)(d), 265.285(1)(c), 265.286(1), (6), 265.2861(2)(b), (f), 265.2865(6), 265.605(1), 265.608(1), 265.609(1), (4), 265.701(5), 265.702(8) FS. Law Implemented 215.97, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.601-.603, 265.605-.607, 265.608, 265.609, 265.701, 265.702, 286.011, 286.012, 286.25, 288.0656, 288.06561 FS. History–New 11-23-82, Formerly IT-1.01, Amended 10-1-96, 10-31-96, 2-2-97, 6-2-97, 7-17-97, 9-10-97, 1-4-98, 7-26-98, 8-2-98, 10-5-98, 10-25-98, 8-17-99, 8-1-02, 12-29-02, 10-14-03(17), 10-14-03(20), 11-16-03, 2-2-05, 5-16-05, 6-21-05, 12-20-05, 5-22-06, 6-5-06, 6-27-06_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Laura L. Stone

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sandy Shaughnessy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 25, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 4, 2007

DEPARTMENT OF REVENUE

Property Tax Administration Program

RULE NOS.:	RULE TITLES:
12D-3.001	Introduction
12D-3.003	Assessment and Taxation of Interests of Non-governmental Lessees in Governmentally Owned Property Which are Subject to Ad Valorem Taxation

PURPOSE AND EFFECT: The purpose of the amendments to Rules 12D-3.001 and 12D-3.003, F.A.C., is to implement the provisions of Chapter 2006-312, Laws of Florida, which repeals the annual intangible personal property tax and retains all applicable collection, administration and enforcement provisions under Chapter 199 of the 2005 Florida Statutes to taxation of interests of non-governmental lessees in governmental property as intangible personal property.

SUMMARY: The amendment to Rule 12D-3.001, F.A.C., provides that the collection, administration and enforcement provisions under Chapter 199 of the 2005 Florida Statutes apply to leasehold interests taxed as intangibles under Section 196.199(2)(b), Florida Statutes. The amendment to Rule 12D-3.003, F.A.C., incorporates the 2005 Florida Statutes as the applicable law implemented.

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.

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

LAW IMPLEMENTED: 196.001, 196.199, 199.023(2005), 199.032(2005), 213.05 FS.

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

DATE AND TIME: Friday, July 20, 2007, 9:30 a.m.

PLACE: Room 142, Larson Building, 200 E. 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 48 hours before the workshop/meeting by contacting: Larry Green, (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, telephone (850)414-6108, e-mail address gallops@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

12D-3.001 Introduction.

These rules are adopted to implement the provisions of Section 196.199, Florida Statutes, relating to taxation of interests of non-governmental lessees in property owned by governmental units. All applicable collection, administration and enforcement provisions of Chapter 199, Florida Statutes 2005, shall apply to those leasehold interests taxed as intangibles pursuant to Section 196.199(2)(b), Florida Statutes.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented s. 9, Ch. 2006-312, L.O.F., 196.001, 196.199, 199.023 (2005), 199.032 (2005), 213.05 FS. History–New 12- 31-80, Formerly 12D-3.01, Amended_____.

12D-3.003 Assessment and Taxation of Interests of Non-governmental Lessees in Governmentally Owned Property Which are Subject to Ad Valorem Taxation.

(1) through (2) No change.

(3) Interests described in subsection 12D-3.002(4), F.A.C., upon which rental payments are due, pursuant to the agreement creating said interest, shall be taxed as intangible personal property pursuant to Section 199.032(1), Florida Statutes 2005.

Nominal payments shall be deemed rental payments for purposes of determining the method of taxation but not for determining valuation of the interest.

(4) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented s. 9, Ch. 2006-312, L.O.F., 196.001, 196.199, 199.023 (2005), 199.032 (2005), 213.05 FS. History--New 12-31-80, Formerly 12D-3.03, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, telephone (850)414-6108, e-mail address gallopss@dor.state.fl.us

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St. Tallahassee, Florida 32399-0100, telephone (850)414-6109

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 15, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2006, Vol. 32, No. 47, p. 5502. A workshop was held on December 7, 2006. No comments were received during the workshop.

DEPARTMENT OF REVENUE

Property Tax Administration Program

RULE NOS.:	RULE TITLES:
12D-7.003	Exemption of Property of Widows, Widowers, Blind Persons, and Persons Totally and Permanently Disabled; Disabled Veterans
12D-7.013	Homestead Exemptions – Abandonment

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-7.003, F.A.C., is to clarify the cumulative ad valorem property tax disability exemption amounts for qualifying individuals.

The purpose of the proposed amendment to Rule 12D-7.013, F.A.C., is to remove an obsolete provision, which will achieve consistency with current law on the assessment of property used both as a homestead and as a business, and to implement the provisions of Chapter 2006-311, Laws of Florida, which provides that homestead property is not considered abandoned where the property is uninhabitable due to damage or destruction resulting from misfortune or calamity and the repair or reconstruction of the property commences within 3 years after January 1 of the year following damage or destruction.

SUMMARY: The amendment to Rule 12D-7.003, F.A.C., provides the total exemption amount for a surviving spouse of a deceased veteran who claims the \$5,000 disabled ex-service member exemption.

The amendment to Rule 12D-7.013, F.A.C., removes the obsolete term “business house” and obsolete language using that term in relation to property used both as a homestead and as a place of business. The amendment also provides that homestead property that is uninhabitable due to damage or destruction from misfortune or calamity is not considered abandoned where the property owner notifies the property appraiser of the intention to repair the property and the repair commences within 3 years after the January 1 following the year of the damage or destruction.

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.

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

LAW IMPLEMENTED: 196.001, 196.031, 196.041, 196.061, 196.071, 196.202, 196.24, 213.05 FS.

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

DATE AND TIME: Friday, July 20, 2007, 9:30 a.m.

PLACE: Room 142, Larson Building, 200 E. 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 48 hours before the workshop/meeting by contacting: Larry Green, (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, telephone (850)414-6108, e-mail address gallopss@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

12D-7.003 Exemption of Property of Widows, Widowers, Blind Persons, and Persons Totally and Permanently Disabled; Disabled Ex-Service Members, Spouses.

(1) No change.

(2)(a) The \$5,000 exemption granted by Section 196.24, Florida Statutes, to disabled ex-service members, as defined in Section 196.012, Florida Statutes, who were discharged under honorable conditions, shall be considered to be the same

constitutional disability exemption provided for by Section 196.202, Florida Statutes. The unmarried surviving spouse of such a disabled ex-service member who was married to the ex-service member for at least 5 years at the time of the ex-service member's death is allowed the exemption.

(b) The exemptions under sections 196.202 and 196.24, Florida Statutes, shall be cumulative, but in no event shall the aggregate exemption exceed \$6,000 for an individual, except where the surviving spouse is also eligible to claim the \$5,000 disabled ex-service member disability exemption under Section 196.24, F.S. In that event the cumulative exemption shall not exceed \$11,000 for an individual.

(3) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 196.202, 196.24, 213.05 FS. History--New 10-12-76, Formerly 12D-7.03, Amended 11-21-91, 12-31-98, 12-30-02, 1-1-04, 1-16-06, _____.

12D-7.013 Homestead Exemptions – Abandonment.

(1) through (4) No change.

(5) Property used as a residence and also used by the owner as a place of business does not lose its homestead character.

~~(a) The head of the family occupying the second story of a building as his home and the first story of the building as his business house is entitled to claim homestead exemption on the building, except that portion not used by him either as his business house or as his home. Any portion of the property not used as his business house may not be exempted as a homestead. In other words, if any portion of the first floor or second floor of the building is rented to another party and used by the other party for other purposes, it would not be within the exemption provided for under Article VII of the State Constitution. (Smith v. Guekenheimer, 27 So. 900 (Fla. 1900).~~

~~(b) The two uses should be separated with that portion used as a residence and business house being granted the exemption and the remainder being taxed.~~

(6) Homestead property that is uninhabitable due to damage or destruction by misfortune or calamity shall not be considered abandoned in accordance with the provisions of Section 196.031(7), F.S., where:

(a) The property owner notifies the property appraiser of his or her intent to repair or rebuild the property.

(b) The property owner notifies the property appraisers of his or her intent to occupy the property after the property is repaired or rebuilt.

(c) The property owner does not claim homestead exemption elsewhere, and

(d) The property owner commences the repair or rebuilding of the property within three (3) years after January 1 following the damage or destruction to the property.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 196.001, 196.031, 196.041, 196.061, 196.071, 213.05 FS. History--New 10-12-76, Formerly 12D-7.13, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, telephone (850)414-6108, e-mail address gallopss@dor.state.fl.us

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St. Tallahassee, Florida 32399-0100, telephone (850)414-6109

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 15, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2006, Vol. 32, No. 47, pp. 5502-5503. A workshop was held on December 7, 2006. No comments were received during the workshop.

DEPARTMENT OF REVENUE

Property Tax Administration Program

RULE NOS.:	RULE TITLES:
12D-8.0061	Assessments; Homestead Property Assessments at Just Value
12D-8.011	Uniform Standards for Computer Operations: Minimum Data Requirements

PURPOSE AND EFFECT: The purpose of the amendment to Rule 12D-8.0061, F.A.C., is to implement the provisions of Chapter 2006-38, Laws of Florida, providing that a change of ownership to homestead property does not occur where the transfer instrument meets certain criteria.

The purpose of the amendment to Rule 12D-8.011, F.A.C., is to update coding and exemption values for data files maintained by property appraisers.

SUMMARY: The amendment to Rule 12D-8.0061, F.A.C., provides that a change in ownership of homestead property does not occur if the transfer document lists the owner as both the grantor and grantee and names additional individual(s) as a grantee. A change in ownership occurs if an additional named grantee applies for homestead exemption on the property. The amendment to Rule 12D-8.011, F.A.C., provides the additional data coding and updated exemption values associated with homestead exemption codes that property appraisers use in their data processing 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.

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

LAW IMPLEMENTED: 193.011, 193.023, 193.155, 192.042, 193.1551, 195.027, 196.031, 196.075, 196.081, 196.091, 196.101, 196.175, 196.195, 196.196, 196.197, 196.1975, 196.198, 196.1985, 196.1986, 196.1987, 196.199, 196.1995, 196.1997, 196.1998, 196.2001, 196.202, 196.24, 213.05 FS.

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

DATE AND TIME: Friday, July 20, 2007, 9:30 a.m.

PLACE: Room 142, Larson Building, 200 E. 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 48 hours before the workshop/meeting by contacting: Larry Green, (850)922-4830. If you are 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: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, telephone (850)414-6108, e-mail address gallops@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

12D-8.0061 Assessments; Homestead Property Assessments at Just Value.

(1) No change.

(2) Real property shall be assessed at just value as of January 1 of the year following any change of ownership. If the change of ownership occurs on January 1, subsection (1) shall apply. For purposes of this section, a change of ownership includes any transfer of homestead property receiving the exemption, but does not include any of the following:

(a) Any transfer in which the person who receives homestead exemption is the same person who was entitled to receive homestead exemption on that property before the transfer, and

1. The transfer is to correct an error; ~~or~~
2. The transfer is between legal and equitable title; or
3. The change or transfer is by means of an instrument in which the owner is listed as both grantor and grantee of the real property and one or more other individuals are additionally named as grantee. However, a change of ownership occurs if any additional individual named as grantee applies for a homestead exemption on the property.

(b) The transfer is between husband and wife, including a transfer to a surviving spouse or a transfer due to a dissolution of marriage, provided that the transferee applies for the exemption and is otherwise entitled to the exemption;

(c) The transfer, upon the death of the owner, is between owner and a legal or natural dependent who permanently resides on the property; or

(d) The transfer occurs by operation of law under Section 732.4015, Florida Statutes.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 193.011, 193.023, 193.155, 213.05 FS. History--New 12-27-94, Amended _____.

12D-8.011 Uniform Standards for Computer Operations: Minimum Data Requirements.

(1) Each property appraiser shall maintain the following data in one or more of his or her data processing files regarding each parcel of real estate in his or her county.

(a) through (n) No change.

(o)1. Exemption type. A code indicating the type of exemption granted to the parcel and the value(s) thereof. The property appraiser may continue to use any existing codes provided they are translated to the codes prescribed when submitted to the Department. The code is as follows:

A – Senior Homestead Exemption (Section 196.075, Florida Statutes)

B – Blind (Section 196.202, Florida Statutes)

C – Charitable, Religious, Scientific or Literary (Sections 196.196, 196.1987, Florida Statutes)

D – Disabled (Sections 196.081, 196.091, 196.101, Florida Statutes)

E – Economic Development (Section 196.1995, Florida Statutes)

G – Federal Government Property (Section 196.199(1)(a), Florida Statutes); State Government Property (Section 196.99(1)(b), Florida Statutes); Local Government Property (Section 196.199(1)(c), Florida Statutes); Leasehold Interests in Government Property (Section 196.199(2), Florida Statutes)

H –Historic Property (Section 196.1997, Florida Statutes)

I – Historic Property Open to the Public (Section 196.1998, Florida Statutes)

L –Labor Organization (Section 196.1985, Florida Statutes)

M – Homes for the Aged (Section 196.1975, Florida Statutes)

N – Nursing Homes, Hospitals, Homes for Special Services (Section 196.197, Florida Statutes)

O – Widowers (Section 196.202, Florida Statutes)

P – Totally and Permanently Disabled (section 196.202, Florida Statutes)

Q – Combination (Homestead, Disabled, Widow, Widower, Totally and Permanently Disabled, Senior Homestead Exemption – Sections 196.031, 196.075, 196.202, Florida Statutes)

R – Renewable Energy Source (Section 196.175, Florida Statutes)

S – Sewer and Water Not-for-Profit (Section 196.2001, Florida Statutes)

T – Community Centers (Section 196.1986, Florida Statutes)

U – Educational Property (Section 196.198, Florida Statutes)

V – Disabled Veteran/Spouse (Section 196.24, Florida Statutes)

W – Widows (Section 196.202, Florida Statutes)

X – Homestead Exemption (Section 196.031, Florida Statutes)

Y – Combination (Homestead, Disabled, Widow, Widower, Totally and Permanently Disabled, Disabled Veteran/Spouse, Senior Homestead Exemption – Sections 196.031, 196.075, 196.202, 196.24, Florida Statutes)

Z – Combination (Renewable Energy Source, Economic Development – Sections 196.175, 196.1995, Florida Statutes)

1 – Licensed Child Care Facility Operating in Enterprise Zone (Section 196.095, Florida Statutes)

2 – Historic Property Used for Certain Commercial or Nonprofit Purposes (Section 196.1961, Florida Statutes)

3 – Proprietary Continuing Care Facilities (Section 196.1977, Florida Statutes)

4 – Affordable Housing Property (Section 196.1978, Florida Statutes)

5 – Charter School (Section 196.1983, Florida Statutes)

6 – Public Property Used under License or Lease Agreement Entered into Prior to January 1, 1969 (Section 196.1993, Florida Statutes)

7 – Space Laboratories and Carriers (Section 196.1994, Florida Statutes)

8 –Water and Wastewater Systems Not-for-Profit (Section 196.2002, Florida Statutes)

9 – Contiguous multiple parcels with a single homestead exemption or single parcels with multiple homestead exemptions

2. Personal exemption codes shall be “0” (zero) indicating the exemption does not apply or the applicable code provided in this rule subsection indicating an exemption does apply. Five of six personal exemptions may apply for each parcel, in the following order.

Exemption Type	Maximum Value	Code
Homestead	\$25,000	X
Widowed	\$500	W/O
Blind	\$500	B
Disabled	\$500	P
Veteran Disabled/ <u>Spouse</u>	<u>\$10,000</u> 5000	V
Disabled (100 percent Exempt)		D

An individual who qualified for the \$25,000 exemption may also be entitled to the \$500 exemption of section 3(b), Art. VII, State Const. (for widows, widowers, or blind or totally and permanently disabled persons) and Section 196.202, Florida

Statutes, and/or the \$5000 exemption under Section 196.24, Florida Statutes (disabled veterans/spouse). In no event shall the aggregate exemption exceed \$26,500 (see subsection 12D-7.003(2), F.A.C.); for individuals exempt under Section 196.202, Florida Statutes, or \$36,000 (see subsection 12D-7.003(2), F.A.C.) ~~\$31,000~~ for individuals exempt under Section 196.24, Florida Statutes, except for total exemptions under Section 196.081, 196.091, or 196.101, Florida Statutes.

(p) through (4) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 195.027, 196.031, 196.075, 196.081, 196.091, 196.101, 196.175, 196.195, 196.196, 196.197, 196.1975, 196.198, 196.1985, 196.1986, 196.1987, 196.199, 196.1995, 196.1997, 196.1998, 196.2001, 196.202, 196.24, 213.05 FS. History–New 12-7-76, Amended 9-30-82, Formerly 12D-8.11, Amended 12-31-98, 12-30-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, telephone (850)414-6108, e-mail address gallopss@dor.state.fl.us

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St. Tallahassee, Florida 32399-0100, telephone (850)414-6109

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 15, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2006, Vol. 32, No. 47, p. 5503-5506. A workshop was held on December 7, 2006. No comments were received during the workshop.

DEPARTMENT OF REVENUE

Property Tax Administration Program

RULE NO.:	RULE TITLE:
12D-13.031	Homestead Tax Deferral – Application; Approval; Income and Age Requirements; Outstanding Liens and Primary Mortgage

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-13.031, F.A.C., is to implement the provisions of Chapters 2006-47 and 2006-69, Laws of Florida, providing for revised age and income requirements on deferred taxes.

SUMMARY: The amendment to Rule 12D-13.031, F.A.C., revises the deferred tax age requirement from 70 to 65 years and provides that the income limitation for deferred taxes is the same limitation as for household income provided in s. 196.075, F.S., for the additional homestead exemption for persons age 65 and older.

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.

SPECIFIC AUTHORITY: 195.022, 195.027(1), 213.06(1) FS.
LAW IMPLEMENTED: 197.243, 197.252, 197.253, 197.3632, 213.05 FS.

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

DATE AND TIME: Friday, July 20, 2007, 9:30 a.m.

PLACE: Room 142, Larson Building, 200 E. 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 48 hours before the workshop/meeting by contacting: Larry Green, (850)922-4830. If you are 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: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, telephone (850)414-6108, e-mail address gallopss@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

12D-13.031 Homestead Tax Deferral – Application; Approval; Income and Age Requirements; Outstanding Liens and Primary Mortgage.

(1) No change.

(2) When the application is approved, the tax collector shall defer that portion of the combined total described in subsection (1) of this rule section:

(a) Which exceeds five percent of the applicant's household income for the prior calendar year, or

(b) In their entirety if the applicant's household income for the prior calendar year is less than 10,000 dollars, or

(c) If the applicant is entitled to claim the increased exemption by reason of age and residency as provided in Section 196.031(3)(a), F.S., the tax collector shall defer that portion of the combined total described in subsection (1) of this rule section:

1. Which exceeds three percent of the applicant's household income for the prior calendar year, or

2. In their entirety if the applicant's household income for the prior calendar year is less than 10,000 dollars, or

3. In their entirety if the applicant is ~~65~~ 70 years of age or older and the applicant's household income is less than the household income designated for the additional homestead exemption for persons age 65 and older as provided in Section 196.075, F.S. ~~12,000~~ dollars.

(3) No change.

Specific Authority 195.022, 195.027(1), 213.06(1) FS. Law Implemented 197.243, 197.252, 197.253, 197.3632, 213.05 FS. History–New 6-18-85, Formerly 12D-13.31, Amended 12-13-92,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, telephone (850)414-6108, e-mail address gallopss@dor.state.fl.us

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, telephone (850)414-6109

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 15, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 11, 2006, Vol. 32, No. 47, pp. 5507-5508. A rule development workshop was held on December 7, 2006. No comments were received during the workshop.

DEPARTMENT OF REVENUE

Property Tax Administration Program

RULE NO.: RULE TITLE:

12D-16.002 Index to Forms

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-16.002, F.A.C., is to implement forms revisions under Chapters 2006-47, 2006-69, 2006-220, Laws of Florida, and implement other technical changes to ad valorem property tax forms used by property appraisers, tax collectors, value adjustment boards and the general public.

SUMMARY: The amendment to Rule 12D-16.002, F.A.C., incorporates 2006 legislative changes and other technical changes to ad valorem property tax forms prescribed by 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.

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

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

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

DATE AND TIME: Friday July 20, 2007, 9:30 a.m.

PLACE: Room 142, Larson Building, 200 E. 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 48 hours before the workshop/meeting by contacting: Larry Green, (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, telephone (850)414-6108, e-mail address gallops@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

12D-16.002 Index to Forms.

(1) The following paragraphs list the forms utilized by the Department of Revenue. A copy of these forms may be obtained by writing to: Director, Property Tax Administration Program, Department of Revenue, Post Office Box 3000, Tallahassee, Florida 32315-3000. The Department of Revenue adopts, and hereby incorporates by reference in this rule, the following forms and instructions:

Form Number	Form Title	Effective Date
(2) DR-401	Private Car and Freight Line Equipment Companies Annual Report to State of Florida Department of Revenue Property Tax Administration (r. 12/06 <u>12/05</u>)	<u>12/05</u>
(3) through (33)(a)	No change.	
(b) DR-499AR	Removal of Agricultural or High-Water Recharge Classification of Lands (r. 12/06 <u>12/06</u>)	<u>12/06</u>

(c) through (37)	No change.	
(38)(a) DR-501	Original Application for Ad Valorem Tax Exemption (r. 12/06 <u>12/02</u>)	<u>12/03</u>
(b) through (42)(a)	No change.	
(b) DR-506E	Escheatment Tax Deed (r. 12/06 <u>12/04</u>)	<u>12/04</u>
(43) through (55)	No change.	
(56)(a) DR-570	Application for Homestead Tax Deferral (r. 7/06 <u>6/04</u>)	<u>12/04</u>
(b) DR-570WF	Application for Recreational and Commercial Working Waterfronts Tax Deferral (r. 7/06 <u>12/05</u>)	<u>12/06</u>
(c) through (61)	No change.	

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.092, 193.114, 193.122, 193.461, 193.503, 193.625, 193.703, 194.011, 194.032, 194.034, 194.035, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.1961, 196.1983, 196.1995, 196.202, 196.24, 197.182, 197.222, 197.253, 197.304, 197.3041, 197.3632, 197.3635, 197.414, 197.432, 197.472, 197.502, 197.512, 197.552, 200.065, 200.069, 213.05, 218.66 FS. History—New 10-12-76, Amended 4-11-80, 9-17-80, 5-17-81, 1-18-82, 4-29-82, Formerly 12D-16.02, Amended 12-26-88, 1-9-92, 12-10-92, 1-11-94, 12-27-94, 12-28-95, 12-25-96, 12-30-97, 12-31-98, 2-3-00, 1-9-01, 12-27-01, 1-20-03, 1-26-04, 12-30-04, 1-16-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, telephone (850)414-6108, e-mail address gallops@dor.state.fl.us

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St. Tallahassee, Florida 32399-0100, telephone (850)414-6109

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 15, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2006, Vol. 32, No. 47, pp. 5509-5510. A workshop was held on December 7, 2006. No comments were received during the workshop.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.140
 RULE TITLE: Hospice Services

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference update January 2007 to the Florida Medicaid Hospice Services Coverage and Limitations Handbook. The handbook update removes the January 2006 fee schedule for direct care services provided by physicians. The January 2007 fee schedule is being incorporated by reference in Rule 59G-4.002, F.A.C., Medicaid Provider Reimbursement Schedule. The handbook update also corrects the room and board policy to read that room and board for hospice residents in a nursing facility does not include the day of discharge. It also clarifies that if a hospice has no cost history, the hospice will be paid 95 percent of the average Medicaid nursing facility per diem rate in the county in which the hospice is located. The effect will be to incorporate by reference into rule Update January 2007 to the Florida Medicaid Hospice Services Coverage and Limitations Handbook.

SUMMARY: The purpose of this rule amendment is to incorporate by reference update January 2007 to the Florida Medicaid Hospice Services Coverage and Limitations Handbook. The effect will be to incorporate by reference into rule Update January 2007 to the Florida Medicaid Hospice Services Coverage and Limitations Handbook.

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.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

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

DATE AND TIME: Monday, July 23, 2007, 2:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julie Clifton, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)921-8015, cliftonj@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

- 59G-4.140 Hospice Services.
- (1) No change.

(2) All hospice services providers enrolled in the Medicaid program must comply with the Florida Medicaid Hospice Services Coverage and Limitations Handbook, October 2003, updated January 2005, ~~and~~ January 2006, and January 2007, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, UB-92, incorporated by reference in Rule 59G-4.160, F.A.C. Both handbooks are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling the Medicaid fiscal agent Provider Inquiry at (800)377-8216.

(3) No change.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History—New 1-1-87, Amended 10-9-90, 5-13-92, 10-8-92, Formerly 10C-7.0533, Amended 2-14-95, 12-27-95, 9-21-99, 8-4-04, 10-2-05, 8-27-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Julie Clifton

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Andrew Agwunobi, M.D., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 14, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 6, 2007

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NO.: 60BB-8.700
 RULE TITLE: Low-Performing Provider; Voluntary Prekindergarten Improvement Plan and Implementation.

PURPOSE AND EFFECT: To adopt rules to establish procedures for the Voluntary Prekindergarten Improvement Plan Process for low performing providers Sections 1002.67(3)(c)1. and 1002.75(3)(a), F.S.

SUMMARY: The proposed rules seek to establish procedures for the Voluntary Prekindergarten Improvement Plan Process for low performing providers in accordance with Sections 1002.67(3)(c)1. and 1002.75(3)(a), 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 the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: Chapter 120, 1002.79 (2) FS.

LAWS IMPLEMENTED: 1002.67(3)(c)1., 1002.75(3)(a) FS.

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

DATE AND TIME: July 20, 2007, 1:30 p.m. – 3:30 p.m. or until close of business

PLACE: Hyatt Regency Hotel, 211 North Tampa Street, Tampa, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kelley Cramer, Senior Attorney, 107 East Madison Street, MSC 110, Tallahassee, Florida 32399-4128, (850)245-7150

THE FULL TEXT OF THE PROPOSED RULE IS:

60BB-8.700 Low-Performing Provider: Voluntary Prekindergarten Improvement Plan and Implementation.

(1) A VPK provider required to submit an improvement plan under Section 1002.67(3)(c)1., F.S., must submit its plan to the early learning coalition or school district, as applicable, in accordance with this Rule. Prior to submitting a plan, a VPK provider must acknowledge its designation as a low-performing provider in accordance with subsection 6A-1.099821(5), F.A.C. An improvement plan must include the following:

(a) Needs Assessment. An improvement plan must include a needs assessment, administered within the last year, of the provider's VPK program. If a needs assessment has not been administered within the last year, then a needs assessment must be part of the improvement plan. A needs assessment should include the use of an assessment instrument that assesses the following areas of the provider's program:

1. Administrative and management practices, including training, educational level, and retention or turnover of prekindergarten instructors;

2. Developmentally appropriate curricula;

3. Classroom learning environment;

4. Classroom instructional practices;

5. Child developmental screenings and assessments;

6. Social-emotional interactions among prekindergarten instructors and children; and

7. Family involvement in the early childhood program.

(b) Improvement Strategies and Implementation Schedule. An improvement plan must describe strategies for the improvement of the VPK provider's VPK program and an implementation schedule that includes the following:

1. A list of targeted areas for the VPK provider's improvement based on the needs assessment conducted under subsection (1)(a) and any additional areas a provider deems important to its improvement;

2. A list of those specific actions already taken, or proposed to be taken, by the VPK provider for improvement in at least two of the targeted areas; and

3. An implementation schedule or timeline for the VPK provider to implement the proposed actions.

(2) Submission and Approval of Improvement Plan.

(a) A VPK provider must submit its improvement plan as required in subsection (4) to the early learning coalition or school district, as applicable, within 30 days after acknowledging the VPK provider's designation as a low-performing provider under subsection (1).

(b) A coalition shall approve a private provider's improvement plan, and a school district shall approve a public school's improvement plan, within 10 business days, if the plan is complete and submitted in accordance with this rule. If the improvement plan is incomplete or insufficient, it will be returned to the VPK provider with instructions for revision. An amended plan must be submitted within 30 days.

(c) A VPK provider required to submit an improvement plan may not begin instruction for a new VPK class or program until the coalition or school district, as applicable, notifies the provider that the improvement plan has been approved.

(d) A VPK provider must provide a copy of an improvement plan upon request.

(3) Implementation of Improvement Plan.

(a) A VPK provider with an approved improvement plan must submit periodic reports on the VPK provider's progress in implementing the plan to the early learning coalition or school district, as applicable, as required in subsection (4). The Agency for Workforce Innovation Office of Early Learning determines the timelines for the periodic reports.

(b) A VPK provider must continue to submit periodic reports of progress until the Department of Education publishes a kindergarten readiness rate for the VPK provider which meets or exceeds the minimum satisfactory rate.

(4) Electronic Submission of Improvement Plan: Alternative Submission Methods.

(a) Except as provided in paragraph (b), a private provider or public school must acknowledge its designation as a low-performing provider, submit its improvement plan, and submit its periodic reports electronically through the website <http://www.ImproveVPK.org>.

(b) A private provider not able to submit the required information electronically may, upon request, submit the information through an alternative method approved by the Agency for Workforce Innovation. A request must be submitted to the Office of Early Learning of the Agency for Workforce Innovation at the following address: Caldwell Building, Suite 100, 107 East Madison Street, MSC 140, Tallahassee, Florida 32399-4128, (866)357-3239, TTY/TDD (800)955-8771, Voice (800)955-8770.

Specific Authority 1002.79(2) FS. Law Implemented 1002.67(3)(c)1., 1002.75(3)(a) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kelley Cramer, Senior Attorney, 107 East Madison Street,
MSC 110, Tallahassee, Florida 32399-4128, (850)245-7150

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Rosa McNaughton, General
Counsel, 107 East Madison Street, MSC 110, Tallahassee,
Florida 32399-4128, (850)245-7150

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 15, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: February 25, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Division of Hotels and Restaurants

RULE NO.:	RULE TITLE:
61C-5.006	Elevator Fees; Construction and Alteration Permits; Annual Certificates of Operation; Delinquency Fee; Transfer of Ownership; Certificate Replacement

PURPOSE AND EFFECT: The purpose and effect of this rule amendment is to clarify application for permit to alter and permit extension requirements; clarify certificate of operation license application requirements; adopt a single fee for certificate of operation licenses, beginning March 1, 2008; specify transfer of ownership notification requirements; add phone, e-mail, and fax contact as a method to request certificate replacement; add specific information required to process duplicate certificate requests; remove specific replacement certificate requirements; create consistency between the rule language and statutes; and remove the fee for temporary operation permits.

SUMMARY: This rule amendment addresses application for permit to alter and permit extension requirements; fee and documentation requirements for certificate of operation licenses; transfer of ownership notification requirements; replacement certificate requests and requirements; creates consistency between the rule language and statutes; and removes the fee for temporary operation permits.

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.

SPECIFIC AUTHORITY: 399.03(2), 399.07(1), 399.10 FS.

LAW IMPLEMENTED: 399.03, 399.07, 399.061 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: Doug Melvin, Deputy Chief, Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, FL 32399-1012; telephone: (850)488-9098

THE FULL TEXT OF THE PROPOSED RULE IS:

61C-5.006 Elevator Fees; Construction and Alteration Permits; Annual Certificates of Operation; Delinquency Fee; Transfer of Ownership; Temporary Operation Permits Certificate Replacement.

(1) Application for ~~elevator~~ permit to install erect or relocate an elevator ~~move~~ shall be accompanied by a fee of \$250 and an affidavit of elevator code compliance completed and signed by a Certificate of Competency holder designated by the registered elevator company making application. The appropriate certificate of operation fee specified in paragraph 61C-5.006(4)(a), Florida Administrative Code, may be submitted with the application for permit to install or relocate an elevator. Every permit issued becomes invalid unless the work authorized by such permit is commenced within 6 months ~~1 year~~ after issuance, or ~~or~~ if the work authorized by such permit is suspended or abandoned for a period of 60 days ~~1 year~~ after the time the work is commenced, ~~provided that,~~ for good cause, one or more extensions of time, for periods not exceeding 90 days each may be allowed. Such extensions shall be in writing and signed by the director of the Division of Hotels and Restaurants or his designee. The following grounds for extension shall constitute good cause for the granting of an extension:

(a) An extension of time for good cause shall be granted due to delays in construction, ~~including delay~~ arising from the non-availability of parts necessary to complete construction; the occurrence of a natural disaster or civil disturbance; the injury, illness, or death of an involved material party to the construction; or other hardship as approved by the director; ~~except when the director or his designee determines that the delay is the fault of the contractor or applicant, or where the delay results from failure to diligently pursue construction.~~

~~(b) An extension of time shall be granted due to delays caused by the injury, illness or death of an involved material party to the construction.~~

~~(b)(e) Extensions will not be granted when the director determines that the delay is the fault of the contractor or applicant; the delay results from failing to diligently pursue construction; or The director shall also grant an extension of time where failure to grant the requested extension will impose hardship on the party requesting the permit; except when the director or his designee determines that the necessity for the extension is due to the party's own negligence and the necessity for the extension would have been avoided by the party's exercise of due diligence.~~

(2) Application for ~~elevator~~ permit to alter an elevator shall be accompanied by a fee of \$200; an affidavit of elevator code compliance completed and signed by a Certificate of Competency holder designated by the registered elevator company making application; and a list of the alterations to be performed under the permit.

(3) The license annual renewal period of certificates of operation commences on August 1 of each year. ~~A renewal application for a certificate of operation filed with the division after August 1 of each year must be accompanied by a delinquency fee of \$50 in addition to the annual renewal fee and any other fees required by law. For the purpose of this section, All certificates of operation will expire on July 31, at 11:59 p.m. of each year. Applications and fee payments for renewal of certificates of operation not postmarked or received before paid by August 1 of each year will be deemed delinquent. The following items are required for renewal and must be received by the Bureau of Elevator Safety prior to issuance of a renewal certificate of operation:~~

(a) Proof of a current satisfactory inspection;

(b) Those elevators or other conveyances not requiring an inspection pursuant to Section 399.061(1)(a), Florida Statutes, shall submit proof of a current satisfactory inspection or a notarized statement to the presence of a current service maintenance contract as defined in Section 399.01(10), Florida Statutes, which is in compliance with Rule 61C-5.013, Florida Administrative Code. The statement shall include the parties to the contract; the beginning and ending dates of the contract; and the date of the most recent routine examination. The length of the service maintenance contract shall equal or exceed the license renewal period;

(c) The license renewal fee; and

(d) A delinquent certificate of operation renewal application must be accompanied by a delinquency fee of \$50 in addition to the license renewal fee.

<u>TYPE OF INSTALLATION</u>	<u>CLASS</u>	<u>TYPE OF INSTALLATION</u>	<u>CLASS</u>
<u>Traction Passenger</u>	<u>01</u>	<u>LU/LA (Limited Use/Limited Application)</u>	<u>09</u>
<u>Hydraulic Passenger</u>	<u>02</u>	<u>Dumbwaiter</u>	<u>10</u>
<u>Traction Freight</u>	<u>03</u>	<u>Escalator</u>	<u>12</u>
<u>Hydraulic Freight</u>	<u>04</u>	<u>Sidewalk Elevator</u>	<u>14</u>
<u>Hand Power Passenger</u>	<u>05</u>	<u>Material Lift/Dumbwaiter with Automatic Transfer Device</u>	<u>15</u>
<u>Hand Power Freight</u>	<u>06</u>	<u>Special Purpose Personnel Elevator</u>	<u>16</u>
<u>Moving Walk</u>	<u>07</u>	<u>Inclined Stairway Chairlift</u>	<u>17</u>
<u>Inclined Lift</u>	<u>08</u>	<u>Inclined & Vertical Wheelchair Lift</u>	<u>18</u>

(e) ~~Fee for Temporary Operating Permits — \$100. The permit shall be issued for a period not to exceed 30 days.~~

(5) Certificate of operation renewal is the responsibility of the elevator owner or lessee, when owner responsibilities are specifically assigned by lease. It is the responsibility of the current owner to notify the division in writing within 30 days after transfer of ownership or lease assignment. A new

(4)(a) ~~Until March 1, 2008, Annual~~ certificate of operation fees for elevators are based on whether or not a service maintenance contract to ~~ensure insure~~ safe elevator operation is consistently in force. ~~In addition, and the fee shall be based on the following schedules:~~

~~1.(a) Fees based on type of installation and number of landings. Hand-operated, electric, hydraulic passenger and freight elevators, escalators, side walk elevators, power operated dumbwaiters, material lifts and dumbwaiters with automatic transfer devices, inclined stairway chairlifts, inclined and vertical wheelchair lifts and inclined elevators.~~

<u>NUMBER OF LANDINGS</u>	<u>FEES UNDER SERVICE MAINTENANCE CONTRACT</u>	<u>FEE NO SERVICE MAINTENANCE CONTRACT</u>
<u>Elevators serving 0 – 2 landings</u>	<u>\$32</u>	<u>\$72</u>
<u>Elevators serving 3 – 5 landings</u>	<u>\$36</u>	<u>\$77</u>
<u>Elevators serving 6 – 10 landings</u>	<u>\$41</u>	<u>\$81</u>
<u>Elevators serving 11 – 15 landings</u>	<u>\$45</u>	<u>\$86</u>
<u>Elevators serving over 15 landings</u>	<u>\$45</u>	<u>\$90</u>

~~2.(b) Fee based on type of installation, regardless of the number of landings:~~

<u>TYPE OF INSTALLATION</u>	<u>FEES UNDER SERVICE MAINTENANCE CONTRACT</u>	<u>FEE NO SERVICE MAINTENANCE CONTRACT</u>
<u>Special purpose Elevators, Manlifts, Moving Walks</u>	<u>\$45</u>	<u>\$90</u>

(b) Beginning March 1, 2008, certificate of operation fees will no longer be based on the existence of a service maintenance contract or the number of landings. The certificate of operation fee shall be \$75 for each type of installation and class as follows:

certificate of operation will be issued to the new owner or lessee upon receipt of notification. No fee will be charged for processing a transfer of ownership or lease assignment.

(6)(5) Replacement of a mutilated or lost certificate of operation shall be provided to the owner when a request is submitted to the division requested in writing to the division. Such requests must include the elevator serial number, business name and address, and a contact name and phone number. Requests for a replacement certificate of operation

may be submitted by phone, e-mail, fax, or in writing to the division. Such replacement certificates shall have the word "DUPLICATE" stamped in large letters across the face and bear the same serial number as the original.

~~(7)(6)~~ THESE FEES ARE NONREFUNDABLE.

Specific Authority ~~399.02, 399.03, 399.07(1) 399.07(1)(d), 399.07(2)(d), 399.10~~ FS. Law Implemented ~~399.03, 399.061, 399.07 399.07(1)(d), 399.07(2)(d)~~ FS. History--New 8-21-79, Amended 11-20-79, 10-8-81, 4-21-82, 8-1-82, 11-27-83, 9-19-84, 10-8-85, Formerly 7C-5.06, Amended 10-31-88, 7-1-92, 10-11-92, Formerly 7C-5.006, Amended 2-2-94, 1-1-98, 5-24-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bill L. Veach, Director, Division of Hotels and Restaurants,
Department of Business and Professional Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Holly Benson, Secretary,
Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 20, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: February 9, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Board of Auctioneers

RULE NO.: 61G2-3.001 RULE TITLE: Fees

PURPOSE AND EFFECT: The Board proposes the promulgation and adoption of the rule to incorporate all fees for Chapter 61G2-3, F.A.C., into one rule.

SUMMARY: The promulgation and adoption of the rule will incorporate all fees for Chapter 61G2-3, F.A.C., into one 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.

SPECIFIC AUTHORITY: 455.2281, 455.271, 468.384(2), 468.386(1), 468.393(1) FS.

LAW IMPLEMENTED: 455.217(2), 455.2171, 455.219(6), 455.2281, 455.271, 468.385(2), (4), (6), (7), (11), 468.386(1), 468.387, as amended by S. 7, Ch. 87-210, Laws of Florida, 468.393(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Board of Auctioneers, 1940 North Monroe Street, Tallahassee, Florida 32399-0762

THE FULL TEXT OF THE PROPOSED RULE IS:

61G2-3.001 Fees.

(1) Application fees. The application fee for those applying for an auctioneer license through examination is \$50; for an auctioneer license by endorsement or reciprocity \$75; for an apprentice license \$50; and for an auction business license \$50.

(2) Examination fees.

(a) When the examination is not conducted by a professional testing service pursuant to Section 455.2171, Florida Statutes, \$250.00 payable to the Department. When the examination is conducted by a professional testing service pursuant to Section 455.2171, Florida Statutes, \$241.00 payable to the Department plus \$9.00 payable to the testing service.

(b) When the re-examination is not conducted by a professional testing service pursuant to Section 455.2171, Florida Statutes, \$250.00 payable to the Department. When the re-examination is conducted by a professional testing service pursuant to Section 455.2171, Florida Statutes, \$241.00 payable the Department plus \$9.00 payable to the testing service.

(3) Initial licensure fees. The initial licensure fee for an auctioneer is \$150; an apprentice \$150; and for an auction business \$150.

(4) Unlicensed activities, fees, dispositions. Each license shall pay, in addition to all other fees, a special fee of \$5.00 upon each initial license, and renewal thereof, to fund efforts to combat the unlicensed practice of auctioneering.

(5) Renewal fees. The fee for biennial renewal of an auctioneer's license is \$150; an auction business license \$150; and an inactive auctioneer license is \$150.

(6) Reactivation fees. The fee for reactivating is \$50.

(7) Examination review fee. The fee for review of an applicant's auctioneer examination questions, answers, paper, grades, and grading key, or any portion thereof is \$50.

(8) Duplicate license fee. The fee for a duplicate copy of a previously issued license shall be \$25.

(9) Auctioneer Recovery Fund surcharge. At the time of licensure or renewal of either an active or inactive status, under Section 468.385, 468.3851 or 468.3852, Florida Statutes, each license shall pay a surcharge fee of \$100 which shall be deposited into the Auctioneer Recovery Fund.

(10) Change of Status fee. The change of status fee is \$50.00.

(11) Delinquent fee. A delinquent status licensee shall pay a delinquency fee of \$100.00, when the licensee applies for active or inactive status.

Specific Authority 455.2281, 455.271,468.384(2), 468.386(1), 468.393(1) FS. Law Implemented 455.217(2), 455.2171, 455.219(6), 455.2281, 455.271, 468.385(2),(4),(6),(7),(11), 468.386(1), 468.387, as amended by s. 7, Ch. 87-210, Laws of Florida., 468.393(1) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Auctioneers
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Auctioneers
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 4, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: June 1, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Board of Auctioneers

RULE NOS.:	RULE TITLES:
61G2-3.002	Application Fees
61G2-3.003	Examination Fees
61G2-3.004	Initial Licensure Fees
61G2-3.0041	Unlicensed Activities, Fees, Disposition
61G2-3.005	Renewal Fees
61G2-3.006	Reactivation Fee
61G2-3.007	Examination Review Fee
61G2-3.008	Duplicate License Fee
61G2-3.010	Auctioneer Recovery Fund Surcharge
61G2-3.011	Change of Status Fee
61G2-3.012	Delinquent Fee

PURPOSE AND EFFECT: The Board proposes the repeal of the separate fees rules for Chapter 61G2-3, F.A.C., as they are incorporated under one new rule.

SUMMARY: The rules repeal for the separate fees rule will allow the rules to be incorporated under one 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.

SPECIFIC AUTHORITY: 455.2281, 455.271, 468.384(2), 468.386(1), 468.393(1) FS.

LAW IMPLEMENTED: 455.217(2), 455.2171, 455.219(6), 455.2281, 455.271, 468.385(2), (4), (6), (7), (11), 468.386(1), 468.387, as amended by S. 7, Ch. 87-210, Laws of Florida, 468.393(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Anthony Spivey, Executive Director, Board of Auctioneers, 1940 North Monroe Street, Tallahassee, Florida 32399-0762

THE FULL TEXT OF THE PROPOSED RULES IS:

61G2-3.002 Application Fees.

~~The application fee for those applying for an auctioneer license through examination is \$50; for an auctioneer license by endorsement or reciprocity \$75; for an apprentice license \$50; and for an auction business license \$50.~~

Specific Authority 468.386(1) FS. Law Implemented 468.385, 468.387 FS., as amended by s. 7, Ch. 87-210, Laws of Florida. History–New 5-4-87, Amended 10-19-87, Formerly 21BB-3.002, Repealed.

61G2-3.003 Examination Fees.

~~(1) When the examination is not conducted by a professional testing service pursuant to Section 455.2171, Florida Statutes, \$250.00 payable to the Department. When the examination is conducted by a professional testing service pursuant to Section 455.2171, Florida Statutes, \$241.00 payable to the Department plus \$9.00 payable to the testing service.~~

~~(2) When the re-examination is not conducted by a professional testing service pursuant to Section 455.2171, Florida Statutes, \$250.00 payable to the Department. When the re-examination is conducted by a professional testing service pursuant to Section 455.2171, Florida Statutes, \$241.00 payable to the Department plus \$9.00 payable to the testing service.~~

Specific Authority 468.386(1) FS. Law Implemented 455.2171, 468.385(4) FS. History–New 5-4-87, Amended 9-13-88, Formerly 21BB-3.003, Amended 5-3-99, 4-26-04, Repealed.

61G2-3.004 Initial Licensure Fees.

~~The initial licensure fee for an auctioneer is \$150; an apprentice \$150; and for an auction business \$150. However, persons or businesses granted initial licenses in the second year of the biennium shall pay one half of the initial license fees.~~

Specific Authority 468.386(1) FS. Law Implemented 468.385(2), (6), (7) FS. History–New 5-4-87, Amended 5-7-90, Formerly 21BB-3.004, Amended 5-21-96, Repealed.

61G2-3.0041 Unlicensed Activities, Fees, Disposition.

~~Each licensee shall pay, in addition to all other fees, a special fee of \$5.00 upon each initial license, and renewal thereof, to fund efforts to combat the unlicensed practice of auctioneering.~~

Specific Authority 455.2281, 468.384(2) FS. Law Implemented 455.2281 FS. History–New 4-17-94, Repealed.

61G2-3.005 Renewal Fees.

~~The fee for biennial renewal of an auctioneer’s license is \$150; an apprentice license \$150; an auction business license \$150; and an inactive auctioneer license is \$150.~~

Specific Authority 468.386(1) FS. Law Implemented 468.385(11) FS. History–New 5-4-87, Formerly 21BB-3.005, Amended 10-15-95, 5-21-96, Repealed.

61G2-3.006 Reactivation Fee.

~~The fee for reactivating is \$50.~~

Specific Authority 468.384(2), 468.386(1) FS. Law Implemented 468.386(1) FS. History–New 10-19-87, Formerly 21BB-3.006. Amended 1-6-98, Repealed.

61G2-3.007 Examination Review Fee.

~~The fee for review of an applicant’s auctioneer examination questions, answers, paper, grades, and grading key, or any portion thereof is \$50.~~

Specific Authority 468.386(1) FS. Law Implemented 455.217(2) FS. History–New 5-7-90, Formerly 21BB-3.007, Repealed.

61G2-3.008 Duplicate License Fee.

~~The fee for a duplicate copy of a previously issued license shall be \$25.~~

Specific Authority 468.384(2), 468.386(1) FS. Law Implemented 455.219(6), 468.386(1) FS. History–New 12-3-90, Formerly 21BB-3.008, Amended 1-6-98, Repealed.

61G2-3.010 Auctioneer Recovery Fund Surcharge.

~~At the time of licensure or renewal of either an active or inactive status, under Section 468.385, 468.3851 or 468.3852, Florida Statutes, each licensee shall pay, a surcharge fee of \$100 which shall be deposited into the Auctioneer Recovery Fund.~~

Specific Authority 468.386(1), 468.393(1), 468.384(2) FS. Law Implemented 468.393(1) FS. History–New 1-28-92, Formerly 21BB-3.010, Amended 9-25-95, 1-6-98, Repealed.

61G2-3.011 Change of Status Fee.

~~The change of status fee is \$50.00.~~

Specific Authority 468.384(2), 468.386(1), 455.271 FS. Law Implemented 455.271 FS. History–New 8-14-95, Amended 1-6-98, Repealed.

61G2-3.012 Delinquent Fee.

~~A delinquent status licensee shall pay a delinquency fee of \$100.00, when the licensee applies for active or inactive status.~~

Specific Authority 455.271 FS. Law Implemented 455.271 FS. History–New 9-25-95, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Auctioneers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Auctioneers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 4, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE NO.: 61G14-15.003
RULE TITLE: Safety Guidelines

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify language concerning safety guidelines.

SUMMARY: Safety guidelines will be clarified in the 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.

SPECIFIC AUTHORITY: 310.185 FS.

LAW IMPLEMENTED: 310.0015(3)(a), 310.075(4), 310.101(1)(d) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Board of Pilot Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G14-15.003 Safety Guidelines.

As used in this rule, “pilot” shall mean both a state licensed pilot and a state certified deputy pilot.

(1) through (3) No change.

(4) Each association of pilots in each port where such association(s) exists, and the licensed state pilots in each port who are not members of such association shall submit to the Board for its review and approval or rejection, the current normal maximum allowable draft of vessels calling at the port and restrictions on bottom clearance for each channel, as required by Sections 310.075(4) and 310.101(1)(d), F.S.

~~(5) In order to assist the board in serving the public interest in maintaining efficient and safe piloting services as required by Section 310.061, F.S., each association of pilots, in each port where such association(s) exists, and the licensed state pilots in each port who are not members of such association shall submit, for the board’s review and approval or rejection, the current pilot work schedules for the port which are best suited to meet local conditions and demands and which:~~

~~(a) Insure that an adequate number of pilots is always available to handle any vessel requiring the services of a pilot; and~~

- ~~(b) Provide sufficient off-duty time for rest; and~~
- ~~(c) Outline procedures which provide for backup support which may become necessary due to disability or loss of available pilots.~~

Specific Authority 310.185 FS. Law Implemented 310.0015(3)(a), 310.075(4), 310.101(1)(d) FS. History–New 11-6-89, Amended 6-26-90, 12-30-91, 10-25-92, Formerly 21SS-9.001, 21SS-15.003, Amended 11-15-93, 1-26-99, 10-4-99, 1-7-02, 5-11-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pilot Commissioners

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pilot Commissioners

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 4, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 1, 2007

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

Probation

RULE NOS.:	RULE TITLES:
63D-7.001	Purpose and Scope
63D-7.002	Definitions
63D-7.003	Transition Planning While the Youth is in a Residential Commitment Facility
63D-7.004	Pre-Release Notification
63D-7.005	Post-Residential Supervision
63D-7.006	Admission to Post-Residential Supervision Program
63D-7.007	Managing Supervision and Designing Intervention Through the YES Plan.
63D-7.008	Violations
63D-7.009	Termination of Services

PURPOSE AND EFFECT: To implement provisions in Sections 985.46 and 985.435, F.S., governing post-residential supervision of youth upon release from a residential commitment facility.

SUMMARY: The rule establishes standards and procedures for the provision of services, sanctions and case management for youth leaving residential facilities and returning to the community. This includes the planning phase while the youth is in the commitment facility, the phase immediately prior to release, and the period of active supervision after the youth

returns to the community. The rule is applicable to all categories of post-residential supervision services, including conditional release and post-commitment probation.

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.

SPECIFIC AUTHORITY: 985.46, 985.435, 985.64 FS.

LAW IMPLEMENTED: 985.46, 985.435 FS.

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

DATE AND TIME: Tuesday, July 24, 2007, 10:00 a.m.

PLACE: DJJ Headquarters, Knight Building, Room 312, 2737 Centerview Dr., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Lydia Monroe, 2737 Centerview Dr., Ste. 312, Tallahassee, FL 32399-3100; e-mail, lydia.monroe@djj.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

63D-7.001 Purpose and Scope.

This rule establishes the standards and procedures for the provision of services, sanctions and case management for youth leaving residential facilities to return to the community. This includes the planning phase while the youth is in the commitment facility, the phase immediately prior to release, and the phase of active supervision while the youth is back in his or her community until termination of supervision. This rule is applicable to all categories of post residential supervision services, including conditional release and post-commitment probation. Post-commitment probation is a form of probation supervision, and is therefore also governed by Rule Chapter 63D-5, F.A.C.

Specific Authority 985.46, 985.435, 985.64 FS. Law Implemented 985.14, 985.435, 985.46 FS. History–New_____.

63D-7.002 Definitions.

For purposes of this rule chapter, the following terms shall be defined as follows:

- (1) Affidavit for Order to Take Into Custody – As incorporated in Rule 63D-5.002, F.A.C.
- (2) Affidavit/Petition for Violation of Probation – As incorporated in Rule 63D-5.002, F.A.C.
- (3) Commitment Conference – A commitment conference is conducted to develop the department’s recommendation to the court for youth who may be appropriate for residential

placement. If the conference results in a commitment recommendation, the level of restriction and appropriate services are included in the recommendation.

(4) Community-Based Supervision Services – A community treatment option in which the youth is supervised outside a campus setting in the community by staff of an agency contracted to provide deliverables such as supervision, family counseling, service referrals and skill training based upon an individualized assessment of the youth’s risks and needs.

(5) Conditional Release – The assessments, services, help and supervision provided to families and to youth who are released from residential commitment programs. Under the legal status of conditional release the youth remains on commitment status subject to transfer through the department’s process governing transfers.

(6) Contracted Case Manager – The department is authorized by statute to contract with public and private agencies in order to carry out the purposes of the responsibilities of the department established in statute.

(7) Criminogenic needs/risk factors – Research in the area of juvenile delinquency has documented critical factors in predicting future criminal behavior. The PACT recognizes these factors and classifies them into critical domain areas known to influence criminal behavior. The JPO and JPO supervisor use this data to measure the individual risk posed by each youth and to design a plan most responsive to reducing the level of risk posed by each factor.

(8) Direct Discharge – Discharge from the residential commitment facility under certain conditions without any requirements for community supervision by the department.

(9) Discharge Summary – A Performance Summary completed at the time a youth is discharged from a residential facility.

(10) Facility-Based Day Treatment Services – A community treatment option in which the youth can attend school or receive services or both, based upon an individualized assessment of the youth’s risks and needs, on a non-residential campus setting obtained from a contracted provider.

(11) Health Discharge Summary – This is a Health Services form to be used to inform parents, JPOs and aftercare providers of medical issues that will need to be addressed upon the release of the child from a program. Information includes: allergies, medications youth is receiving at the time of discharge, current medical or mental health alerts and any special health related needs or instructions. The Health Discharge Summary Form HS 012 (October 2006) is incorporated, and is accessible electronically at http://www.djj.state.fl.us/forms/health_services_forms_index.html.

(12) Independent Living – A service provided to assist older adolescents, who lack sufficient family resources, to help make the transition to adulthood. The program encourages

teens to actively engage in the adult living preparation process. A youth participates in several assessments (including a career assessment) and helps with the development of a plan to support independent living as an adult when independent living program support ends. Each assessment and plan is updated regularly to monitor progress and ensure a teen’s adult preparation needs are met. It also provides a place to reside for older youth who have no family home that is sufficiently safe to help the youth make a crime free adaptation to adult responsibility and self-sufficiency.

(13) Involuntary Civil Commitment of Sexually Violent Predators – Refers to Sections 394.910-932, F.S., that sets forth the process that determines if individuals whose offense(s) have been of a sexual nature meet the statutory criteria for civil commitment to the Department of Children and Family Services.

(14) Juvenile Probation Officer (JPO) – The Juvenile Probation Officer (JPO) serves as the primary case manager for the purpose of managing, coordinating and monitoring the services provided and sanctions required for youth on probation, post-commitment probation or conditional release supervision. In this chapter whenever a reference is made to the tasks and duties of a JPO it shall also apply to case management staff of a provider agency contracted to perform these duties and tasks.

(15) Juvenile Probation Officer Supervisor (JPOS) – A Juvenile Probation Officer Supervisor (JPOS) provides first line oversight and management of the JPOs in the unit. The JPOS is responsible for overall direction and guidance of the services provided by the JPO including but not limited to reviewing the progress of cases, documenting compliance with law and court orders, and approving the development of and revisions to YES plans. In this chapter whenever a reference is made to the tasks and duties of a JPOS it shall also apply to case management staff supervisor of a provider agency contracted to perform these duties and tasks.

(16) Mental Health Substance Abuse Treatment Discharge Summary – A form which summarizes the focus and course of a youth’s mental health and/or substance abuse treatment, and provides recommendations for mental health and/or substance abuse treatment or services upon the youth’s movement out of a DJJ facility or program. The Mental Health/ Substance Abuse Treatment Discharge Summary (MHSA 011, August 2006) is incorporated, and is available from the Medical Director’s Office at 2737 Centerview Drive, Suite 212, Tallahassee, FL 32399-3100.

(17) Notification of the Decision to Not Involuntarily Commit Form – The documentation required in order to release a Sexually Violent Predator (SVP) eligible youth from residential commitment. The form (JJIS Form 25, February 2005) is incorporated and is accessible electronically at http://www.djj.state.fl.us/forms/health_services_forms_index.html.

(18) Performance Plan – An individualized plan developed by the treatment team and youth that stipulates measurable goals the youth must achieve prior to release from the program. Performance plan goals are based on the prioritized needs identified during assessment of the youth and may be updated as appropriate. The plan identifies the youth’s and staffs’ responsibilities and the timelines associated with completion of each goal. The performance plan also serves as the basis for the youth’s post-residential services plan since it includes the transition goals and activities identified at the transition conference conducted at least 60 days prior to the youth’s anticipated release.

(19) Performance Summary – A written document used by staff of residential facilities to inform the youth, committing court, youth’s Juvenile Probation Officer, parent or guardian, and other pertinent parties of the youth’s performance in the program, including status of and progress toward performance plan goals, academic status, behavior and adjustment to the program, significant incidents (positive and negative), and justification for a request for release, discharge or transfer, if applicable. A Performance Summary can be in the form of a Release Summary, Discharge Summary, or Transfer Summary. The Performance Summary form (RS 007, September 2006) is incorporated and is accessible electronically at http://www.djj.state.fl.us/forms/residential_rule63E_forms.html.

(20) Positive Achievement Change Tool (PACT) – As incorporated in Rule 63D-5.002, F.A.C.

(21) Post-Commitment Probation – The assessments, services, and supervision provided to families and to youth who are released from residential commitment programs. Under the legal status of post-commitment probation the youth is legally transferred from commitment status to probation status, and the terms and conditions of the YES plan are made by an order entered by the court. A youth on post-commitment probation status is not governed by the department’s transfer policy, but is under the jurisdiction of the court.

(22) Pre-Release Notification – As defined and incorporated in Rule 63E-7.002, F.A.C.

(23) Progress Report – The Progress Report is used to communicate the youth’s progress to the court and can be used at the time of a judicial review, jurisdiction transfer or a request for termination of supervision, probation, post-commitment probation or conditional release. Upon completion of all sanctions, performance goals, and the determination that supervision is no longer required, the Juvenile Probation Officer must submit to the court a Progress Report requesting termination, which must include all court ordered sanctions completed by the youth. The Progress Report Form (DJJ/IS Form 12, September 2006) is incorporated, and is available from the Assistant Secretary for Probation and Community Intervention at 2737 Centerview Drive, Suite 103, Tallahassee, FL 32399-3100.

(24) Request for Release Letter – The letter used by the JPO to formally notify the committing judge of the program’s intent to release. The letter indicates the program requesting

the release, the date of release and whether the youth is to be transferred to conditional release, post commitment probation or direct discharge with no DJJ supervision. The Request for Release Letter (DJJ/IS Form 13, January 2007) is incorporated and available from the Assistant Secretary for Probation and Community Intervention at 2737 Centerview Drive, Suite 105, Tallahassee, FL 32399-3100.

(25) Residential Commitment Program – A low-risk, moderate-risk, high-risk, or maximum-risk residential delinquency program for committed youth.

(26) Sexually Violent Predator (SVP) – For purposes of this chapter, SVP eligible refers to a youth being subject to the requirements of Section 394.910-932, F.S.

(27) Sexually Violent Predator Program Multidisciplinary Team Notification Letter – The letter used by the JPO to formally notify, in writing, the Department of Children and Families’ Multidisciplinary Team of the anticipated release of youth committed on a sexually violent offense. The Sexually Violent Predator Program Multidisciplinary Team Notification Letter (DJJ/BCS Form 24, September 2006) is incorporated and is available from the Assistant Secretary for Probation and Community Intervention at 2737 Centerview Drive, Suite 105, Tallahassee, FL 32399-3100.

(28) Youth-Empowered Success Plan (YES Plan) – As incorporated in Rule 63D-5.002, F.A.C.

Specific Authority 985.46, 985.435, 985.64 FS. Law Implemented 985.14, 985.435, 985.46 FS. History–New _____.

63D-7.003 Transition Planning While the Youth is in a Residential Commitment Facility.

(1) Planning for the youth’s transition, or return to the community, must begin at the commitment conference when the appropriate conditional release services are identified. Planning for the youth’s successful transition involves the concerted on-going efforts of the youth, the commitment program’s treatment team, the JPO, the conditional release staff (if identified and assigned), and the youth’s family. The JPO must communicate with the staff of the residential commitment facility to assess the youth’s progress and readiness for release and with the parent or guardian to ensure the needs of the youth are being addressed. At a minimum, the JPO must have one face-to-face contact with youth during the transition phase if within a fifty (50) mile radius of the home office. Contacts with youth, regardless of the method used, must be meaningful and must capture the youth’s progress in the program. The unique needs of each youth should be considered and documented in the field notes.

(2) The documents listed below in paragraph (a) must be generated by the residential commitment program and routed to the court through the assigned JPO. The documents listed below in paragraph (b) must be mailed to the court directly with the assigned JPO being copied. The required routing for each type document is described below:

(a) Sent from the Residential Commitment Facility to the JPO for distribution to the court:

1. Pre-Release Notification and Acknowledgement Form.
2. Discharge Summary.
3. Health Discharge Summary.
4. Mental Health Substance Abuse Treatment Summary.

(b) Sent by the Residential Commitment Facility directly to the court with a copy to the JPO:

1. Performance Plan.
2. Performance Summary.

Specific Authority 985.46, 985.435, 985.64 FS. Law Implemented 985.14, 985.435, 985.46 FS. History–New _____.

63D-7.004 Pre-Release Notification.

(1) In notifying the JPO of a youth's planned release date, the commitment program, unless its length of stay is forty-five (45) days or less, must forward to the JPO the Pre-Release Notification and Acknowledgment form forty-five (45) days prior to the youth's planned release date and ninety (90) days prior to release for sex offenders who do not meet statutory criteria for involuntary civil commitment of sexually violent predators to the Department of Children and Families as set forth in Chapter 394, F.S. The program's notification to the JPO of release from a low-risk residential program with a length of stay forty-five (45) days or less must be made within seventy-two (72) hours of the youth's admission to the program.

(2) If the department concurs with the proposed release date, the JPO must notify, by letter, the committing judge of the program's intent to release. The Request for Release letter, along with a copy of the program's release Performance Summary, must be hand delivered, faxed, or sent certified mail to the judge. This must be done within three (3) working days of receipt of the Pre-Release Notification and Acknowledgement Form. Copies of the letter must be provided to the youth's parent(s)/guardian(s), the commitment program, and conditional release staff, if assigned. The JPO must keep proof of delivery to the court in the youth case file. The JPO must return the completed Pre-Release Notification to the commitment program within five (5) days of completion of the form.

(3) In accordance with Chapter 394, F.S., the JPO must notify, in writing, the Multidisciplinary Team established by the Department of Children and Family Services of the anticipated release of any youth who has been convicted of a sexually violent offense. A copy of the written notice must also be forwarded to the state attorney in the circuit where the youth was adjudicated. Notification to the Multidisciplinary Team and the state attorney must take place one hundred eighty (180) days prior to the anticipated release of persons age eighteen (18) and older from a commitment program and who have been convicted of the sexually violent offenses defined in statute. The transition process for sex offenders who meet the statutory criteria for involuntary civil commitment as set forth in Chapter 394, F.S., must commence two hundred and ten (210) days prior to the youth's anticipated release from the

commitment program if the program is a maximum or high-risk program or otherwise one with a length of stay of more than 180 days.

(4) The residential commitment program shall not release any SVP eligible youth subject to the provisions of Chapter 394, F.S., until the Multidisciplinary Team at the Department of Children and Families (DCF) has determined eligibility and the state attorney's office has decided whether or not to file a petition. If it's determined that the youth will not be involuntarily committed to DCF then the JPO must notify the program using the Notification of the Decision to Not Involuntarily Commit to DCF Form.

Specific Authority 985.46, 985.435, 985.64 FS. Law Implemented 985.14, 985.435, 985.46 FS. History–New _____.

63D-7.005 Post-Residential Supervision.

(1) While a youth is on post-residential supervision, he or she will typically reside in their family home or in the home of a legal guardian. However, some youth may be in an independent living program, and others will live in an alternative setting with a family friend or a relative who is not the legal guardian. One of the objectives of service planning for youth on post-residential status is preparing them to make the transition to self-supporting, pro-social adulthood. Independent Living is a category that focuses on providing an array of specialized services and for some youth an opportunity for a placement outside the family home. The program is intended for youths whose home environment is a barrier to a crime-free return to the community, youths who are homeless, and youths who cannot return to their home. Independent Living incorporates residential and nonresidential components. Independent living programs are required to operate according to specific contractual language and applicable DJJ quality assurance standards. Youths with sexual offenses, developmental disabilities, and youths, whose adjudication of dependency precedes the adjudication of delinquency, are not appropriate for residential independent living programs and should not be referred to participate. Youths with histories of arson, cruelty to animals, or first-degree felonies should be permitted to participate in an independent living option on a case-by-case basis and documentation of the youth's appropriateness must be maintained in the case file. When a youth is prescribed psychotropic medications, a medication evaluation must be completed prior to consideration of residential independent living placement and will be handled on a case-by-case basis.

(2) Department Operated Post-Residential Programs.

(a) Conditional release is the most utilized of the post-residential categories. The youth's stay in the community is conditioned upon his continuing compliance with the conditions of his or her YES plan and with the requirement that he or she commits no new law violations. Services and sanctions are built upon the successes experienced while in the residential commitment facility.

(b) Post-commitment probation is ordered by the court at the disposition hearing. If ordered, then the court ordered conditions of supervision shall be followed. In this case, the JPO must inform the commitment program that the youth will be under DJJ supervision when released. A youth will not be placed on post-commitment probation unless there is a court order specifying the probation. If the commitment order does not specifically state post-commitment probation or direct discharge, the youth is considered to be under conditional release status with the department to be either supervised by a JPO under committed status, or placed into a conditional release program.

(3) Direct discharge:

(a) If a youth has reached the age of jurisdiction, the department must pursue direct discharge from the residential program. If the youth has completed the maximum term of confinement, which an adult would serve for the same offense while in the residential program, the department must recommend direct discharge. Cases under the jurisdiction of a juvenile court must be approved for direct discharge by said court prior to the department completing any direct discharge action.

(b) If a youth commits a violation of law for which he/she is sentenced in the adult system, the department may pursue direct discharge. To request termination of a youth sentenced as an adult, the JPO must follow the same procedures used for terminating a case from juvenile court.

(c) The department may seek direct discharge due to unusual circumstances, such as a placement in Job Corps or relocation out of the country. Cases under the jurisdiction of a juvenile court must be approved for direct discharge by said court prior to the department completing any direct discharge action.

(d) When notifying the court of the youth's discharge date, the JPO must provide the court with a notification letter that advises the court of the department's intent to directly discharge the youth and the reason for the direct discharge. The JPO must also provide the court with a copy of the discharge Performance Summary and the adult court order, if the youth was sentenced in the adult system.

Specific Authority 985.46, 985.435, 985.64 FS. Law Implemented 985.14, 985.435, 985.46 FS. History–New _____.

63D-7.006 Admission to Post-Residential Supervision Program.

(1) Conditional release:

(a) Within twenty-four (24) hours of a youth's admission to the conditional release program, he/she must receive a program orientation. The youth's parent(s)/guardian(s) must be encouraged to attend the orientation. The orientation information must be understandable to the youth.

(b) The conditional release staff must always notify the parent(s)/guardian(s) of the youth's acceptance into the program within twenty-four (24) hours after admission. The parent must be given either a written acknowledgement of this acceptance, or a letter of acceptance. A brief overview of the conditional release program must be incorporated in this introductory correspondence. If the conditional release program participates in scheduled recreational activities the parent(s)/guardian(s) must advise the program if they object to such participation due to any physical or medical problems. The letter must inform the parent(s)/guardian(s) that if they object they must provide written documentation from a doctor. A copy of the letter from the doctor must be filed in the youth's case record.

(c) Within seven (7) calendar days from the date of the youth's admission to a conditional release program, the conditional release staff must complete a needs assessment for each youth. If a PACT Reassessment was completed within the past 45 days, a new assessment is not required.

(2) Post-commitment probation:

(a) Within twenty-four (24) hours of a youth's release from the residential program, he/she must be contacted by the JPO for an orientation. The youth's parent(s)/guardian(s) must be encouraged to attend the orientation. The orientation information must be understandable to the youth.

(b) The JPO must always notify the parent(s)/guardian(s) of the youth's acceptance into the program within twenty-four (24) hours after admission. The parent must be given either a written acknowledgement of this acceptance, or a letter of acceptance. A brief overview of the post residential probation program must be incorporated in this introductory correspondence. If the post-residential probation program participates in scheduled recreational activities the parent(s)/guardian(s) must advise the program if they object to such participation due to any physical or medical problems. The letter must inform the parent(s)/guardian(s) that if they object they must provide written documentation from a doctor. A copy of the letter from the doctor must be filed in the youth's case record.

(c) Within seven (7) calendar days from the date of the youth's placement on probation, the JPO must complete a needs assessment for each youth. If a PACT Reassessment was completed within the past 45 days, a new assessment is not required.

Specific Authority 985.46, 985.435, 985.64 FS. Law Implemented 985.14, 985.435, 985.46 FS. History–New _____.

63D-7.007 Managing Supervision and Designing Intervention Through the YES Plan.

(1) The primary goal of the YES Plan is to provide a detailed roadmap of how the youth, family, and JPO will achieve the treatment goals and sanctions found in the dispositional court order and any voluntary goals. The JPO

must prepare the initial YES Plan within fourteen (14) calendar days of the youth's placement on post-residential supervision. The YES Plan must be developed with the youth and family's input in terms of goal identification and in terms of their ability to fulfill their responsibilities. Inability to obtain parental involvement and efforts made to engage the parent(s)/guardian(s) must be documented. During the development of the plan, the youth and parents/guardians must be informed of the consequences of failing to fulfill the goals of the plan. When the youth accomplishes the terms of the plan he or she can then be successfully terminated from supervision.

(a) The YES Plan must address public safety, accountability, and competency development.

(b) The plan is not limited to court ordered sanctions and treatment goals. In the course of working with the youth and family, the JPO may assess the need for new interventions that the parties mutually agree to pursue, based on the criminogenic needs identified in the PACT assessment. The JPO must include these new interventions in the plan. However, completion of the court ordered goals must be the primary determinant when requesting termination or violations by the court. Voluntary goals should not impede the release of a youth from supervision. The JPO shall request case termination based upon compliance or substantial compliance with the court ordered plan. Each goal must include the major action steps required to achieve the goal. The person or persons primarily responsible for each step must be noted.

(c) The JPO, youth, and family must record target dates for each goal and action step. Target dates should be realistic, yet focused on moving the youth off supervision within a reasonable time frame.

(d) The youth, JPO, and JPOS must sign the YES Plan. The parent(s)/guardian(s) must sign the YES Plan, unless the youth is over 18 years of age or living independently.

(e) The JPO must provide the youth and family with a legible copy of the plan.

(f) If the department has not granted the provider agency access to the PACT automated system, then the requirements described in Rule 63D-7.007, F.A.C., Supervision Plans paragraphs (1)(a) through (e) are not required to be completed in the automated system.

(2) A YES Plan requires adjustments as goals and action steps are completed and when new sanctions or voluntary goals are added. The JPO shall document that major changes to the YES Plan have been communicated to the youth and parent(s)/guardian(s).

(3) Field notes must be completed documenting the intervention contacts made with the youth and family.

(4) The JPO must routinely review and modify, if necessary, the plan with the youth and the family. Formal reviews must occur every ninety (90) days. During the review, the JPO or assigned contracted case manager shall call attention to the accomplished goals and continue to address

those that have not been accomplished. The JPO shall document that major changes to the YES Plan have been communicated to the youth and parent(s)/guardian(s).

(a) The identified sanctions and treatment goals in the YES Plan must be the primary focus of discussion during the JPO's contacts with the youth and the family. As the JPO becomes aware of completed goals and action steps, the JPO must document these achievements on the plan.

(b) If, during the course of supervision, new needs are identified, the JPO must attempt to modify the plan by including voluntary goals to address the needs. Formal adjustments to the court ordered goals must be made by the court during a judicial review. If jurisdiction is not in the county where the supervision occurs, then the JPO will ask the youth to voluntarily agree to the modification or request judicial assistance.

(c) If the youth receives subsequent dispositions due to pending cases at the time he/she was placed on supervision or due to new violations, the JPO must update the original plan to reflect changes in sanctions and treatment goals and court ordered conditions. In making recommendations to the court, at the time of disposition, the JPO must take into consideration the youth's compliance or lack of compliance with YES Plan of the previous disposition.

Specific Authority 985.46, 985.435, 985.64 FS. Law Implemented 985.14, 985.435, 985.46 FS. History--New _____.

63D-7.008 Violations.

(1) Conditional release:

(a) New law violations: Within twenty-four (24) hours of knowledge of a new law violation, the conditional release staff must personally inform the JPO and vice versa. The JPO and/or conditional release staff must make face-to-face contact with the youth within twenty-four (24) hours of knowledge of a new law violation.

(b) Technical Violations: If a conditional release program feels that a youth has committed a technical violation of the rules of the program, the program may request transfer of the youth out of the conditional release program. The conditional release program shall put the request to transfer in writing and the department will consider the request to transfer. If the department decides that transfer is appropriate, then the department shall initiate the transfer procedures under Chapter 985, F.S. If the department decides that transfer is not in the best interest of the youth, the conditional release program will continue to work with the youth toward successful completion of the program.

(c) Absconders: Absconding occurs when a supervised youth goes in a clandestine manner out of the jurisdiction of the court in order to avoid legal process, or when the youth hides, conceals or absents himself or herself with the intent to avoid legal process. Mere absence or not appearing for appointments is not absconding, but may constitute a technical

violation if it continues. To constitute absconding, the JPO must have cause to believe that the youth is deliberately avoiding supervision, or has removed himself or herself from the home or community. A youth reported by parents or guardians to have run away, is considered an absconder.

1. At the point the JPO considers the youth to have absconded, the JPO must document all efforts to locate the youth considered an absconder.

2. If a youth absconds from supervision, the conditional release staff is responsible for conducting a diligent search and documenting this search in the field notebook. If the JPO has reasonable cause to believe that the youth has absconded from supervision, the JPO will within one (1) working day, file an Affidavit for Order to Take Into Custody. If not stipulated otherwise by contract, the conditional release staff is responsible for coordinating with the JPO to obtain an Affidavit for Order to Take Into Custody on youths who abscond or fail to report to the conditional release program. In this case, when the affidavit is processed, a copy must be forwarded within one (1) workday to the conditional release service provider.

(2) Post-commitment probation:

(a) New law violations: New law violations may generate the need for a violation of probation. If the department decides to seek a violation of probation, the department will follow the procedures established under Chapter 985, F.S.

(b) Technical violations: Technical violations may generate the need for a violation of probation. If the department decides to seek a violation of probation, the department will follow the procedures established under Chapter 985, F.S.

(c) Absconders: If a youth absconds from supervision, the JPO is responsible for conducting a diligent search and documenting this search in the field notebook. If the JPO has reasonable cause to believe that the youth has absconded from supervision, the JPO will, within one (1) working day, file an Affidavit for Order to Take Into Custody with the court.

Specific Authority 985.46, 985.435, 985.64 FS. Law Implemented 985.14, 985.435, 985.46 FS. History–New _____.

63D-7.009 Termination of Services.

(1) In general, a youth’s length of stay on any form of post-release status will depend upon the youth’s presenting needs and risk and on the progress made on achieving the objectives of the YES Plan. The minimum length of stay is ninety (90) calendar days. If after one hundred eighty (180) calendar days the youth needs additional supervision, the court may be petitioned to place the youth onto post-commitment probation to fulfill the continued obligations of conditional release.

(2) Upon completion of all sanctions, performance goals, and the determination that supervision is no longer required, the JPO must submit a Progress Report to the court requesting termination, which must include all court ordered sanctions completed by the youth.

(3) The Progress Report will then be used as a termination summary that must include the status of all court ordered sanctions completed by the youth. Documentation of completed sanctions including community service hours and restitution must be forwarded to the court. The JPO shall review the termination summary and obtain supervisor approval prior to submitting a letter and the Progress Report to the court within three (3) working days of receipt of the summary. The conditional release staff, youth, and the youth’s parent(s)/guardian(s) should receive a copy of this letter.

(4) The court has ten (10) days, from receipt, to reject or approve the release. The adult court has fourteen (14) days, from receipt, to reject or approve the release. If the court does not respond within the days specified, the request of the department must be deemed granted.

(5) If the court does not accept the recommended release date, the youth must be held in the program until an acceptable release date is negotiated with the court.

(6) If it is determined that a case must be terminated due to loss of jurisdiction, the juvenile probation officer must immediately notify the conditional release staff and vice versa.

(7) Should a former youth request assistance after termination from supervision, the juvenile probation officer should be available for reasonable assistance.

Specific Authority 985.46, 985.435, 985.64 FS. Law Implemented 985.14, 985.435, 985.46 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jack Ahearn, DJJ Probation and Community Intervention
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Darryl Olson, Assistant Secretary
for Probation and Community Intervention
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 18, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: April 20, 2007

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-9.009
RULE TITLE: Standard of Care for Office Surgery
PURPOSE AND EFFECT: The proposed rule amendment is intended to address additional criteria for office surgery settings.

SUMMARY: The proposed rule amendment clarifies requirements for post-operative care for patients in office surgery settings.

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.

SPECIFIC AUTHORITY: 458.309(1), 458.331(1)(v) FS.

LAW IMPLEMENTED: 458.331(1)(g), (t), (v), (w), 458.351 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin # C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.009 Standard of Care for Office Surgery.

NOTHING IN THIS RULE RELIEVES THE SURGEON OF THE RESPONSIBILITY FOR MAKING THE MEDICAL DETERMINATION THAT THE OFFICE IS AN APPROPRIATE FORUM FOR THE PARTICULAR PROCEDURE(S) TO BE PERFORMED ON THE PARTICULAR PATIENT.

- (1) No change.
- (2) General Requirements for Office Surgery.
- (a) through (g) No change.

(h) The surgeon must assure that the post-operative care arrangements made for the patient are adequate to the procedure being performed as set forth in Rule 64B8-9.007, F.A.C. Management of post surgical care is the responsibility of the operating surgeon and may be delegated only as set forth in subsection 64B8-9.007(3), F.A.C. If there is an overnight stay at the office in relation to any surgical procedure:

1. The office must provide at least two (2) monitors, one of these monitors must be certified in Advanced Cardiac Life Support (ACLS), and maintain a monitor to patient ratio of at least 1 monitor to 2 patients. Once the surgeon has signed a timed and dated discharge order, the office may provide only one monitor to monitor the patient. The monitor must be qualified by licensure and training to administer all of the medications required on the crash cart and must be certified in Advanced Cardiac Life Support. The full and current crash cart required below must be present in the office and immediately accessible for the monitors.

- 2. No change.
- (i) through (m) No change.
- (3) through (6) No change.

Specific Authority 458.309(1), 458.331(1)(v) FS. Law Implemented 458.331(1)(g), (t), (v), (w), 458.351 FS. History–New 2-1-94, Amended 5-17-94, Formerly 61F6-27.009, Amended 9-8-94, 11-15-94, Formerly 59R-9.009, Amended 2-17-00, 12-7-00, 2-27-01, 8-1-01, 8-12-01, 3-25-02, 3-22-05, 4-19-05, 10-23-05, 10-10-06, 4-18-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Surgical Care Committee, Board of Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 8, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 1, 2007

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-9.007 RULE TITLE: Forms and Instructions

PURPOSE AND EFFECT: The purpose and effect of this rule development is to incorporate amendments to the new application.

SUMMARY: The proposed rule amendment incorporates amendments to the new application.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 120.53, 459.005 FS.

LAW IMPLEMENTED: 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: Pamela King, 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:

64B15-9.007 Forms and Instructions.

The following constitutes a list of forms and instructions used by the Department and Board in their dealings with the public:

- (1) DH-MQA 1029 – 1/04, entitled “Board of Osteopathic Medicine Application for Licensure (9/06) Application for licensure for osteopathic physician with instructions.
- (2) through (3) No change.

Specific Authority 120.53, 459.005 FS. Law Implemented 459.022 FS. History–New 10-23-79, Formerly 21R-9.07, 21R-9.007, Amended 11-9-93, Formerly 61F9-9.007, 59W-9.007, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Osteopathic Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Osteopathic Medicine
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 11, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: October 27, 2006

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-7.001
RULE TITLE: Disciplinary Guidelines
PURPOSE AND EFFECT: To implement an amendment to Section 456.072, F.S., by adding disciplinary guidelines for violation.
SUMMARY: Adding disciplinary guidelines to implement an amendment to Section 456.072, 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.

SPECIFIC AUTHORITY: 456.078, 468.1135(4) FS.
LAW IMPLEMENTED: 456.063, 456.072, 456.076, 456.078, 468.1295, 468.1296 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: Pamela King, Executive Director, Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #06, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

- 64B20-7.001 Disciplinary Guidelines.
- (1) through (3) No change.
- (4)(a) through (cc) No change.

First Offense

Second Offense

Third Offense

(dd) Violating Section 456.072(1)(t), F.S., by failing to identify through written notice or orally to a patient the type of license under which the practitioner is practicing or failing to identify the type of license that the practitioner pictured or named in an advertisement for health care services holds.

(dd) From a letter of concern to reprimand of the license and an administrative fine ranging from \$250.00 to \$500.00.

(dd) From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00.

(dd) From suspension to revocation, and an administrative fine ranging from \$750.00 to \$1,000.00.

Specific Authority 456.078, 468.1135(4) FS. Law Implemented 456.063, 456.072, 456.076, 456.078, 468.1295, 468.1296 FS. History--New 2-7-91, Amended 11-9-92, Formerly 21LL-7.001, 61F14-7.001, 59BB-7.001, Amended 10-25-00, 4-14-02, 8-22-05, 12-28-05,_____.

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-7.004
RULE TITLE: Citations
PURPOSE AND EFFECT: The purpose and effect is to add violations for which citations may be issued.
SUMMARY: Violations for which citations may be issued are added.
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.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Speech-Language Pathology and Audiology
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Speech-Language
Pathology and Audiology
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: May 23, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: December 8, 2006

SPECIFIC AUTHORITY: 456.073, 456.077 FS.
LAW IMPLEMENTED: 456.077, 468.1295 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: Pamela King, Executive Director, Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #06, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

- 64B20-7.004 Citations.
- (1) through (2) No change.
- (3) The following violations with accompanying fines may be disposed of by citation:
 - (a) through (d) No change.
 - (e) Failure to identify the type of license under which the practitioner is practicing. The fine shall be \$250. (See Section 456.072(1)(t), F.S.)
- (4) through (7) No change.

Specific Authority 456.073, 456.077 FS. Law Implemented 456.077, 468.1295 FS. History--New 2-12-92, Amended 8-24-92, 11-9-92, Formerly 21LL-7.004, 61F14-7.004, 59BB-7.004, Amended 8-9-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Speech-Language Pathology and Audiology
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Speech-Language Pathology and Audiology
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 23, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 18, 2007

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.:	RULE TITLES:
65A-1.708	Family-Related Medicaid Budgeting Criteria
65A-1.713	SSI-Related Medicaid Income Eligibility Criteria

PURPOSE AND EFFECT: This rule amendment will revise the number of weeks used to average income budgeting in determining eligibility for Medicaid.

SUMMARY: The proposed rule amendments provide for changing income averaging from the past eight weeks to the past four weeks to determine Medicaid eligibility. A longer period of past time may be used if necessary to provide a more accurate indication of anticipated fluctuations in future income.

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.

SPECIFIC AUTHORITY: 409.919 FS.
LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.906, 409.919 FS.

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

DATE AND TIME: July 25, 2007, 1:30 p.m.
PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pat Whitford, Economic Self-Sufficiency, Telephone (850)410-3479

THE FULL TEXT OF THE PROPOSED RULES IS:

- 65A-1.708 Family-Related Medicaid Budgeting Criteria
 - (1) The department uses a prospective budgeting system. In a prospective budgeting system, eligibility is based on the department's best estimate of the coverage group's income and circumstances. This estimate shall be based on the department's reasonable expectation and knowledge of current or future circumstances. When eligibility is being determined for a month which has passed, the actual income and circumstances for that month shall be used. In converting weekly income to monthly income, the conversion factor of 4.3 shall be used; in converting biweekly income to monthly income, the conversion factor of 2.15 shall be used. Converting semi-monthly income to monthly income will be made using a conversion factor of 2. When averaging income, all income from the most recent consecutive four ~~eight~~ weeks shall be used if it is representative of the individual's future earnings. A longer period of past time may be used if necessary to provide a more accurate indication of anticipated fluctuations in future income in accordance with 42 CFR 435.601. In budgeting income received by an individual on a contractual basis, at the option of the individual, the income is prorated over the period of the contract or counted when received, in the amount received.

- (2) through (4) No change.

Specific Authority 409.919, 414.45 FS. Law Implemented 409.903, 409.904, 409.919 FS. History--New 10-8-97, Amended 2-15-01, _____.

65A-1.713 SSI-Related Medicaid Income Eligibility Criteria

- (1) through (3) No change.

(4) Income Budgeting Methodologies. To determine eligibility SSI budgeting methodologies are applied except where expressly prohibited by 42 U.S.C. § 1396, or another less restrictive option is elected by the state under 42 U.S.C. § 1396a(r)(2). When averaging income, all income from the most recent consecutive four weeks shall be used if it is representative of future earnings. A longer period of past time may be used if necessary to provide a more accurate indication of anticipated fluctuations in future income.

(a) through (c) No change.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.919 FS. History--New 10-8-97, Amended 1-27-99, 4-1-03, 6-13-04, 8-10-06 (1), (4), 8-10-06 (1),_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Nathan Lewis

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jennifer Lange

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 25, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 13, 2006

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NOS.:	RULE TITLES:
690-125.005	Use of Credit Reports and Credit Scores by Insurers
690-125.006	Unfair Discrimination in Use of Credit Reports or Credit Scores by Insurers

PURPOSE AND EFFECT: The proposed rules implement the provisions of Section 626.9741, F.S. created by Senate Bill 40-A. Rule 690-125.005, F.A.C., requires the review and approval of an insurers use of credit reports and credit scores, requires submission of specified information and verification that the models, methods, programs and other processes are accurate predictors of risk and are in compliance with the provisions of Section 626.9741, F.S. and Rule 690-125.006, F.A.C., provides standards that ensure that rates or premiums associated with the use of a credit report or score are not unfairly discriminatory. The rule specifies the statistical requirements and standards for the testing of credit scoring methodologies to assure they do not have a disproportionate impact on the classifications specified in Section 626.9741(8)(c), F.S.

SUMMARY: The proposed rules implement the provisions of Section 626.9741, F.S. created by Senate Bill 40-A. Rule 690-125.005, F.A.C., requires the review and approval of an insurers use of credit reports and credit scores, requires submission of specified information and verification that the models, methods, programs and other processes are accurate predictors of risk and are in compliance with the provisions of Section 626.9741, F.S. and Rule 690-125.006, F.A.C., provides standards that ensure that rates or premiums

associated with the use of a credit report or score are not unfairly discriminatory. The rule specifies the statistical requirements and standards for the testing of credit scoring methodologies to assure they do not have a disproportionate impact on the classifications specified in Section 626.9741(8)(c), 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.

SPECIFIC AUTHORITY: 624.308(1), 626.9741(8) FS.

LAW IMPLEMENTED: 624.307(1), 626.9741 FS.

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

DATE AND TIME: August 9, 2007, 9:30 a.m.

PLACE: Room 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: Michael Milnes, Senior Management Analyst/Supervisor, Property and Casualty Product Review, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0330, E-mail michael.milnes@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Michael Milnes, Senior Management Analyst/Supervisor, Property and Casualty Product Review, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0330, E-mail michael.milnes@fldfs.com

THE FULL TEXT OF THE PROPOSED RULES IS:

690-125.005 Use of Credit Reports and Credit Scores by Insurers.

(1) For the purpose of this rule, the following definitions apply:

(a) "Applicant", for purposes of Section 626.9741, F.S., means an individual whose credit report or score is requested for underwriting or rating purposes relating to personal lines motor vehicle or personal lines residential insurance and shall not include individuals who have merely requested a quote.

(b) "Credit scoring methodology" means any methodology that uses credit reports or credit scores, in whole or in part, for underwriting or rating purposes.

(c) "Data cleansing" means the correction or enhancement of presumed incomplete, incorrect, missing, or improperly formatted information.

(d) "Personal lines motor vehicle" insurance means insurance against loss or damage to any motorized land vehicle or any loss, liability, or expense resulting from or incidental to ownership, maintenance or use of such vehicle if the contract of insurance shows one or more natural persons as named insureds.

1. The following are not included in this definition:

a. Vehicles used as public livery or conveyance;
b. Vehicles rented to others;
c. Vehicles with more than four wheels;
d. Vehicles used primarily for commercial purposes; and
e. Vehicles with a net vehicle weight of more than 5,000 pounds designed or used for the carriage of goods (other than the personal effects of passengers) or drawing a trailer designed or used for the carriage of such goods.

2. The following are specifically included, inter alia, in this definition:

a. Motorcycles;
b. Motor homes;
c. Antique or classic automobiles; and
d. Recreational vehicles.

(2) An insurer may not request or use a credit report or credit score in its underwriting or rating method unless it maintains and adheres to established written procedures that reflect the restrictions set forth in the federal Fair Credit Reporting Act, Section 626.9741, F.S., and this rule.

(3) Upon the effective date of this rule, insurers using credit reports or credit scores for underwriting or rating personal lines residential or personal lines motor vehicle insurance shall include the following information in a filing submitted pursuant to Section 627.062 or 627.0651, F.S. If changes are subsequently made to the use of credit reports or credit scores, a new filing shall be made in accordance with this rule.

(a) A listing of the types of individuals whose credit reports or scores the company will use or attempt to use to underwrite or rate a given policy. For example:

1. Person signing application;
2. Named insured or spouse; and
3. All listed operators.

(b) How those individual reports or scores will be combined if more than one is used. For example:

1. Average score used;
2. Highest score used.

(c) The name(s) of the consumer reporting agencies or any other third party vendors from which the company will obtain or attempt to obtain credit reports or scores.

(d) Precise identifying information specifying or describing the credit scoring methodology, if any, the company will use including:

1. Common or trade name;
2. Version, subtype, or intended segment of business the system was designed for; and
3. Any other information needed to distinguish a particular credit scoring methodology from other similar ones, whether developed by the company or by a third party vendor.

(e) The effect of particular scores or ranges of scores (or, for companies not using scores, the effect of particular items appearing on a credit report) on any of the following as applicable:

1. Rate or premium charged for a policy of insurance;
2. Placement of an insured or applicant in a rating tier;
3. Placement of an applicant or insured in a company within an affiliated group of insurance companies;
4. Decision to refuse to issue or renew a policy of insurance or to issue a policy with exclusions or restrictions or limitations in payment plans.

(f) The effect of the absence or insufficiency of credit history (as referenced in Section 626.9741(4)(c)1., F.S.) on any items listed in paragraph (e) above.

(g) The manner in which collection accounts identified with a medical industry code (as referenced in Section 626.9741(4)(c)2., F.S.) on a consumer's credit report will be treated in the underwriting or rating process or within any credit scoring methodology used.

(h) The manner in which collection accounts that are not identified with a medical industry code, but which an applicant or insured demonstrates are the direct result of significant and extraordinary medical expenses, will be treated in the underwriting or rating process or within any credit scoring methodology used.

(i) The manner in which the following will be treated in the underwriting or rating process, or within any credit scoring methodology used:

1. Credit inquiries not initiated by the consumer;
2. Requests by the consumer for the consumer's own credit information;
3. Multiple lender inquiries, if coded by the consumer reporting agency on the consumer's credit report as being from the automobile lending industry or the home mortgage industry and made within 30 days of one another;

4. Multiple lender inquiries that are not coded by the consumer reporting agency on the consumer's credit report as being from the automobile lending industry or the home mortgage industry and made within 30 days of one another, but that an applicant or insured demonstrates are the direct result of such inquiries;

5. Inquiries relating to insurance coverage, if so identified on a consumer's credit report; and

6. Inquiries relating to insurance coverage that are not so identified on a consumer's credit report, but which an applicant or insured demonstrates are the direct result of such inquiries.

(j) The list of all clear and specific primary reasons that may be cited to the consumer as the basis or explanation for an adverse decision under Section 626.9741(3), F.S. and the criteria determining when each of those reasons will be so cited.

(k) A description of the process that the insurer will use to correct any error in premium charged the insured, or in underwriting decision made concerning the insured, if the basis of the premium charged or the decision made is a disputed item that is later removed from the credit report or corrected, provided that the insured first notifies the insurer that the item has been removed or corrected.

(l) A certification that no use of credit reports or scores in rating insurance will apply to any component of a rate or premium attributed to hurricane coverage for residential properties as separately identified in accordance with Section 627.0629, F.S.

(4) Insurers desiring to make adverse decisions for personal lines motor vehicle policies or personal lines residential policies based on the absence or insufficiency of credit history shall either:

(a) Treat such consumers or applicants as otherwise approved by the Office of Insurance Regulation if the insurer presents information that such an absence or inability is related to the risk for the insurer. This information will be held as confidential if properly so identified by the insurer and eligible under Section 626.97411, F.S. The information shall include:

1. Data comparing experience for each category of those with absent or insufficient credit history to each category of insureds separately treated with respect to credit and having sufficient credit history;

2. A professionally validated method of statistical analysis that concludes that the relationship between absence or insufficiency and the risk assumed is not due to chance;

3. A professionally validated method of statistical analysis that confirms that the treatment proposed by the insurer is quantitatively supported and validated; and

4. Statistical tests establishing that the treatment proposed by the insurer is warranted for the total of all consumers with absence or insufficiency of credit history and for at least two subsets of such consumers;

(b) Treat such consumers as if the applicant or insured had neutral credit information, as defined by the insurer. Should an insurer fail to specify a definition, neutral is defined as the average score that a stratified random sample of consumers or applicants having sufficient credit history would attain using the insurer's credit scoring methodology; or

(c) Exclude credit as a factor and use other criteria. These other criteria must be specified by the insurer and must not result in average treatment for the totality of consumers with an

absence of or insufficiency of credit history any less favorable than the treatment of average consumers or applicants having sufficient credit history.

(5) Insurers desiring to make adverse decisions for personal lines motor vehicle or personal lines residential insurance based on information contained in a credit report or score shall file with the Office information establishing that the results of such decisions do not correlate so closely with the zip code of residence of the insured as to constitute a decision based on place of residence of the insured in violation of Section 626.9741(4)(c)3., F.S.

(6)(a) Insurers using credit reports or credit scores for underwriting or rating personal lines residential or personal lines motor vehicle insurance shall develop, maintain, and adhere to written procedures consistent with Section 626.9741(4)(e), F.S. providing appeals for applicants or insureds whose credit reports or scores are unduly influenced by dissolution of marriage, death of a spouse, or temporary loss of employment.

(b) These procedures shall be subject to examination by the Office at any time.

(7)(a)1. Insurers using credit reports or credit scoring in rating personal lines motor vehicle or personal lines residential insurance shall develop, maintain, and adhere to written procedures to review the credit history of an insured who was adversely affected by such use at initial rating of the policy or subsequent renewal thereof.

2. These procedures shall be subject to examination by the Office at any time.

3. The procedures shall comply with the following:

a. A review shall be conducted:

(I) No later than 2 years following the date of any adverse decision, or

(II) Any time, at the request of the insured, but no more than once per policy period without insurer assent.

b. The insurer shall notify the named insureds annually of their right to request the review in (II) above. Renewal notices issued 120 days or less after the effective date of this rule are not included in this requirement.

c. The insurer shall adjust the premium to reflect any improvement in credit history no later than the first renewal date that follows a review of credit history. The renewal premium shall be subject to other rating factors lawfully used by the insurer.

d. The review shall not be used by the insurer to cancel, refuse to renew, or require a change in the method of payment or payment plan based on credit history.

(b)1. As an alternative to the requirements in paragraph (7)(a), insurers using credit reports or scores at the inception of a policy but not for re-underwriting shall develop, maintain, and adhere to written procedures.

2. These procedures shall be subject to examination by the Office at any time.

3. The procedures shall comply with the following:

a. Insureds shall be reevaluated no later than 3 years following policy inception based on allowable underwriting or rating factors, excluding credit information.

b. The rate or premium charged to an insured shall not be greater, solely as a result of the reevaluation, than the rate or premium charged for the immediately preceding policy term. This shall not be construed to prohibit an insurer from applying regular underwriting criteria (which may result in a greater premium) or general rate increases to the premium charged.

c. For insureds that received an adverse decision notification at policy inception, no residual effects of that adverse decision shall survive the reevaluation. This means that the reevaluation must be complete enough to make it possible for insureds adversely impacted at inception to attain the lowest available rate for which comparable insureds are eligible, considering only allowable underwriting or rating factors (excluding credit information) at the time of the reevaluation.

(8) No credit scoring methodology shall be used for personal lines motor vehicle or personal lines residential property insurance unless that methodology has been demonstrated to be a valid predictor of the insurance risk to be assumed by an insurer for the applicable type of insurance. The demonstration of validity detailed below need only be provided with the first rate, rule, or underwriting guidelines filing following the effective date of this rule and at any time a change is made in the credit scoring methodology. Other such filings may instead refer to the most recent prior filing containing a demonstration. Information supplied in the context of a demonstration of validity will be held as confidential if properly so identified by the insurer and eligible under Section 626.97411, F.S. A demonstration of validity shall include:

(a) A listing of the persons that contributed substantially to the development of the most current version of the method, including resumes of the persons, if obtainable, indicating their qualifications and experience in similar endeavors.

(b) An enumeration of all data cleansing techniques that have been used in the development of the method, which shall include:

1. The nature of each technique;

2. Any biases the technique might introduce; and

3. The prevalence of each type of invalid information prior to correction or enhancement.

(c) All data input that was used by the model developers in the derivation and calibration of the model parameters.

1. Data shall be in sufficient detail to permit the Office to conduct multivariate statistical testing for validation of the credit scoring methodology.

2. Data, including field definitions, shall be supplied in electronic format compatible with the software used by the Office.

(d) Statistical results showing that the model and parameters are predictive and not overlapping or duplicative of any other variables used to rate an applicant to such a degree as to render their combined use actuarially unsound. Such results shall include the period of time for which each element from a credit report is used.

(e) A precise listing of all elements from a credit report that are used in scoring, and the formula used to compute the score, including the time period during which each element is used.

(f) An assessment by a qualified actuary, economist, or statistician (whether or not employed by the insurer) other than persons who contributed substantially to the development of the credit scoring methodology, concluding that there is a significant statistical correlation between the scores and frequency or severity of claims. The assessment shall:

1. Identify the person performing the assessment and show his or her educational and professional experience qualifications; and

2. Include a test of robustness of the model, showing that it performs within professionally accepted confidence levels, on a validation data set. The validation data set may not be the one from which the model was developed.

(g) The testing or validation results obtained in the course of the assessment in paragraphs (d) and (f) above.

(h) Internal insurer data that validates the premium differentials proposed based on the scores or ranges of scores.

1. Industry or countrywide data may be used to the extent that the Florida insurer data lacks credibility based upon generally accepted actuarial standards. Insurers using industry or countrywide data for validation shall supply Florida insurer data and demonstrate that generally accepted actuarial standards would allow reliance on each set of data to the extent the insurer has done so.

2. Validation data including claims on personal lines residential insurance policies that are the result of acts of God shall not be used unless such acts occurred prior to January 1, 2004.

3. The mere copying of another company's system will not fulfill the requirement to validate proposed premium differentials unless the filer has used a method or system for less than 3 years and demonstrates that it is not cost effective to retrospectively analyze its own data. Companies under common ownership, management, and control may copy to fulfill the requirement to validate proposed premium differentials if they demonstrate that the characteristics of the business to be written by the affiliate doing the copying are sufficiently similar to the affiliate being copied to presume common differentials will be accurate.

(i) The credibility standards and any judgmental adjustments, including limitations on effects, that have been used in the process of deriving premium differentials proposed and validated in paragraph (h) above.

(j) An explanation of how the credit scoring methodology treats discrepancies in the information that could have been obtained from different consumer reporting agencies: Equifax, Experian, or TransUnion. This shall not be construed to require insurers to obtain multiple reports for each insured or applicant.

(k)1. The date that each of the analyses, tests, and validations required in paragraphs (d) through (j) above was most recently performed, and a certification that the results continue to be applicable.

2. Any item not reviewed in the previous 5 years is unacceptable.

Specific Authority 624.308(1), 626.9741(8) FS. Law Implemented 624.307(1), 626.9741 FS. History--New

690-125.006 Unfair Discrimination in Use of Credit Reports and Credit Scores by Insurers.

(1) PURPOSE – This rule provides standards for the review and testing of Credit Scoring Methodologies that are subject to review and approval pursuant to Rule 690-125.005, F.A.C., to ensure that rates and premiums associated with the use of a credit report or score are not unfairly discriminatory, based on race, color, religion, marital status, age, gender, income, national origin or place of residence.

(2) Insurers using credit reports or scores must retain statistical detail as follows solely for the purpose of determining whether there is a disproportionate impact on the below described classifications. The insurer shall provide a statistically validated method of analysis as set forth in Rule 690-125.005, F.A.C., which demonstrates that the following enumerated subcategories are not disproportionately impacted by the credit scoring methodology used by the insurer:

(a) With regard to race:

1. Black or African American.
2. Asian (having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent).
3. American Indian or Alaska Native.
4. Native Hawaiian or Other Pacific Islander.
5. White (having origins in any of the original peoples of Europe, the Middle East, or North Africa) as these terms are defined by the October 30, 1997 Federal Register Notice entitled, "Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity" issued by the Office of Management and Budget (OMB).

(b) With regard to color or ethnicity:

1. Hispanic, Latino, or Spanish Origin.
2. Not Hispanic, Latino, or Spanish Origin as these terms are defined by the aforementioned Federal Register Notice.

(c) With regard to religion:

1. Persons professing a religious faith that prohibits or severely restricts the use of debt instruments that form the basis for a credit report or credit score as defined in Section 626.9741(2), F.S.

2. All other persons.

(d) With regard to marital status:

1. Married persons.
2. Persons never married.
3. Persons divorced.
4. Persons widowed.

(e) With regard to age:

1. under the age of 21.
2. between the ages of 21 and 30.
3. between the ages of 31 and 40.
4. between the ages of 41 and 50.
5. between the ages of 51 and 60.
6. between the ages of 61 and 70.
7. between the ages of 71 and 80.
8. age 81 or greater.

(f) With regard to gender:

1. Male.
2. Female.
3. Other (Androgynous, Hermaphroditic, Intersexual, or Transgender).

(g) With regard to income:

1. Households with total income equal to \$25,000 or less annually.
2. Households with total income between \$25,001 and \$50,000 annually.
3. Households with total income between \$50,001 and \$75,000 annually.
4. Households with total income between \$75,001 and \$100,000 annually.
5. Households with total income between \$100,001 and \$125,000 annually.
6. Households with total income between \$125,001 and \$150,000 annually.
7. Households with total income exceeding \$150,000 annually.

(h) With regard to national origin:

1. Persons born in the United States of America, its territories or possessions.
2. Persons born elsewhere.

(i) With regard to place of residence, the zip code of the insured as established by the United States Postal Service, using the first 5 digits only.

(3) Insurers may not use any credit scoring methodology that is unfairly discriminatory. The burden of demonstrating that the credit scoring methodology is not unfairly discriminatory is upon the insurer.

(4) “Unfairly discriminatory” means that adverse decisions resulting from the use of a credit scoring methodology disproportionately impact persons belonging to any of the enumerated subcategories of the classes set forth in Section 626.9741(8)(c), F.S., as described in subsection (2) above.

(5) “Disproportionate Impact” means that the percentage of the insured population in one or more enumerated subcategory differs significantly from the percentage of premium that is to be paid by persons in that subcategory as a result of the use of credit reports or credit scores in underwriting or rating. A statistically validated test of the significance of the differences in premium percentage versus population percentage shall be submitted. If the probability that the differences shown is due to chance is 10% or less then the proposed use of credit reports or scores will have been shown to have a disproportionate impact with respect to that class of persons.

(6) Any insurer desiring to use any credit scoring methodology must file complete documentation of a professionally validated method of statistical analysis of the methodology with respect to disproportionate impact on any of the enumerated subcategories of the classes set forth in Section 626.9741(8)(c), F.S., as described in subsection (2) above. Statistical analysis shall be performed on the current insureds of the insurer using the proposed credit scoring methodology, and shall include the raw data and detailed results on each classification set forth in Section 626.9741(8)(c), F.S.

Specific Authority 624.308(1), 626.9741(8) FS. Law Implemented 624.307(1), 626.9741 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Michael Milnes, Property and Casualty Product Review, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Belinda Miller, Deputy Commissioner, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 12, 2007

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 31, 2003 and February 27, 2004

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE NO.: 5B-63.001 RULE TITLE: Citrus Health Response Program

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 48, December 1, 2006, and in a previous Notice of Change published in Vol. 33, No. 22, June 1, 2007 issues of the Florida Administrative Weekly. This change is to move *Murraya paniculata* (orange-jasmine) from paragraph 5B-63.001(5)(b), F.A.C. Hosts of Asian citrus psyllid only to paragraph (a) Hosts of citrus greening. This is necessary since testing by University of Florida scientists has shown that *Murraya paniculata* (orange-jasmine) is a host of citrus greening and needs to be included in the host list and regulated as such. When adopted, the rule will read as follows.

5B-63.001 Citrus Health Response Program.

(1) Definitions. For the purpose of this rule, the definitions in Section 581.011, Florida Statutes, and the following definitions shall apply:

(a) Approved decontaminants. Products capable of decontaminating equipment and personnel of citrus canker or other diseases that have been verified effective by the Department.

(b) Asian citrus psyllid. The insect known as the Asian citrus psyllid, *Diaphorina citri*, classified in the order Homoptera, Family Psyllidae, and all of its life stages.

(c) Citrus. All members and any hybrids of the family Rutaceae including any plants, plant parts, fruits, seeds and any other parts thereof.

(d) Citrus canker. A bacterial disease of citrus incited by the organism *Xanthomonas axonopodis* pv. *citri*, (formerly known as *Xanthomonas campestris* pv. *citri*), Asian strain.

(e) Citrus greening. A phloem-limited bacterial disease of citrus and citrus relatives incited by the organism *Candidatus Liberibacter asiaticus*, or huanglongbing (also known as yellow dragon disease or yellow shoot disease).

(f) Commercial citrus grove. A solid set planting of 40 or more citrus trees.

(g) Exposed. Determined by the department to likely harbor citrus canker bacteria but not expressing visible symptoms, or determined by the department to likely harbor citrus greening bacteria because of proximity to infected plants or infected psyllids.

(h) Foundation tree. A citrus tree owned and maintained by the department in accordance with Rule 5B-62.014, F.A.C. that is used for horticultural evaluation and to provide a source of budwood to nurseries, primarily for establishing scion and increase trees.

(i) Infected. Citrus trees harboring citrus canker bacteria and exhibiting visible symptoms of the disease or harboring citrus greening bacteria as confirmed by laboratory diagnostic tests conducted in laboratories approved by the department or the USDA.

(j) Regulated articles. Any article capable of transporting or harboring citrus canker, citrus greening or Asian citrus psyllid.

(2) Purpose. This rule is enacted to manage the impact of citrus canker and citrus greening in commercial citrus groves. To accomplish that purpose, this rule declares citrus canker, citrus greening and the Asian citrus psyllid to be plant pests and nuisances, sets forth procedures for establishing quarantine areas, identifies regulated articles, sets forth procedures for decontaminating regulated articles, and regulates the movement of citrus nursery stock from areas quarantined for citrus greening.

(3) Declaration of citrus canker, citrus greening and Asian citrus psyllid as plant pests. Pursuant to Section 581.031(6), Florida Statutes, citrus canker, citrus greening and Asian citrus psyllid are declared to be plant pests and nuisances capable of causing serious damage to citrus.

(4) Quarantine areas.

(a) Broward County, Martin County, Miami-Dade County, Monroe County, and Palm Beach County, in their entirety are declared quarantined because of the presence of citrus greening disease.

(b) Other areas around a site where an infestation of citrus greening is known to occur will also be quarantined. The geographical boundaries of the quarantine area will be based on the potential of citrus greening being present and will encompass an area around a citrus greening infected site of approximately six square miles. Affected businesses or residents will be notified in writing unless too numerous to contact individually. In those cases, the quarantine area will be published in a major newspaper of general distribution in each area affected and through other appropriate media.

(c) The entire state of Florida is under a federal quarantine for citrus canker.

(5) Hosts of citrus greening and hosts of Asian citrus psyllid listed below are regulated articles and will be subject to the provisions of this rule.

(a) Hosts of citrus greening.

1. *Aeglopsis chevalieri* (Chevalier's aeglopsis)
2. *Balsamocitrus dawei* (Uganda powder-flask)
3. *Calodendrum capensis* Thunb. (Cape chestnut)
4. X *Citrofortunella microcarpa* (calamondin)
5. X *Citroncirus webberi* (citrange)
6. *Citrus* spp. (orange, grapefruit, tangerine, etc.)
7. *Clausena indica* (clausena)
8. *Clausena lansium* (wampee, wampi)
9. *Fortunella* spp. (kumquat)
10. *Limonia acidissima* (Indian wood-apple)
11. *Microcitrus australasica* (finger-lime)
12. *Murraya koenigii* (curry-leaf)
13. *Murraya paniculata* (orange-jasmine)

14. *Poncirus trifoliata* (trifoliolate orange)
15. *Severinia buxifolia* (Chinese box-orange)
16. *Swinglea glutinosa* (tabog)
17. *Toddalia lanceolata* (toddalia)
18. *Triphasia trifolia* (trifoliolate lime-berry)
- (b) Hosts of Asian citrus psyllid only
1. *Aegle marmelos* (bael, Bengal quince)
2. *Afraegle gabonensis* (Gabon powder-flask)
3. *Afraegle paniculata* (Nigerian powder-flask)
4. *Atalantia* sp. (atalantia)
5. *Citropsis gilletiana* (Gillet's cherry-orange)
6. *Citropsis schweinfurthii* (African cherry-orange)
7. *Clausena anisum-olens* (anis)
8. *Clausena excavata* (clausena)
9. *Eremocitrus glauca* (Australian desert-lime)
10. *Eremocitrus hybrid* (desert-lime)
11. *Merrillia caloxylon* (flowering merrillia)
12. *Microcitrus australis* (Australian round-lime)
13. *Microcitrus papuana* (desert-lime)
14. X *Microcitronella* 'Sydney' (faustrimedon)
15. *Naringi crenulata* (naringi)
16. *Pamburus missionis* (pamburus)
17. *Toddalia asiatica* (orange-climber)
18. *Vepris lanceolata* (white ironwood)
19. *Zanthoxylum fagara* (wild-lime)

(c) Hosts of citrus canker. All species of citrus in the subfamily Aurantioideae.

(6) Movement of regulated articles from or through a quarantine area.

(a) The movement or planting of citrus greening host plants as listed in paragraph (5)(a) from or within a citrus greening quarantine area is prohibited unless produced in compliance with Rule Chapter 5B-62, Florida Administrative Code.

(b) The movement of Asian citrus psyllid host plants that are not also hosts of citrus greening from a citrus greening quarantine area is prohibited unless treated under the supervision of the department and accompanied by an Asian citrus psyllid certificate (Temporary Certificate Of Inspection For Citrus Psyllid, DACS-08376, effective 10/05, and incorporated in this rule by reference.) and provided they are not destined to a commercial citrus producing area outside of Florida. A copy of Temporary Certificate Of Inspection For Citrus Psyllid, DACS-08376, effective 10/05, may be obtained from the Citrus Health Response Program, 3027 Lake Alfred Road, Winter Haven, Florida 33881.

(c) The movement of citrus fruit from a citrus canker quarantine area is governed by USDA regulations contained in 7 CFR 301.75. There are no restrictions on citrus fruit movement from citrus greening quarantine areas.

(7) Regulated Areas. A regulated area, not to exceed a radius of one mile is hereby established around the perimeter of commercial citrus nurseries constructed on sites after April 1, 2006. A regulated area, not to exceed a radius of ten miles is hereby established around the perimeter of all sites on which foundation trees are maintained. The planting of citrus in these regulated areas is prohibited. Citrus plants within a regulated area that were planted prior to the establishment of the regulated area may remain unless they are determined to be infected or infested with citrus canker or citrus greening. The department shall require the removal of infected or infested citrus, or citrus planted or citrus sprouted by natural means after the establishment of regulated areas. The property owner shall be responsible for the removal of such citrus. Notice of the removal of citrus trees, by immediate final order, shall be provided to the owner of the property on which such trees are located. An immediate final order issued by the department pursuant to this section shall notify the property owner that the citrus trees that are the subject of the immediate final order must be removed and destroyed unless the property owner, no later than 10 days after delivery of the immediate final order requests and obtains a stay of the immediate final order from the district court of appeal with jurisdiction to review such requests. The property owner shall not be required to seek a stay of the immediate final order by the department prior to seeking the stay from the district court of appeal.

(8) All citrus grove owners or caretakers, harvesters, haulers, packers, and processors must sign compliance agreements:

(a) Citrus Grower/Caretaker Compliance Agreement, DACS-08316, effective 2/07, and incorporated into this rule by reference. A copy of Citrus Grower/Caretaker Compliance Agreement, DACS-08316, effective 2/07, may be obtained from the Citrus Health Response Program, 3027 Lake Alfred Road, Winter Haven, Florida 33881.

(b) Processor Compliance Agreement, DACS-08356, effective 2/07, and incorporated into this rule by reference. A copy of Processor Compliance Agreement, DACS-08356, effective 2/07, may be obtained from the Citrus Health Response Program, 3027 Lake Alfred Road, Winter Haven, Florida 33881.

(c) Packinghouse Compliance Agreement, DACS-08358, effective 2/07, and incorporated into this rule by reference. A copy of Packinghouse Compliance Agreement, DACS-08358, effective 2/07, may be obtained from the Citrus Health Response Program, 3027 Lake Alfred Road, Winter Haven, Florida 33881.

(d) Harvester/Handler Compliance Agreement, DACS-08359, effective 2/07, and incorporated into this rule by reference. A copy of Harvester/Handler Compliance Agreement, DACS-08359, effective 2/07, may be obtained from the Citrus Health Response Program, 3027 Lake Alfred

Road, Winter Haven, Florida 33881. Fruit may not be harvested from a grove if a valid compliance agreement is not in place.

(e) Schedule 10, Information Resources, effective 6/06, and incorporated into this rule by reference. A copy of Schedule 10, Information Resources, effective 6/06, may be obtained from the Citrus Health Response Program, 3027 Lake Alfred Road, Winter Haven, Florida 33881.

(f) Schedule 11, Approved Decontamination Products and Methods, effective 1/07, and incorporated into this rule by reference. A copy of Schedule 11, Approved Decontamination Products and Methods, effective 1/07, may be obtained from the Citrus Health Response Program, 3027 Lake Alfred Road, Winter Haven, Florida 33881.

(9) Decontamination requirements. All harvesters, intermediate handlers, grove owners or caretakers, packers, and processors must decontaminate equipment, personnel, and regulated articles in accordance with applicable compliance agreements listed in subsection (8), and have approved decontaminants, on site at all times when in a citrus grove. Approved decontaminants are listed in the Schedule 11 attachment of compliance agreements listed in subsection (8).

(10) All non-production people entering commercial citrus groves must decontaminate equipment, personnel and regulated articles if contact with citrus does occur.

(11) Citrus grove surveys. In addition to the routine inspection of citrus groves by the department, citrus grove owners or caretakers should conduct a self-inspection of their groves every 60 days. If citrus canker or citrus greening is found, the department must be notified immediately. Failure to notify the department of citrus canker or citrus greening is a violation of Section 581.091, F.S. and this rule and is subject to penalties in accordance with Section 581.211, F.S.

(12) The Citrus Health Response Plan, effective date 6/30/06, and incorporated into this rule by reference, is hereby adopted by this rule.

Specific Authority 570.07(21), (23), 581.031(1), (4), (5), 581.091(1), 581.101(1), 581.184 FS. Law Implemented 570.07(2), (13), (21), 581.031(6), (7), (9), (15), (17), 581.083, 581.101, 581.131, 581.141, 581.184, 581.211 FS.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:
59G-6.010

RULE TITLE:
Payment Methodology for Nursing Home Services

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 13, March 30, 2007 issue of the Florida Administrative Weekly.

The Title XIX Long-Term Care Reimbursement Plan, Version XXXI, has been amended as follows:

1. Section IV.I and V.B.7 – The Florida Title XIX Long-Term Care Reimbursement Plan has been amended to specify that, in compliance with the Division of Administrative Hearings Case No. 06-3489RX, effective April 25, 2007, the low occupancy adjustment is no longer applicable.

2. Section III. D. – the reference to the Nursing Facilities Limitations Handbook has been corrected to reference the Nursing Facility Services Coverage and Limitations Handbook.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: 61C-4.0161 RULE TITLE: Mobile Food Dispensing Vehicles and Theme Park Food Carts

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 18, May 4, 2007 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: 61D-11.019 RULE TITLE: Internal Control System

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 48, December 1, 2006 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: 64B4-11.007 RULE TITLE: Definition of "Licensed Clinical Social Worker, or the Equivalent, Who Is a Qualified Supervisor"

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. 33, No. 15, April 13, 2007 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee in a letter dated May 7, 2007. The changes are as follows:

The Rule Text shall read as follows:

64B4-11.007 Definition of "Licensed Clinical Social Worker, or the Equivalent, Who Is a Qualified Supervisor."

(1) through (3) No change.

~~(4) Any licensee who has had his or her clinical social work, marriage and family therapy, or mental health counseling license, or any other license to practice psychotherapy, disciplined by any jurisdiction within the last ten (10) years shall not be eligible to serve as a qualified supervisor.~~

Specific Authority 491.004(5), ~~491.005(1)(e)~~ FS. Law Implemented

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: 64B4-21.007 RULE TITLE: Definition of "a Licensed Marriage and Family Therapist with at Least Five Years Experience or the Equivalent, Who Is a Qualified Supervisor"

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. 33, No. 15, April 13, 2007 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee in a letter dated May 7, 2007. The changes are as follows:

The Rule Text shall read as follows:

64B4-21.007 Definition of "a Licensed Marriage and Family Therapist with at Least Five Years Experience or the Equivalent, Who Is a Qualified Supervisor."

(1) through (3) No change.

~~(4) Any licensee who has had his or her clinical social work, marriage and family therapy, or mental health counseling license, or any other license to practice~~

~~psychotherapy, disciplined by any jurisdiction within the last ten (10) years shall not be eligible to serve as a qualified supervisor.~~

Specific Authority ~~491.005(6)~~ ~~491.003(3)~~, ~~491.00531(e)~~ FS. Law Implemented

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.:	RULE TITLE:
64B4-31.007	Definition of a "Licensed Mental Health Counselor, or the Equivalent, Who Is a Qualified Supervisor"

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. 33, No. 15, April 13, 2007 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee in a letter dated May 7, 2007. The changes are as follows:

The Rule Text shall read as follows:

64B4-31.007 Definition of "a Licensed Mental Health Counselor, or the Equivalent, Who Is a Qualified Supervisor."

(1) through (3) No change.

~~(4) Any licensee who has had his or her clinical social work, marriage and family therapy, or mental health counseling license, or any other license to practice psychotherapy, disciplined by any jurisdiction within the last ten (10) years shall not be eligible to serve as a qualified supervisor.~~

Specific Authority 491.004(5), ~~491.005(4)(e)~~ FS. Law Implemented

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.:	RULE TITLE:
64B9-15.009	Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

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. 32, No. 20, May 19, 2006 issue of the Florida Administrative Weekly.

These changes were approved by the Board on October 12, 2007 and were made to address concerns raised by the Joint Administrative Procedure Committee. The changes are as follows:

The proposed new subsections (8) and (9) shall be deleted.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.:	RULE TITLE:
64B15-9.007	Forms and Instructions

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 47, November 22, 2006 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

RULE NOS.:	RULE TITLES:
65G-1.010	Definitions
65G-1.046	Crisis Determination Procedure
65G-1.047	Crisis Status Criteria

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. 33, No. 25, June 22, 2007 issue of the Florida Administrative Weekly.

65G-1.010 Definitions.

In this chapter, terms and phrases shall have the meanings defined in Chapter 393, F.S., or this section.

(1) "Area Office" is the local office responsible for managing one of the Agency's 14 service areas.

(2) "Central Office" is the Agency's headquarters located at 4030 Esplanade Way, Suite 380, Tallahassee, FL, 32399-0950; main phone number (850)488-4257.

(3) "Crisis enrollment" is expedited enrollment on an Agency-operated Medicaid waiver regardless of an applicant's date of application for the waiver or placement on the Agency's waitlist.

(4) "Handbook" is the Florida Medicaid Developmental Disabilities Waiver Services Coverage and Limitations Handbook, October 2003, incorporated by reference in Agency

for Health Care Administration (AHCA) subsection 59G-13.080(12), F.A.C. The Handbook is available at: <http://floridamedicaid.acs-inc.com/index.jsp>.

(5) "Protective Services" means the program in the Department of Children and Family Services that responds to reports made to the department's central abuse hotline alleging abuse, abandonment, neglect, or exploitation, pursuant to Chapter 39 or 415, F.S.

(6) "Wait list" is the list maintained by the Central Office of persons requesting and waiting for waiver services.

(7) "Waiver" is a Home and Community-Based Services (HCBS) waiver authorized by 42 U.S.C. 1396n(c) of the federal Social Security Act and s. 409.906, F.S., that provides a package of Medicaid-funded home and community-based supports and services to eligible persons with developmental disabilities who live at home or in a home-like setting. The Agency currently operates two HCBS waivers:

(a) The Developmental Disabilities Home and Community-Based Services (DD) waiver that provides home and community-based supports and services without a dollar cap to eligible persons with developmental disabilities who are able to live at home or in a home-like setting; and

(b) The Family and Supported Living (FSL) waiver that provides limited home and community-based supports and services with an annual dollar cap to eligible persons with developmental disabilities who are able to live in their own home or family home.

Specific Authority 393.501(1), 393.065 FS. Law Implemented 393.065 FS. History—New _____.

65G-1.046 Crisis Determination Procedure.

(1) Subject to funding availability, the Agency will accept oral or written requests for crisis enrollment in a HCBS waiver by the applicant or the applicant's family, guardian, guardian advocate, or support coordinator.

(2) The applicant or applicant's representative shall request crisis enrollment through the Area Office in the service area where the applicant resides. The Agency may not enroll an applicant on the waiver unless the Agency has determined that the applicant has a developmental disability, as defined at Section 393.063(9), F.S., and also meets the following waiver eligibility requirements listed in the Handbook, Chapter 2 "Requirements to Receive Services":

(a) The recipient's intelligence quotient (IQ) is 59 or less; or

(b) The recipient's IQ is 60-69 inclusive and the recipient has a secondary handicapping condition that includes:

1. Cerebral palsy, spina bifida, Prader-Willi syndrome, epilepsy, autism, or

2. Ambulation, sensory, chronic health, and behavioral problems;

(c) The recipient's IQ is 60-69 inclusive and the recipient has severe functional limitations in at least three of the following major life activities:

1. Self-care.

2. Learning.

3. Mobility.

4. Self-direction.

5. Understanding and use of language.

6. Capacity for independent living; or

(d) The recipient is eligible under a primary disability of autism, cerebral palsy, spina bifida, or Prader-Willi syndrome and the condition results in substantial functional limitations in three or more major life activities listed at paragraph (c), above.

(3) The Area Office will collect pertinent information and supporting documentation relevant to a crisis determination and conduct a preliminary assessment based on the crisis status criteria specified in Rule 65G-1.047, F.A.C.

(a) If the Area Office concludes that the applicant does not meet crisis status or that the services needed are available from other agencies or programs or covered by other third-party payors, the Area Office will deny the crisis enrollment request and provide written notification of the denial to the applicant or applicant's representative.

(b) If the Area Office concludes that the applicant may meet crisis status and does not have access to insurance, other agencies or programs for needed services, or concludes that programs in which the applicant is participating cannot meet the applicant's service needs, the Area Office will submit its initial assessment and supporting documentation to the Central Office for review and final determination of whether the applicant meets crisis status. The applicant or the applicant's representative may, upon request, review the initial assessment and supporting documentation to ensure that all necessary information is included.

(4) The Central Office will notify the Area Offices of deadlines for submission of crisis enrollment requests to the Central Office for periodic review. Following review of the submissions, the Central Office will notify the Area Office whether it has approved or denied each submission. The Area Office is responsible for notifying the applicant or applicant's representative of the Central Office's final crisis determination.

(a) APPROVAL.

1. If funding is available and the applicant is approved for crisis enrollment, the applicant will be offered placement on the FSL waiver, unless that waiver cannot reasonably meet the applicant's specific service needs for addressing the crisis. In such instances, the person will be offered placement on the DD waiver. In determining the appropriate waiver placement, the Central Office will consider the availability of services necessary to resolve the crisis situation that are not provided under the FSL waiver, including the need for residential habilitation services, nursing services beyond the coverage provided through the Medicaid State Plan, or placement in a residential facility.

2. After the Central Office determines the appropriate waiver placement, the Area Office will provide written notice of placement to the applicant or applicant's representative. If the applicant is not already a client of the Agency or is not already on the waitlist, the Agency will provide a full determination of the applicant's eligibility for services within 45 days of the crisis eligibility determination, as provided in Section 393.065(2), F.S. Eligibility for Medicaid waiver services is contingent upon eligibility for the state Medicaid services, such as Supplemental Security Income (SSI), MEDS-AD, or TANF provided by the Department of Children and Families, as required by the Handbook, Chapter 2, "Requirements to Receive Services." If the applicant is not enrolled in a state Medicaid program, the Area Office will refer the applicant to the local Department of Children and Families for submission of a Request for Assistance (RFA). If the applicant is deemed eligible for state Medicaid, the Area Office will complete the waiver enrollment. If the applicant is not Medicaid-eligible, the Area office will rescind the approval for crisis enrollment on the Medicaid waiver.

(b) DENIAL. The Area Office will notify the applicant or applicant's representative in writing of a denial of crisis enrollment. If the Agency denied the application based on lack of documentation and additional documentation becomes available, or a change in the applicant's situation may affect the applicant's status for crisis determination, the applicant may reapply to the Area Office for crisis consideration.

Specific Authority 393.501(1), 393.065 FS. Law Implemented 393.065 FS. History—New _____.

65G-1.047 Crisis Status Criteria.

(1) Individuals determined to be in crisis will be prioritized for available waiver placements in order of the severity of crisis, with the severity determined by risk to the health, safety, and welfare of each applicant relative to that of the other applicants, as indicated by the applicable criteria for each crisis category met by the applicant.

(2) If several crises status applicants fall within the same crisis category, they will be prioritized within that category by consideration of the intensity of services needed.

"Intensity of services needed" prioritizes the following service needs in intensity from greatest to least:

(a) Residential placement with need of residential habilitation, nursing, or behavioral services, including supported living with required supports;

(b) Residential placement without need of residential habilitation, nursing, or behavioral services, including supported living with some supports;

(c) Behavioral intervention services;

(d) Other therapies to avoid or reduce disability;

(e) Meaningful day activity needs;

(f) Durable medical equipment needs;

(g) Environmental accessibility adaptations;

(h) Consumable medical supplies.

(3) If an applicant falls within more than one category of crises, the applicant will be considered within the higher priority of crisis category. After prioritization based on crisis category and intensity of services, applicants will be further prioritized if necessary based on the chronological order of crisis determination, with the earlier dates of determination having higher priority.

(4) "First priority" crisis category: The applicant is currently homeless, living in a homeless shelter, or living with relatives in an unsafe environment. In such cases, the following indicia, supported by credible evidence, are relevant to a crisis determination in this category:

(a) Without immediate provision of waiver services, the health and safety of the applicant are at risk;

(b) The applicant has no shelter available and needs emergency placement by the Agency or another state agency;

(c) Alternative funding is not available for other placement and services to the applicant;

(d) The applicant temporarily is staying with friends or relatives but residence is not expected to last more than several weeks;

(e) The applicant's caregiver has no legal obligation to provide shelter to the applicant and the caregiver's commitment to shelter the applicant is low;

(f) Factors affecting the applicant's safety in the current setting include risk of physical abuse of the applicant or risk of insufficient supervision and support;

(g) The home has insufficient room to shelter the applicant, or the applicant must share a room in an inappropriate living arrangement, based on the ages, genders, and conditions of the persons sharing the room;

(h) The applicant's desire for placement creates a reasonable expectation that the applicant will be cooperative with placement;

(i) Violence or illegal activities within the applicant's current living environment by the applicant or others has required the intervention of local or state law enforcement authorities;

(j) Complaints of neglect, exploitation, or abuse of the applicant to Protective Services, or other adverse environmental conditions affecting the applicant, have been investigated and confirmed pursuant to Chapter 39, Part II, or Section 415.104, F.S.;

(k) The applicant requires services of greater intensity.

(5) "Second priority" crisis category: The applicant exhibits behaviors that, without provision of immediate waiver services, may create a life-threatening situation for the applicant or others, or that may result in bodily harm to the applicant or others requiring emergency medical care from a physician. In such cases, the following indicia supported by credible evidence are relevant to a determination of crisis under this category:

(a) Without immediate waiver services, the health and safety of the applicant or others in the household is at risk;

(b) The applicant's injury to self or others is frequent or intense;

(c) The applicant or others are at risk for serious injury or permanent damage;

(d) There is documentation of medical treatment for the applicant's injury to self or others;

(e) No other supports are available to address the applicant's behaviors;

(f) Other attempted behavioral assessments and interventions have proven ineffective;

(g) The relative ages, sexes, and sizes of the aggressor and the subjects of aggression place the subjects of aggression at risk of injury;

(h) The caregiver has insufficient ability to control the applicant;

(i) The ages or disabilities of the applicant or caregiver exacerbate the problems;

(j) Violence or illegal activity within the applicant's current living environment by the applicant or others has required the intervention of local or state law enforcement authorities;

(k) Complaints of neglect, exploitation, or abuse of the applicant, or other adverse environmental conditions affecting the applicant have been investigated by Protective Services and confirmed pursuant to Chapter 39, Part II, or Section 415.104, F.S.;

(l) The applicant requires services of greater intensity.

(6) "Third priority" crisis category: The applicant's current caregiver is in extreme duress and is no longer able to provide for the applicant's health and safety because of illness, injury, or advanced age. The applicant needs immediate waiver services to remain living with the caregiver or to relocate to an alternative living arrangement. In such cases, the following indicia, supported by credible evidence, are relevant to a determination of crisis in this category:

(a) Without immediate provision of waiver services, the applicant's health and safety are at imminent risk;

(c) Other potential caregivers, such as another parent, stepparent, brother, sister or other relative or person, are unavailable or are unwilling or unable to provide care;

(d) The caregiver's physical or mental condition prevents the provision of adequate care;

(e) The caregiver is deceased, about to expire, or permanently disabled;

(f) The caregiver's age impairs the caregiver's ability to provide sufficient care to the applicant;

(g) The caregiver cannot provide sufficient care because of the age or size of the applicant, or the physical, functional, or behavioral demands of the applicant;

(h) The services provided by the caregiver are limited in amount, duration, or frequency, rendering the applicant semi-dependent or totally dependent;

(i) The caregiver's economic situation is unstable and unlikely to improve as a result of the care-giving demands of the applicant;

(j) The caregiver's obligations to the needs of other dependents prevent the caregiver from providing the applicant with adequate care, or the caregiver's obligation of care to the applicant places other dependents at risk of insufficient care;

(k) Violence or illegal activities within the applicant's current living environment by the applicant or others has required intervention by local or state law enforcement authorities;

(l) Complaints of neglect, exploitation, or abuse of the applicant, or other adverse environmental conditions affecting the applicant have been investigated by Protective Services and confirmed pursuant to Chapter 39, Part II, or Section 415.104, F.S.;

(m) The individual requires services of greater intensity.

Specific Authority 393.501(1), 393.065 FS. Law Implemented 393.065 FS. History—New _____.

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker's Compensation

RULE NO.:	RULE TITLE:
69L-7.501	Florida Workers' Compensation Reimbursement Manual for Hospitals

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. 33, No. 3, January 19, 2007 issue of the Florida Administrative Weekly.

These changes are based on the record of a public hearing and written submissions and are being made to reflect a settlement agreement between Petitioners in rule challenge litigation and the Department of Financial Services, Respondent, as authorized by the Three-Member Panel pursuant to Section 440.13(12), F.S., at its meeting on June 14, 2007. The changes occur within the sections of the Florida Workers' Compensation Reimbursement Manual for Hospitals, 2006 Edition, adopted and incorporated by reference as part of this rule, as follows:

- Table of Contents
- No change.
- Section I: Introduction and Purpose of Manual
- No change.
- Section II: Reimbursement for Federal and Out-of-State-Hospitals
- No change.
- Section III: Publications Incorporated by Reference

No change.

Section IV: Billing

No change.

Section V: Authorization

No change.

Section VI: Per-Certification of Estimated Length of Stay

No change.

Section VII: Medical Record Maintenance, Release and Copy Charges

No change.

Section VIII: Inpatient Reimbursement and Per Diem Schedule

A. Reported Charges.

No change.

B. Charges for Surgical Implant(s).

All hospitals shall report surgical implant charges according to the National Uniform Billing Committee Official UB-04 Data Specification Manual (National Uniform Billing Manual). For purposes of reimbursement under this Manual, surgical implant charges are those charges identified on the hospital billing form under Revenue Code 278. Reimbursement for surgical implants billed under Revenue Code 278. Surgical implant charges are those charges identified on the hospital billing form under the designated Revenue Code for implants. Reimbursement for surgical implants, when charged for inpatient hospital services and supplies, shall be determined separately pursuant to Section IX of this Manual.

C. through D. No change.

E. Stop-Loss Reimbursement.

If the Total Gross Charges After Implant Carve-Out exceeds \$51,400.00, the hospital shall be reimbursed seventy-five percent (75%) of the Total Gross Charges After Implant Carve-Out, except as otherwise provided in this Manual.

Subject to any minimum partial payments required by Section XI herein, (The insurer shall deny, disallow, or adjust payment for charges included in the Total Gross Charges After Implant Carve-Out that do not correspond to the hospital's Charge Master or are for undocumented or medically unnecessary services or supplies as determined in accordance with Sections XI and XII of this Manual. If any downward adjustment of the Total Gross Charges After Implant Carve-Out, pursuant to Sections XI and XII of this Manual, reduces the Total Gross Charges After Implant Carve-Out to \$51,400.00 or less, reimbursement for the Total Gross Charges After Implant Carve-Out shall be pursuant to the applicable Per Diem Schedule.

Section IX: Surgical Implants

A. Cost Formula.

Requests for reimbursement for surgical implant(s) (also referred to as "implantables" by the ~~National Florida Hospital Association~~ Uniform Billing Manual) required during inpatient hospitalization billed under Revenue Code 278 shall not

exceed sixty percent shall be fifty percent (50%) over the acquisition invoice cost(s) for the implant(s). Reimbursement for the associated disposable instrumentation required for the implantation of the surgical implant shall be twenty percent (20%) over the acquisition invoice cost, if the associated disposable instrumentation is received with the surgical implant and included on the acquisition invoice. Reimbursement of shipping and handling shall be at cost, if included on the acquisition invoice. This formula shall apply regardless of the amount of the charges reported by the billing hospital on the hospital billing form pursuant to Rule 69L-7.602, F.A.C.

When determining the acquisition invoice cost of the surgical implant(s), the hospital shall subtract any and all price reductions, offsets, discounts, adjustments and/or refunds which accrue to or are factored into the final net cost to the hospital, only if they appear on the acquisition invoice, before increasing the invoice amount by the percentage factors described above. The shipping and handling shall be added after increasing the acquisition invoice amount by the percentage factors above.

Reimbursement pursuant to this Section for surgical implant(s) and associated disposable instrumentation shall be in addition to reimbursement of the Total Gross Charges After Implant Carve-Out pursuant to Section VII of this Manual.

B. Billing and Identification of Surgical Implant Charges.

Hospitals shall identify charges for surgical implant(s) and associated disposable instrumentation on the hospital billing form in the required Form Locator by using the designated revenue code in accordance and in compliance with the guidelines and definition of "Implantables" and "Examples of Other Implants (not all-inclusive)" provided in the ~~National Florida Hospital Association~~ Uniform Billing Manual Incorporated by reference into Rule 69L-7.602, F.A.C.

C. Request for Reimbursement.

No change.

D. Certification of Implant Amount for Reimbursement.

Certification on a bill that the aggregate amount requested for reimbursement for the surgical implant(s) billed under Revenue Code 278 does not exceed in aggregate sixty percent (60%) over the acquisition costs as specified in Section IX: A. may be submitted as follows. Certification that the amount requested for reimbursement for the surgical implant(s) and associated disposable instrumentation has been determined in accordance with this Section may be submitted as follows:

1. through 3. No change.

E. Verification of Surgical Implant Costs and Charges.

The hospital's certification of amounts requested for reimbursement pursuant to this Section, whether written, by prior agreement or electronically via the electronic hospital billing format, and the hospital's compliance with billing and revenue code specifications in accordance with the ~~National FHA~~ Uniform Billing Manual incorporated by reference into

Rule 69L-7.602, F.A.C., shall be subject to verification through audit and medical record review pursuant to Section XII of this Manual.

Upon request by either the Division, Agency or a carrier, or its designee, to conduct an audit or medical record review under this Section, the hospital shall produce a copy to the requester, subject to the provisions of Section XII of this Manual, or make the original documents available for on-site review, or elsewhere by mutual agreement, such medical record(s) and surgical implant invoice purchasing documentation as requested within thirty (30) days of the request.

Neither a request nor completion of an audit pursuant to this Section shall toll the time frame for petitioning the Agency for resolution of a reimbursement dispute pursuant to Section 440.13(7), F.S.

Nothing in this Manual is intended to create, alter, diminish, or negate any protections regarding the confidentiality of any cost information produced during the course of such an audit.

Section X: Outpatient Reimbursement

A. Reimbursement Amount.

No change.

B. Scheduled Surgery.

Hospital charges for scheduled outpatient surgery shall be reimbursed sixty ~~60~~ percent (60%) of usual and customary charges and shall include all charges for radiology and clinical laboratory services when performed no more than three days prior to the date such surgery is performed ~~on the same date as the surgery.~~

Hospitals shall make written entry on the hospital billing form to identify whether an outpatient surgery was scheduled or unscheduled, in accordance with Rule 69L-7.602, F.A.C.

Determination of whether outpatient services were surgical or non-surgical shall be pursuant to the CPT® code(s) reported by the hospital on the hospital billing form pursuant to Rule 69L-7.602, F.A.C.

Reimbursement as a surgical procedure applies if the CPT® code reported on the hospital billing form is within the range of 10021-69990, except when the surgical procedure code within the range 10021-69990 is performed for venipuncture or to administer parenteral medication(s), in conjunction with an invasive medical therapeutic or diagnostic procedure such as that requiring placement of a cannula or catheter, or in conjunction with an invasive radiology or laboratory service that includes injection of diagnostic or therapeutic substance(s), with or without contrast media. For the purpose of determining reimbursement, surgical procedure

codes subject to the preceding exceptions shall be considered non-surgical services and subject to the reimbursement provision in A above.

Reimbursement for a scheduled outpatient surgery that results in the admission of the injured employee to the hospital within 24 hours of the scheduled outpatient surgery shall be subject to the reimbursement provisions of Section VII of this manual.

C. through E. No change.

Section XI: Disallowed, Denied and Disputed Charges

No change.

Section XII: Hospital Charge Master and Medical Record Review or Audit

No change.

Appendix A: Definitions

No change.

Appendix B: Rule 69L-7.501, Florida Administrative Code

No change.

The remainder of the reads as previously published.

Section IV Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER07-40	RULE TITLE: Code of Ethics for Non-Reporting Individuals and Non-Procurement Employees
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SUMMARY: This emergency rule sets forth the ethics rules governing non-reporting individuals and non-procurement employees of the Florida Lottery.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER07-40 Code of Ethics for Non-Reporting Individuals and Non-Procurement Employees.

(1) All employees of the Florida Lottery are subject to the provisions of Chapter 112, Part III, Fla. Stat., Chapter 24, Fla. Stat., and rules promulgated thereunder. Where there are differences between this rule and the statute, the stricter provisions will apply.

(2) Definitions.

For purposes of this rule,

(a) "Employee" means any person employed by the Florida Lottery, including an OPS employee, who is not a reporting individual or procurement employee, as those terms are defined below.

(b) "Gift" means anything accepted by a person or on that person's behalf, whether directly or indirectly, for that person's benefit and for which no payment is made, and can include: real property or the use thereof; tangible or intangible personal property or the use thereof; preferential rate or terms on a transaction not available to others similarly situated; forgiveness of a debt; transportation, lodging or parking; food or beverage; dues, fees and tickets; plants and flowers; personal services for which a fee is normally charged; or any other thing or service having an attributable value.

(c) "Gift" does not include:

1. Salary, benefits, services, fees, commissions, gifts or expenses associated primarily with the donee's employment, business, or service as an officer or director of a corporation or organization; or

2. Contributions reported pursuant to Chapter 106, F.S., campaign-related personal services provided by individuals volunteering their time, or any other contribution or expenditure by a political party; or

3. An honorarium or expense related to an honorarium event paid to a person or the person's spouse by someone other than a lobbyist or principal of a lobbyist; or

4. An award, plaque, certificate or similar personalized item given in recognition of the donee's public, civic, charitable or professional service, provided that such item has no separate commercial value; or

5. Honorary membership in a service or fraternal organization presented as a courtesy by the organization; or

6. Use of a public facility for a public purpose made available by a governmental agency; or

7. Transportation provided by an agency in relation to officially approved governmental business; or

8. Anything of value provided directly or indirectly by a state, regional or national organization which promotes the exchange of ideas between, or the professional development of, governmental officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff, to members of that organization, or staff of a governmental agency that is a member of the organization.

(d) "Lobby" means to seek, on behalf of another person, to influence an agency with respect to a decision of the agency in the area of policy or procurement or an attempt to obtain the goodwill of an agency official or employee.

(e) "Lobbyist" means a person who is employed and receives payment for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity, excluding an employee of an agency or of a legislative or judicial branch entity acting in the normal course of his or her duties.

(f) "Principal" means the person, firm, corporation or other entity which has employed or retained a lobbyist.

(g) "Procurement employee" means any employee who participates through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities as defined in Section 287.012, Fla. Stat., if the cost of such services or commodities exceeds \$1,000 in any year.

(h) "Relative" means a person who is related to an agency official or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step great grandchild, engaged to be married to the agency official or employee, or who otherwise holds himself or herself out as or is generally known as the person whom the agency official or employee intends to marry or with whom the agency official or employee intends to form a household, or any other natural person having the same legal residence as the agency official or employee.

(i) "Reporting individual" means any individual who is required by Section 112.3145, Fla. Stat., to file full or limited public disclosure of his or her financial interests; at the Florida Lottery, reporting individuals are executive and senior staff; all district managers; all managers one level below director; in financial management, managers two levels below director; attorneys and purchasing agents.

(3) Lobbyist Expenditures.

No employee shall knowingly accept anything of value from a lobbyist or the principal of a lobbyist, except that an expenditure for the personal benefit of the employee may be accepted from a lobbyist or principal who is a relative of the employee. However,

(a) An employee may attend an event or accept a thing of value that is otherwise prohibited if the employee pays or provides equivalent consideration contemporaneously with or preceding the receipt of the item or attendance at the event.

(b) An employee may attend a community event that is open to all persons.

(c) An employee may accept an item or benefit generally available for free or below the customary rate if the terms or rate is a government rate available to all other similarly-situated government employees or a rate that is available to similarly-situated members of the public by virtue of occupation, affiliation, age, religion, sex or national origin.

(d) A Lottery vendor who is also a principal may make expenditures for reasonable and necessary expenses of Lottery sales conferences and other marketing activities when such payments are made pursuant to a contractual obligation of the vendor to provide marketing support to the Lottery under a contract that was entered pursuant to a competitive procurement process. A Lottery employee's participation in such a sales conference or other marketing activities shall not be considered to be a violation of this rule.

(4) General Provisions.

(a) Employees shall not solicit or accept anything of value to the employee, including gifts, loans, rewards, promises of future employment, favors, or services based upon any understanding that the official action or judgment of the employee would be influenced thereby.

(b) Employees shall not solicit any gift, regardless of value, if the gift is for the personal benefit of the employee, the employee's family, or another employee.

(c) Employees shall not use or attempt to use their positions to gain special privileges, benefits or exemptions for themselves or others.

(d) Employees, their spouses and minor children shall not accept any compensation, payment or thing of value when they know or should know that it was given to influence the official action of the employee.

(e) Employees shall not disclose or use information not available to the public and obtained by reason of their public positions for the personal benefit of themselves or others.

(f) Employees shall not solicit or accept an honorarium that is related to their public office or duties. Employees may accept payment of expenses related to an honorarium event unless the payment is from a lobbyist or principal.

(g) Employees acting as purchasing agents shall not directly or indirectly purchase, rent, or lease any realty, goods or services for the Lottery from a business in which the employee or the employee's spouse or child owns more than a 5% interest.

(h) Employees acting in a private capacity shall not rent, sell or lease realty, goods or services to the Lottery.

(i) Employees shall not accept employment that would create a conflict of interest between their private interests and the performance of their public duties, or accept other employment with any business entity subject to regulation by, or doing business with, the Lottery.

(j) Employees having decisionmaking authority shall not participate in any decision involving a vendor or retailer with whom they have a financial interest.

(k) Employees having decisionmaking authority shall not participate in any decision involving a vendor or retailer with whom they have discussed employment opportunities, without the prior approval of the Secretary.

(l) Purchase of lottery tickets by employees or any relatives residing in their household is strictly prohibited.

(5) Post-Employment Restrictions.

(a) Employees who became employed by the Lottery after July 1, 1989, who have authority over policy or procurement, shall not, for a period of two (2) years after retirement or termination, personally represent another person or entity for compensation before the Department, unless employed by another agency of state government.

(b) Employees shall not, for a period of two (2) years after retirement or termination, hold any employment or contractual relationship with a business entity other than a state agency in connection with any contract for contractual services that was within the employee's responsibility while employed by the Lottery.

(c) Employees are prohibited, after retirement or termination, from holding any employment or contractual relationship with a business entity other than a state agency in connection with any contract in which the employee participated personally and substantially through decision, approval, disapproval, recommendation, rendering of advice, or investigation while an employee of the Lottery.

(d) Employees shall not, for a period of one (1) year following cessation of employment with the Lottery, represent any vendor or retailer before the Lottery regarding any specific matter in which the employee was involved while employed by the Lottery.

(6) All employees shall receive Code of Ethics training upon appointment and thereafter on an annual basis.

(7) This emergency rule shall replace Emergency Rule 53ER07-8, F.A.C.

Specific Authority 24.105(20), 24.109(1) FS. Law Implemented 24.105(20), 24.105(19)(b), (c), 24.116(2), Chapter 112, Part III FS. History--New 6-13-07. Replaces 53ER07-8, F.A.C.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: June 13, 2007

DEPARTMENT OF THE LOTTERY

RULE NO.:
53ER07-41

RULE TITLE:
Code of Ethics for Reporting
Individuals and Procurement
Employees

SUMMARY: This emergency rule sets forth the ethics rules governing reporting individuals and procurement employees of the Florida Lottery.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER07-41 Code of Ethics for Reporting Individuals and Procurement Employees.

(1) All employees of the Florida Lottery are subject to the provisions of Chapter 112, Part III, Fla. Stat., Chapter 24, Fla. Stat., and rules promulgated thereunder. Where there are differences between this rule and the statute, the stricter provisions will apply.

(2) Definitions.

For purposes of this rule.

(a) “Employee” means any person employed by the Florida Lottery, including an OPS employee, who is a reporting individual or procurement employee, as those terms are defined below.

(b) “Gift” means anything accepted by a person or on that person’s behalf, whether directly or indirectly, for that person’s benefit and for which no payment is made, and can include: real property or the use thereof; tangible or intangible personal property or the use thereof; preferential rate or terms on a transaction not available to others similarly situated; forgiveness of a debt; transportation, lodging or parking; food or beverage; dues, fees and tickets; plants and flowers; personal services for which a fee is normally charged; or any other thing or service having an attributable value.

(c) “Gift” does not include:

1. Salary, benefits, services, fees, commissions, gifts or expenses associated primarily with the donee’s employment, business, or service as an officer or director of a corporation or organization; or

2. Contributions reported pursuant to Chapter 106, F.S., campaign-related personal services provided by individuals volunteering their time, or any other contribution or expenditure by a political party; or

3. An honorarium or expense related to an honorarium event paid to a person or the person’s spouse by someone other than a lobbyist or principal of a lobbyist; or

4. An award, plaque, certificate or similar personalized item given in recognition of the donee’s public, civic, charitable or professional service, provided that such item has no separate commercial value; or

5. Honorary membership in a service or fraternal organization presented as a courtesy by the organization; or

6. Use of a public facility for a public purpose made available by a governmental agency; or

7. Transportation provided by an agency in relation to officially approved governmental business; or

8. Anything of value provided directly or indirectly by a state, regional or national organization which promotes the exchange of ideas between, or the professional development of, governmental officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff, to members of that organization, or staff of a governmental agency that is a member of the organization.

(d) “Lobby” means to seek, on behalf of another person, to influence an agency with respect to a decision of the agency in the area of policy or procurement or an attempt to obtain the goodwill of an agency official or employee.

(e) “Lobbyist” means a person who is employed and receives payment for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity, excluding an employee of an agency or of a legislative or judicial branch entity acting in the normal course of his or her duties.

(f) “Principal” means the person, firm, corporation or other entity which has employed or retained a lobbyist.

(g) “Procurement employee” means any employee who participates through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities as defined in Section 287.012, Fla. Stat., if the cost of such services or commodities exceeds \$1,000 in any year.

(h) “Relative” means a person who is related to an agency official or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step great grandchild, engaged to be married to the agency official or employee, or who otherwise holds himself or herself out as or is generally known as the person whom the agency official or employee intends to marry or with whom the agency official or employee intends to form a household, or any other natural person having the same legal residence as the agency official or employee.

(i) “Reporting individual” means any employee who is required by Section 112.3145, Fla. Stat., to file a full or limited public disclosure of his or her financial interests; at the Florida Lottery, reporting individuals are executive and senior staff; all district managers; all managers one level below director; in financial management, managers two levels below director; attorneys and purchasing agents.

(3) Lobbyist Expenditures.

No employee shall knowingly accept anything of value from a lobbyist or the principal of a lobbyist, except that an expenditure for the personal benefit of an employee may be accepted from a lobbyist or principal who is a relative of the employee. However,

(a) An employee may attend an event or accept a thing of value that is otherwise prohibited if the employee pays or provides equivalent consideration contemporaneously with or preceding the receipt of the item or attendance at the event.

(b) An employee may attend a community event that is open to all persons.

(c) An employee may accept an item or benefit generally available for free or below the customary rate if the terms or rate is a government rate available to all other similarly-situated government employees or a rate that is available to similarly-situated members of the public by virtue of occupation, affiliation, age, religion, sex or national origin.

(d) A Lottery vendor who is also a principal may make expenditures for reasonable and necessary expenses of Lottery sales conferences and other marketing activities when such payments are made pursuant to a contractual obligation of the vendor to provide marketing support to the Lottery under a contract that was entered pursuant to a competitive procurement process. A Lottery employee's participation in such a sales conference or other marketing activities shall not be considered to be a violation of this rule.

(4) Gifts and Gift Reporting.

(a) No employee shall knowingly accept any gift, gratuity, favor, entertainment, lodging, transportation, loan or any other thing of monetary value that the employee knows or reasonably should know is valued at over \$25.00. There are four limited exceptions:

1. Gifts from relatives, regardless of value.

2. Gifts (including but not limited to birthday and/or anniversary gifts and gifts of hospitality) received from personal friends in the ordinary course of friendship, regardless of value, provided that any such personal friend is not:

a. A lobbyist; or

b. The principal of a lobbyist; or

c. A person having a special pecuniary interest (either individually or through a corporation or organization) in a matter pending before the Lottery; or

d. A person who (either individually or through a corporation or organization) provides goods or services to the Lottery under contract or agreement; or

e. A person who (either individually or through a corporation or organization) is seeking such business with the Lottery.

3. On-site consumption of food and refreshment at receptions and/or other events, provided the employee's attendance at such event is an appropriate exercise of the

employee's official duties and the food and refreshments at such event are not paid for by a lobbyist or the principal of a lobbyist.

4. Gifts (regardless of value) accepted on behalf of a governmental entity or charitable organization, or for which a public purpose can be shown, provided the Lottery ethics officer has approved such acceptance and the gift is not being made by a lobbyist or the principal of a lobbyist.

The above four limited exceptions do not authorize the acceptance of any gift that is otherwise prohibited by Chapter 112, Fla. Stat.

(b) Employees shall file with the Commission on Ethics on the last day of each calendar quarter, for the previous calendar quarter, a list of permissible gifts valued at more than \$25 that were accepted by the employee, unless the gift is from a relative or:

1. Is given by a personal friend for a special occasion (e.g., holidays, birthdays, weddings, showers, anniversaries, graduation, Valentine's Day, etc.); or

2. Is a meal (whether at a restaurant or at a home) with a friend or lodging at a friend's home.

(c) Gifts identified in subparagraphs (4)(b)1. and 2. above must be reported if they exceed \$100 in value.

(d) Employees shall file with the Commission on Ethics by July 1 of each year an Annual Disclosure of Gifts from Governmental Entities and Direct Support Organizations and Honorarium Event Related Expenses on forms prescribed by the Commission on Ethics.

(5) General Provisions.

(a) Employees shall not solicit or accept anything of value to the employee, including gifts, loans, rewards, promises of future employment, favors, or services based upon any understanding that the official action or judgment of the employee would be influenced thereby.

(b) Employees shall not solicit any gift, regardless of value, if the gift is for the personal benefit of the employee, the employee's family, or another employee.

(c) Employees shall not use or attempt to use their positions to gain special privileges, benefits or exemptions for themselves or others.

(d) Employees, their spouses and minor children shall not accept any compensation, payment or thing of value when they know or should know that it was given to influence the official action of the employee.

(e) Employees shall not disclose or use information not available to the public and obtained by reason of their public positions for the personal benefit of themselves or others.

(f) Employees shall not solicit or accept an honorarium that is related to their public office or duties. Employees may accept payment of expenses related to an honorarium event unless the payment is from a lobbyist or principal.

(g) Employees acting as purchasing agents shall not directly or indirectly purchase, rent, or lease any realty, goods or services for the Lottery from a business in which the employee or the employee's spouse or child owns more than a 5% interest.

(h) Employees acting in a private capacity shall not rent, sell or lease realty, goods or services to the Lottery.

(i) Employees shall not accept employment that would create a conflict of interest between their private interests and the performance of their public duties, or accept other employment with any business entity subject to regulation by, or doing business with, the Lottery.

(j) Employees having decisionmaking authority shall not participate in any decision involving a vendor or retailer with whom they have a financial interest.

(k) Employees having decisionmaking authority shall not participate in any decision involving a vendor or retailer with whom they have discussed employment opportunities, without the prior approval of the Secretary.

(l) Purchase of lottery tickets by employees or any relatives residing in their household is strictly prohibited.

(6) Post-Employment Restrictions.

(a) Employees who became employed by the Lottery after July 1, 1989, who have authority over policy or procurement, shall not, for a period of two (2) years after retirement or termination, personally represent another person or entity for compensation before the Department, unless employed by another agency of state government.

(b) Employees shall not, for a period of two (2) years after retirement or termination, hold any employment or contractual relationship with a business entity other than a state agency in connection with any contract for contractual services that was within the employee's responsibility while employed by the Lottery.

(c) Employees are prohibited, after retirement or termination, from holding any employment or contractual relationship with a business entity other than a state agency in connection with any contract in which the employee participated personally and substantially through decision, approval, disapproval, recommendation, rendering of advice, or investigation while an employee of the Lottery.

(d) Employees shall not, for a period of one (1) year following cessation of employment with the Lottery, represent any vendor or retailer before the Lottery regarding any specific matter in which the employee was involved while employed by the Lottery.

(7) Statement of Financial Interests.

A statement of financial interests shall be submitted on forms prescribed by the Commission on Ethics within thirty (30) days after employment, and by July 1 of each year thereafter, by all employees.

(8) All employees shall receive Code of Ethics training upon appointment and thereafter on an annual basis.

(9) This emergency rule shall replace Emergency Rule 53ER07-9, F.A.C.

Specific Authority 24.105(20), 24.109(1) FS. Law Implemented 24.105(20), 24.105(19)(b), (c), 24.116(2), Chapter 112, Part III, FS. History--New 6-13-07, Replaces 53ER07-9, F.A.C.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: June 13, 2007

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."

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

<p>RULE NO.: 69OER07-3</p>	<p>RULE TITLE: Transition Provisions for the Use of the Uniform Mitigation and Verification Inspection Form by the "My Safe Florida Home" Program</p>
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SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Financial Services Commission and the Office of Insurance Regulation ("Office") hereby state that the following circumstances constitute an immediate danger to the public health, safety, or welfare:

In its January 2007 Special Session, the Florida Legislature found that the homeowner property insurance market is in crisis. See Preamble to Ch. 2007-1, Laws of Florida:

WHEREAS, homeowners in the State of Florida are struggling under increased insurance costs and increased housing prices as a result of damage caused by hurricanes and tropical storms, and

WHEREAS, this increase in the cost of property insurance for the state's residents demands immediate attention, and

WHEREAS, the affordability of property insurance creates financial burdens for Florida's residents and financial crises for some property owners, and

The Financial Services Commission has previously found, in Emergency Rule No. 69OER07-1 (January 30, 2007), and here reaffirms, that:

The residential property insurance market in Florida is in crisis. Property insurance rates are at the highest levels in Florida history. The multiple hurricanes and tropical storms of the past several years (which resulted collectively in more than an estimated \$36 billion in insured losses) coupled with the actions and reactions of certain private insurers have created and fueled this crisis ... The turmoil in the residential property insurance market has affected not only homeowners, but also

the real estate and construction market Thousands of Florida citizens voiced to the Governor, members of the Cabinet, and the Legislature the hardships faced as a result of the current insurance crisis ... Considering all of the foregoing, resolution of the current crisis is essential to the adequate protection of the public health, safety and welfare.

In its 2006 regular session, the Florida Legislature enacted Section 215.5586, Florida Statutes. Section 215.5586, F.S., created a program in which, as pertinent here, the Department of Financial Services (hereinafter the "Department") was required to contract with and pay private home inspection firms to conduct inspections of single family homes throughout the state, free of charge to the homeowner. The inspection data is relayed to the Department, which produces a written report to the homeowner with recommendations as to steps the homeowner might take to strengthen the home against hurricane wind damage, thereby reducing homeowner insurance costs. Actual inspections under the Section 215.5586, F.S., program commenced in October 2006 and are continuing currently. In excess of 50,000 homes have been inspected.

In its January 2007 Special Session the Florida Legislature enacted s. 31, Ch. 2007-1, Laws of Florida, reading as follows: (2) By July 1, 2007, the Financial Services Commission shall develop by rule a uniform mitigation verification inspection form that shall be used by all insurers when factoring discounts for wind insurance. In developing the form, the commission shall seek input from insurance, construction, and building code representatives. Further, the commission shall provide guidance as to the length of time the inspection results are valid.

The Florida Office of Insurance Regulation (OIR) has been proceeding diligently to develop the uniform mitigation verification inspection form contemplated by s. 31, Ch. 2007-1, Laws of Florida. The OIR is, in June 2007, presenting to the Financial Services Commission a proposed permanent uniform mitigation verification inspection form, which requires the signature of a qualified inspector attesting to the inspection results reported on the form.

However, because the Department had to contract with inspection firms and commence the inspections under Section 215.2286, F.S., long before the uniform mitigation verification inspection form was finalized, the Department's contracts with its inspection vendors do not require the vendor to provide the Department or the homeowner with a uniform mitigation verification inspection form in reference to each inspection conducted.

However, the inspections conducted by inspectors in the Section 215.5586, F.S., program have, since the inception of the Section 215.2286, F.S., program, captured all data required to properly complete the uniform mitigation verification inspection form contemplated under s. 31, ch. 2007-1, Laws of Florida, referenced above. The inspection data from the

Department's Section 215.2286, F.S. inspection program is reliable, having been obtained by inspectors approved by the Department after special training. The only item preventing the accomplishment of a uniform mitigation verification inspection form is the requirement of an inspector's signature.

Every additional day that passes evidences more homeowners having to drop their homeowner property insurance because of unaffordability, with untoward consequences. The relief provided by the premium discounts and credits resulting from use of the temporary form will prevent some of those homeowners from having to drop their coverage. In view of the urgent need of Florida's homeowners for any prompt financial relief possible from present high homeowners insurance rates, it is determined to be essential that a temporary alternative mitigation verification inspection form be promulgated by emergency rule, permitting the Department to forthwith populate the mitigation verification inspection form using data from the Section 215.2286, F.S., inspection, and permitting the Department to certify the form in lieu of a signature by an inspector, for use by homeowners whose homes have been inspected.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Office of Insurance Regulation believes that adopting an emergency rule is the fairest method to establish a timely transitional procedure to benefit the members of the public which have participated in the "My Safe Florida Home" Program. The substance of Form OIR-B1-1802 (7/07) has been the subject of a public workshop and a public rule hearing. The insurance industry, persons involved in the inspection industry, and building code experts have been involved in the development of the form. This rule is fair under the circumstances as it preserves the integrity of the proposed permanent form, and provides an expedited process to verify the results of inspections by qualified inspectors. An Office of Insurance Regulation bulletin addressed to all insurers would reach all insurers but would not be legally binding. Office of Insurance Regulation responses to individual requests for information would not make the information generally available. Thus, immediate implementation is needed to utilize the data gathered by the "My Safe Florida Home" Program, and permit homeowners to utilize the temporary form to timely receive the premium discounts and credits to which they are entitled.

SUMMARY: This rule provides, on a temporary basis, for the use of a modified format of Form OIR-B1-1802 (7/07) and requires insurers to accept the modified form from the "My Safe Florida Home" Program. The form will allow the Department of Financial Services to certify the contents of the form as true and correct based on an inspection conducted by a qualified inspector.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Stephen C. Fredrickson, Assistant General Counsel, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0300, phone (850)413-4144 or email steve.fredrickson@fldfs.com

THE FULL TEXT OF THE EMERGENCY RULE IS:

69OER07-03 Transition Provisions for the Use of the Uniform Mitigation and Verification Inspection Form by the "My Safe Florida Home" Program.

Effective July 1, 2007, insurers shall accept form OIR-B1-1802(7/07) Uniform Mitigation Verification Inspection Form as revised by this rule. Specifically the form is revised to allow the Department of Financial Services to certify that the contents of the form are true and correct as the result of an inspection conducted by a qualified inspector under Section 215.5586(1), Florida Statutes. Form OIR-B1-1804 "Uniform Mitigation Verification Inspection Form (Emergency)" (7/07) is hereby incorporated herein by reference and is available at www.floir.com.

EFFECTIVE DATE JULY 1, 2007.

Specific Authority 624.308(1), 627.711 FS. Law Implemented 624.307(1), 627.711 FS. History—New 7-1-07.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: July 1, 2007

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2007-231-DAO-ROW), on June 14, 2007, to Richard L. Houghton. The petition for waiver was received by the SFWMD on April 13, 2007. Notice of receipt of the petition requesting the waiver was published in the F.A.W., Vol. 33, No. 17, on April 27, 2007. No public comment was received. This Order provides a waiver of the District's criteria for the proposed temporary vehicular use of the L-28 right of way from U.S. 41 to the northerly terminus of L-28 to gain

access to the applicant's camp/cabin which is located approximately 3 miles from L-28 in Collier County; within Multiple Sections/T54, 53, 52S/R35E, Broward and Miami-Dade County. Specifically, the Order grants a waiver from subsection 40E-6.221(9), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which governs the requirement that, except for utilities, an applicant must own or lease the land lying adjacent to the District Work within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Richard L. Houghton from suffering a substantial hardship.

A copy of the Order can be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1413, West Palm Beach, FL 33406-4680, (561)682-6320 or by e-mail kruff@sfwmd.gov.

NOTICE IS HEREBY GIVEN THAT the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2007-232-DAO-ROW), on June 14, 2007, to Michael T. and Myra Caldwell. The petition for waiver was received by the SFWMD on March 16, 2007. Notice of receipt of the petition requesting the waiver was published in the F.A.W., Vol. 33, No. 13, on March 30, 2007. No public comment was received. This Order provides a waiver of the District's criteria to allow an existing cross-fence at the east property line to be extended, and existing deck, trees, landscaping to the top of the canal bank and a planter to remain within the south right of way of C-100A at the rear of 7555 S. W. 108 Terrace; S11/T55S/R40E, Miami-Dade County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6), and paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which governs the placement of permanent and semi-permanent above-ground facilities within 40' of the top of the canal bank within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rules would prevent Michael and Myra Caldwell from suffering a substantial hardship and a violation of the principles of fairness.

A copy of the Order can be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1413, West Palm Beach, FL 33406-4680, (561)682-6320 or by e-mail kruff@sfwmd.gov.

NOTICE IS HEREBY GIVEN THAT the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2007-233-DAO-ROW), on June 14, 2007, to South Florida Anglers for Everglades Restoration. The petition for waiver was received by the SFWMD on March 22, 2007. Notice of receipt of the petition requesting the waiver was published in the F.A.W., Vol. 33, No. 14, on April 6, 2007. No public comment was received. This Order provides a waiver of the District's criteria to allow the proposed construction of a fish weigh-in pavilion/chickee hut within the south right of way of L-67A at Everglades Holiday Park; S28/T50S/R39E, Broward County. Specifically, the Order grants a waiver from subsections 40E-6.011(4), 40E-6.221(9), 40E-6.601(3), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which governs: the requirement that, except for utilities, an applicant must own or lease the land lying adjacent to the District Works; the placement of permanent and semi-permanent above-ground facilities within 40' of the top of the canal bank within Works or Lands of the District; and payment of Application Processing Fees associated with the review of applications for issuance of Right of Way Occupancy Permits. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent South Florida Anglers for Everglades Restoration from suffering a substantial hardship and a violation of the principles of fairness.

A copy of the Order can be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1413, West Palm Beach, FL 33406-4680, (561)682-6320 or by e-mail kruff@sfwmd.gov.

NOTICE IS HEREBY GIVEN THAT on June 8, 2007, South Florida Water Management District (District) received a petition for waiver from Ernest Lee Prather, Application No. 07-0608-3 for issuance of a Right of Way Occupancy Permit for utilization of Works or Lands of the District known as the L-28, Miami-Dade County, to allow utilization of the District's L-28 right of way for temporary vehicular access to privately-owned land lying in multiple Sections through Township 54, 53, 52S, Range 35E. The petition seeks relief from subsection 40E-6.221(9), Fla. Admin. Code, which governs the requirement that, except for both private and

public utilities, an applicant must own or lease the land lying adjacent to the District Work within Works or Lands of the District.

A copy of the petition may be obtained from Kathie Ruff at (561)682-6320 or e-mail at kruff@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Kathie Ruff, Office of Counsel.

DEPARTMENT OF THE LOTTERY

NOTICE IS HEREBY GIVEN THAT on June 11, 2007, the Department of the Lottery, received a petition for variance of subsection 53ER07-16(3), F.A.C., by and through Essa Khazal, President, G & M Food Store, Inc. Petitioner seeks a variance of the rule regarding active tickets that have been lost, stolen or damaged.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Office of the General Counsel, Florida Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399. Comments on this Petition may be filed by writing to the above address or by calling (850)487-7777.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on May 14, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Canopy Moon Kiosk located in Fernandina Beach. The above referenced F.A.C., states that all bathrooms shall be of easy and convenient access to both patrons and employees...They are requesting a variance to not have a bathroom facility in their facility, but use the bathroom facilities located inside of Bright Mornings due to historical significance.

This variance request was approved June 11, 2007, and is contingent upon the Petitioner ensuring the public bathroom inside of Bright Mornings is functional, running water at all times, provided with soap and an approved method to dry hands, kept in a clean and sanitary manner, and available during all hours of operation. The Petitioner shall also ensure directional signage is installed within/or outside the establishment clearly stating the location of the bathrooms. Seating shall not exceed (29) which includes inside and outside seating. All provisos shall be met prior to licensing. Any violation of the variance is the equivalent of a violation of the rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

NOTICE IS HEREBY GIVEN THAT on May 15, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsections 61C-4.0101(1) and 61C-4.010(6), Florida Administrative Code, from Cruz Catering Two located in Orlando. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN THAT on May 17, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-4.0161(2)(c), Florida Administrative Code (F.A.C.), from Indian Hills Golf Course located in Fort Pierce. The above referenced F.A.C., states mobile food dispensing vehicles (MFDVs) shall operate from an approved commissary that meets all applicable requirements of this rule....The Petitioner is requesting a temporary variance to operate a MFDV (trailer) as a permanent structure until their original building is re-built from hurricane damage.

This variance request was approved June 8, 2007, and is for twenty-four (24) months from the date the approved variance is date stamped by the Agency Clerk. Water and wastewater are to be directly plumbed into the local municipality for potable water and sewage disposal. All required backflow prevention devices are to be installed in accordance with the local municipality authority and the 2001 FDA Food Code Section 5-202.14. Electrical wiring shall be hard-wired with no extension cords to be used. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

NOTICE IS HEREBY GIVEN THAT on May 22, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from El Tamaulipeco located in Quincy. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated....The proposed establishment has one bathroom facility for patrons and they are requesting a variance to have a seating capacity of twenty (20).

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN THAT on May 24, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from That's a Moray located in Apalachicola. The above referenced F.A.C., states that all bathrooms shall be of easy and convenient access to both patrons and employees...They are requesting a variance to not have a bathroom facility in their facility, but use the bathroom facilities located inside of the chamber of commerce, Apalachicola River Keeper, or the courthouse due to historical significance.

This variance request was approved June 11, 2007, and is contingent upon the Petitioner ensuring the public bathroom inside of the Chamber of Commerce, Apalachicola River Keeper, and the Courthouse is functional, running water at all times, provided with soap and an approved method to dry hands, kept in a clean and sanitary manner, and available during all hours of operation. The Petitioner shall also ensure directional signage is installed within/or outside the establishment clearly stating the location of the bathrooms. No seating shall be permitted. All provisos shall be met prior to licensing. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

NOTICE IS HEREBY GIVEN THAT on May 25, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from New York Pizza located in Orlando. The above referenced F.A.C. states that all bathrooms shall be of easy and convenient access to both patrons and employees...They are requesting a variance to not have bathroom facilities in their facility, but use centrally located bathroom facilities.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN THAT on May 30, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida

Administrative Code, from Hurricane Oyster Bar and Grill located in Santa Rosa Beach. The above referenced F.A.C. states that all bathrooms shall be of easy and convenient access to both patrons and employees...They are requesting a variance to not have bathroom facilities in their facility, but use centrally located bathroom facilities.

This variance request was approved June 11, 2007, and is contingent upon the Petitioner ensuring the centrally located bathrooms are functional, has running water at all times, provided with soap and an approved method to dry hands, kept in a clean and sanitary manner, and available during all hours of operation. The Petitioner shall also ensure directional signage is installed within/or outside the establishment clearly stating the location of the bathrooms. Seating shall not exceed sixty-four (64) which includes inside and outside seating. All provisos shall be met prior to licensing. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

NOTICE IS HEREBY GIVEN THAT on June 1, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Gelateria Adria located in Pinellas Park. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated....The proposed establishment has one bathroom facility for patrons and they are requesting a variance to have a seating capacity of twenty (20).

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN THAT on June 1, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Saladworks located in Miami. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated.... The proposed establishment has one bathroom facility for patrons and they are requesting a variance to have a seating capacity of twenty (20).

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN THAT on April 25, 2007, the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, has issued an order.

The Final Order was in response to a Petition for Variance from Giesecke and Devrient America, Inc., Petitioner, filed January 19, 2007, and advertised in the issue Vol. 33, No. 6, F.A.W.

The Final Order on a Petition for Variance from Giesecke & Devrient America, Inc., Petitioner, in DBPR Case No. 2007004109 (VW 2007-013) grants the Petitioner authority to omit certain information from the required Form DBPR PMW-3440 relevant to a single director of a parent corporation who lives overseas and has no direct involvement in the Petitioner's business activity within the United States. The Final Order grants a limited variance to the maintenance of that information on Form DBPR PMW-3440 in order to comply with the intent of subsection 61D-14.059(3)(h), F.A.C. The Final Order further enforces all remaining provisions of that rule and all other application requirements. The Final Order is optional permitting the Petitioner to follow the original requirement of the rule or not to submit application.

A copy of the Order may be obtained by contacting: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

NOTICE IS HEREBY GIVEN THAT on May 15, 2007, the Department of Environmental Protection, received a petition for the Florida Keys Aqueduct Authority J. Robert Dean Water Treatment Plant seeking a variance from Rule 62-521.400, F.A.C., to allow construction of a Class I deep injection well within 500 feet of a potable water supply well. The petition has been assigned OGC File No. 07-0824.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Cathy McCarty, Department of Environmental Protection, Underground Injection Control Program, MS 3530, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8654. Written comments must be received by Cathy McCarty at the above address no later than 14 days from the date of publication of this notice.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on June 19, 2007, the Board of Dentistry, received a petition for waiver or variance of subsection 64B5-2.021(1), F.A.C., with regards to the composition of remedial training required to take the dental licensing examination after a third failure of the examination from Kanasha I. Scott, D.D.S.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

NOTICE IS HEREBY GIVEN THAT on June 19, 2007, the Board of Medicine filed a Petition for Waiver submitted by Jesse Brancalone, seeking a waiver from subsection 64B8-45.001(1), F.A.C., with regard to the limitation on the number of hours permitted for home study continuing education. Comments on this petition should be filed with the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

For a copy of the petition, contact Larry McPherson, Jr., Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN THAT on June 18, 2007, the Florida Housing Finance Corporation, received a petition for Variance or Waiver paragraph 67-48.018(1)(b), Florida Administrative Code, from National Development Foundation, Inc. ("Petition"). The Petition is seeking a waiver of the rules regarding a waiver the commitment requirements for funding and withdrawal of the previous commitment of funds.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Section VI

Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Pesticide Registration Evaluation Committee (PREC)** announces a public meeting to which all persons are invited.

DATE AND TIME: July 12, 2007, 9:00 a.m.

PLACE: Bureau of Pesticides Conference Room, 3125 Conner Boulevard, Building 6, Room 606, Tallahassee, Florida 32399
 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 the Pesticide Registration Section at (850)487-2130 or from the PREC website: <http://www.flaes.org/pesticide/pesticideregistration.html>.

The **Pest Control Enforcement Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: July 17, 2007, 9:00 a.m.

PLACE: Suwannee Regional Library, 1848 South Ohio Avenue, Live Oak, Florida 32060, (352)362-2317
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the business of the Council.

A copy of the agenda may be obtained by contacting Mr. Michael J. Page, Chief, Bureau of Entomology and Pest Control at (850)921-4177.

For more information, you may contact Mr. Michael J. Page, Chief, Bureau of Entomology and Pest Control at (850)921-4177.

The **Florida Aquaculture Review Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, July 31, 2007, 10:00 a.m.

PLACE: Tropical Aquaculture Lab, 1408 24th Street, S. E., Ruskin, FL 33570

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council will be reviewing unfunded research projects submitted for the 2007-2008 fiscal year.

A copy of the agenda may be obtained by contacting: Kim Norgren, 1203 Governor's Square Boulevard, Fifth Floor, Tallahassee, FL 32301, (850)488-4033.

If special accommodations are needed to attend this meeting because of disability, please contact Kim Norgren as soon as possible.

The **Division of Agricultural Water Policy** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, July 17, 2007, 1:00 p.m. – 4:00 p.m.

PLACE: The Marriott Resort, 400 S Collier Blvd., Marco Island, FL 34145, 1(800)438-4373

GENERAL SUBJECT MATTER TO BE CONSIDERED: Reports and discussion will include water resource issues related to agriculture.

A copy of the agenda may be obtained by contacting: Office of Agricultural Water Policy, Mail Stop GS-50, 1203 Governors Square Blvd., Ste. 200, Tallahassee, FL 32301, ATTN: Holly Stone, (850)617-1712, or Clegg Hooks, (850)617-1700 or Suncom 217-1700.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting the Bureau of Personnel Management, Department of Agriculture and Consumer Services, (850)488-1806, at least seven days prior to the meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF EDUCATION

The **Department of Education, Division of Blind Services, Business Enterprises Program** announces a Selection Panel meeting to which all interested persons are invited.

DATES AND TIMES: July 11, 2007, 1:30 p.m.; 8:00 a.m. – 5:00 p.m., on subsequent days until all business has been concluded

PLACE: Orlando Courtyard Altamonte Springs/Maitland, Conference Room, 1750 Pembroke Drive, Orlando, Florida 32810, (407)659-9100

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review applications and interview applicants for the business opportunities announced in May 2007.

The **Florida Conflict Resolution Consortium** and the **Committee for a Sustainable Emerald Coast** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, June 29, 2007, 10:00 a.m. – 12:00 Noon (CST); 11:00 a.m. – 1:00 p.m. (EST)

PLACE: Call in to (850)645-9020 or 1(800)210-4771

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a conference call for the members of the Sustainable Growth and Development subcommittee to prepare the materials to be presented to the full committee at the July 25, 2007 meeting.

The **Commission for Independent Education** announces a public meeting to which all persons are invited.

DATE AND TIME: July 23, 2007, 9:00 a.m.

PLACE: The Westin Diplomat Resort and Spa, 3555 South Ocean Drive, Hollywood, Florida 33019

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission for Independent Education will consider disciplinary matters, Informal Hearings, Institutions Ordered to Appear Back before the Commission, New Applications for Licensure, and Institutional Applications for Program Modifications and Additional Programs, as well as all other

licensure applications and other general Commission business to include Annual Licensure, Annual Renewals, Extension of Annual License, Licenses by Means of Accreditation, Annual Reviews of License By Means of Accreditation, Licensure Extensions, Requests for Extension of Time and Extension to Comply with Contingencies, Substantive Change Applications, Name Change Applications, and Elective Clerkships Applications, Attorney and Executive Director reports, as well as Applications for Exemptions for Religious Colleges, Reports of School Closures, Agent License Reports and Applications.

A copy of the agenda may be obtained by contacting: Commission Office at Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

The public is invited to a special meeting of the **Board of Governors** of the State University System of Florida.

DATE AND TIME: July 10, 2007, 9:00 a.m. – 5:00 p.m.

PLACE: Live Oak Ballroom, University of Central Florida, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continued discussion of tuition and related options; consideration of trustee appointments, FAMU; continued discussion of criteria for the 21st Century Centers of Excellence Program and direction to the Florida Technology, Research and Scholarship Board; continued review of emergency preparedness and campus safety; and other matters pertaining to the Board of Governors.

Copies of the agenda may be obtained from the Board of Governors website at <http://www.flbog.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs, HCD** announces a hearing to which all persons are invited.

DATE AND TIME: Tuesday, July 17, 2007, 9:00 a.m. – 11:00 a. m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To obtain input and recommendations from the public and interested parties concerning the LIHEAP State Administrative Plan for FFY 2008. This plan will be submitted to the United States Department of Health and Human Services. The plan is required annually in order for the state to receive LIHEAP funds.

A copy of the agenda may be obtained by contacting: Susan Lawrence, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541.

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 **State Emergency Response Commission (SERC)** for Hazardous Materials announces a meeting of the Training Task Force to which all persons are invited.

DATE AND TIME: July 12, 2007, 9:30 a.m.

PLACE: Department of Environmental Protection, Carr Building Room 170M, 3800 Commonwealth Boulevard, Tallahassee, Florida 32399-2100

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the activities and goals of the Training Task Force and other hazardous materials training issues.

If a person decides to appeal any decision with respect to any matter considered at the above cited meeting, you will need a record of the proceedings, and for such purpose you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Bureau of Preparedness, (850)413-9970, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Bureau of Preparedness using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Additional information may be obtained by writing to: Division of Emergency Management, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, or by telephoning (850)413-9970.

The **State Emergency Response Commission (SERC)** for Hazardous Materials announces a meeting of all Local Emergency Planning Committees chairpersons and staff contacts to which all persons are invited.

DATE AND TIME: July 12, 2007, 1:30 p.m.

PLACE: Department of Environmental Protection, Car Building Room 170M, 3800 Commonwealth Boulevard, Tallahassee, Florida 32399-2100

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the activities and goals of the Local Emergency Planning Committees in implementing the Emergency Planning and Community Right-To-Know Act, also known as Title III of the Superfund Amendments and Reauthorization Act of 1986.

A copy of the agenda may be obtained by writing to: Division of Emergency Management, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, or by telephoning (850)413-9970.

If a person decides to appeal any decision with respect to any matter considered at the above cited meeting, you will need a record of the proceedings, and for such purpose you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Bureau of Preparedness, (850)413-9970, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Bureau of Preparedness using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **State Emergency Response Commission (SERC)** for Hazardous Materials announces a meeting to which all persons are invited.

DATE AND TIME: July 13, 2007, 10:00 a.m.

PLACE: Department of Environmental Protection, Carr Building Room 170M, 3800 Commonwealth Boulevard, Tallahassee, Florida 32399-2100

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the requirements of the Emergency Planning and Community Right-To-Know Act, also known as Title III of the Superfund Amendments and Reauthorization Act of 1986.

A copy of the agenda may be obtained by writing to: Division of Emergency Management, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, or by telephoning (850)413-9970.

If a person decides to appeal any decision with respect to any matter considered at the above cited meeting, you will need a record of the proceedings, and for such purpose you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Bureau of Preparedness, (850)413-9970, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Bureau of Preparedness using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF LAW ENFORCEMENT

The Florida **Department of Law Enforcement, Criminal Justice Standards and Training Commission** announces a telephone conference call to which all persons are invited.

DATE AND TIME: July 9, 2007, 3:00 p.m.

PLACE: FDLE/CJPP, 2331 Phillips Road, Tallahassee, Florida 32308, in the Criminal Justice Professionalism Program Conference Room. The conference call number is (850)245-5722 or Suncom 205-5722. Please call the referenced number ten (10) minutes prior to 3:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Criminal Justice Standards and Training Commission Meeting Conference Call will be held to request Commission action on Chapter 11B-27, F.A.C., titled "Certification and Employment or Appointment," regarding use-of-force, testing for controlled substances, background investigation requirements, proof of military discharge, fingerprint requirements, diploma and transcript requirements, probable cause determination and letters of acknowledgements, officer violations of Commission rules and Commissions recommended penalty range for those violations, implementation of the Law Enforcement Officers Safety Act of 2004, and revision of CJSTC forms that changed because of the proposed rule revisions.

A copy of the agenda may be obtained by contacting Donna Hunt at (850)410-8615, e-mail donna.hunt@fdle.state.fl.us or write to: FDLE, CJPP, Post Office Box 1489, Tallahassee, FL 32302.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 hours before the workshop/meeting by contacting Donna Hunt at (850)410-8615. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Donna Hunt at (850)410-8615 or E-mail at donna.hunt@fdle.state.fl.us.

DEPARTMENT OF TRANSPORTATION

The Florida **Transportation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: July 6, 2007, 1:30 p.m. – until completion of business

PLACE: Florida Department of Transportation, 605 Suwannee Street, Burns Building-Executive Suite-Commission Office, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Teleconference of the Florida Transportation Commission's Subcommittee to discuss the framework for the upcoming workshop on the implementation of HB 985.

A copy of the agenda may be obtained by contacting Cathy Goodman at (850)414-4105.

Pursuant to the provisions of 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 Cathy Goodman at (850)414-4105. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Transportation Commission, Room 176, M.S. 9, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4105.

The **Commercial Motor Vehicle Review Board** announces a public meeting to which all persons are invited.

DATE AND TIME: July 12, 2007, 8:30 a.m.

PLACE: Florida Department of Transportation, Burns Building Auditorium, 605 Suwannee St., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a monthly meeting of the Commercial Motor Vehicle Review Board for the purpose of reviewing penalties imposed upon any vehicle or person under the provisions of Chapter 316, Florida Statutes, relating to weights imposed on the highway by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.

Any person aggrieved by the imposition of a civil penalty pursuant to Section 316.3025 or 316.550, Florida Statutes, may apply to the Commercial Motor Vehicle Review Board for a modification, cancellation, or revocation of the penalty.

A copy of the agenda may be obtained by contacting: Christine Jones, Executive Assistant, Commercial Motor Vehicle Review Board, 325 John Knox Rd., Bldg. K, Tallahassee, FL 32303.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Christine Jones, Executive Assistant, Commercial Motor Vehicle Review Board, 325 John Knox Rd., Bldg. K, Tallahassee, FL 32303. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Transportation**, District 5 announces a hearing to which all persons are invited.

DATE AND TIMES: Tuesday, July 24, 2007, Open House, 5:30 p.m.; Formal Presentation, 6:30 p.m.

PLACE: Santa Maria del Mar Catholic Church, Father O'Flaherty Social Hall, 801 North Central Avenue, Flagler Beach, Florida 32136

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing will allow interested persons an opportunity to express their views concerning the location; conceptual design; and social, economic, and environmental effects of the proposed improvements to SR A1A (Oceanshore Boulevard) from south of South 28th Street to south of Osprey Point Drive in Flagler County, Florida, a distance of approximately 5 miles. The public hearing will be conducted pursuant to Chapters 120 and 339 Florida Statutes; 23 CFR, Part 771; 23 USC, Section 128; and Title VI and Related Statutes of the Civil Rights Acts of 1964 and 1968.

A copy of the agenda may be obtained by contacting: Bob Gleason, Project Manager, Florida Department of Transportation District Five, 719 South Woodland Boulevard, DeLand, Florida 32720, e-mail bob.gleason@dot.state.fl.us or by telephone (386)943-5390.

The **Department of Transportation**, District 2 announces a hearing to which all persons are invited.

DATE AND TIME: July 26, 2007, 6:30 p.m.

PLACE: Lincoln Villa Community Center, 7866 New Kings Road, Jacksonville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic and environmental effects of Financial Project ID Number 416953-1, otherwise known as the Norfolk Southern / CSX Strategic Intermodal System Connector, Jacksonville, Florida. The Department is currently conducting a Project Development & Environmental Study to determine the transportation needs and possible improvements for enhancing access between the Norfolk Southern Intermodal Facility, CSX Intermodal Facility and Interstate 295. The purpose of this project is to improve the connection to Interstate 295 from both facilities, improve the safety characteristics of the roadway and meet existing and future traffic needs. This hearing is being held to present the study findings, discuss the Department's recommendations and receive public input. Right of way will be required for the proposed improvements.

This project is being developed in compliance with Title VI of the Civil Rights Act of 1964.

A copy of the agenda may be obtained by contacting: Mr. Bill Henderson, District Planning and Environmental Manager, Florida Department of Transportation District 2, 1109 S. Marion Avenue, MS 2007, Lake City, Florida 32025-5874.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Mr. Bill Henderson, District Planning and Environmental Manager, Florida Department of Transportation District 2, 1109 S. Marion Avenue, MS 2007, Lake City,

Florida 32025-5874, (386)961-7455 or 1(800)749-2967, extension 7455. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

The **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas, acting as staff to the **Board of Trustees of the Internal Improvement Trust Fund** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 18, 2007, 7:00 p.m.

PLACE: University of Florida Indian River Research and Education Center, 299 South Rock Rd., Fort Pierce, FL 34945

GENERAL SUBJECT MATTER TO BE CONSIDERED: The North Fork, St. Lucie Aquatic Preserve Advisory Committee meeting will be held in conjunction with the public meeting advertised in the June 1, 2007, F.A.W., to inform the public on the management plan review process and to solicit input on issues they are interested in seeing addressed in the North Fork, St. Lucie Aquatic Preserve Management Plan.

A copy of the agenda may be obtained by contacting Aquatic Preserve Manager, Laura Herren at (772)429-2995.

Pursuant to the provisions of 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 Aquatic Preserve Manager, Laura Herren at (772)429-2995. If you are 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 PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 18, 2007, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery and Control Release Matters as well as other Commission business.

A copy of the agenda may be obtained by contacting: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450.

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five days before the workshop/meeting by contacting: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450. If you are 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 Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida.

PUBLIC SERVICE COMMISSION

NOTICE OF RESCHEDULING OF PREHEARING – The Florida **Public Service Commission** announces the rescheduling of a prehearing from July 12, 2007, in Docket No. 060822-TL – Petition for relief from carrier-of-last-resort (COLR) obligations pursuant to Section 364.025(6)(d), Florida Statutes, for two private subdivisions in Nocatee development, by BellSouth Telecommunications, Inc.

DATE AND TIME: July 9, 2007, 1:30 p.m.

PLACE: Betty Easley Conference Center, Joseph P. Cresse Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

EXECUTIVE OFFICE OF THE GOVERNOR

The **Florida Faith-Based and Community Based Advisory Council**, Municipal and Corporate Subcommittee announces a public meeting to which all persons and interested media are invited, except as provided under Section 288.9551, Fla.Stat. (2003).

DATE AND TIME: Monday, July 2, 2007, 3:00 p.m.

PLACE: Conference call 1(888)808-6959, when prompted dial pass code 4130909; **Leaders:** John Fogg & Andre Estevez, Co-Chairs

GENERAL SUBJECT MATTER TO BE CONSIDERED: At this meeting, the Subcommittee will discuss the revision of the Municipal Resource Guide, as well as discuss other pending issues.

For a copy of the agenda and more information about how to attend the meeting contact Mark Nelson at mark.nelson@vfffund.org or (850)413-0909.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to participate in this meeting in order to request any needed special assistance should contact jennie.hopkins@myflorida.com at least 48 hours in advance of the meeting.

REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: July 10, 2007, 2:00 p.m.

PLACE: Charles F. Justice Conference Room, 2009 N. W. 67 Place, Gainesville, Florida 32653

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a fourth in a series of the region's Comprehensive Economic Development Strategy (CEDS) Committee meetings to set economic development priorities for the next five years.

A copy of the agenda may be obtained by contacting: Jayne Moraski, Economic Development Director, NCFRPC, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603.

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.

Pursuant to the provisions of 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 calling (352)955-2200, ext. 106. If you are 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 **Northeast Florida Regional Council**, Planning and Growth Management Policy Committee announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 12, 2007, 8:30 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending planning and growth management issues.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Council**, Personnel, Budget, and Finance Policy Committee announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 12, 2007, 9:00 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending personnel, budget, and finance policy matters.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Council** announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 12, 2007, 10:00 a.m.

PLACE; Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Individuals needing materials in alternate format, sign language interpreter, or other meeting information, call Angi Giles at (904)279-0880, extension 145, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service at 1(800)955-8771.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Central Florida Regional Planning Council**, Local Emergency Planning Committee announces a public meeting to which all persons are invited.

DATE AND TIME: July 18, 2007, 9:30 a.m.

PLACE: Highlands County Agri-Civic Center, 4509 West George Boulevard, Sebring, FL 33875

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Bi-Monthly Meeting of the LEPC and/or its Sub-Committees, to discuss the provisions of the Emergency Planning and Community Right to Know program.

A copy of the agenda may be obtained by contacting Chuck Carter, Director of Emergency Management.

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: Chuck Carter, CFRPC, 555 East Church Street, Bartow, FL 33830.

The **Tampa Bay Local Emergency Planning Committee** (LEPC), District VIII announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 25, 2007, 10:30 a.m.

PLACE: 4000 Gateway Centre Blvd., #100, Pinellas Park, FL 33782-6136

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida District VIII LEPC and discuss and implement provisions of the Emergency Planning and Community Right-to-Know Act (EPCRA).

A copy of the agenda may be obtained by contacting: Bill Lofgren, LEPC Coordinator, Tampa Bay Regional Planning Council, 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782-6136; (727)570-5151, ext. 33.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting Bill Lofgren, LEPC Coordinator at (727)570-5151, ext. 33. If you are 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 **Tampa Bay Regional Planning Council**, Agency on Bay Management announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 9, 2007, 9:00 a.m.

PLACE: 4000 Gateway Centre Blvd., #100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Agency on Bay Management.

A copy of the agenda may be obtained by contacting www.tbrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting Wren Krahl at (727)570-5151, ext. 22. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Suzanne Cooper at (727)570-5151, ext. 22.

The **Tampa Bay Regional Planning Council**, Legislative Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, August 13, 2007, 9:00 a.m.

PLACE: 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the TBRPC Legislative Committee.

A copy of the agenda may be obtained by contacting Wren Krahl at (727)570-5151, ext. 22.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting Wren Krahl at (727)570-5151, ext. 22. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Wren Krahl at (727)570-5151, ext. 22.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, August 13, 2007, 10:00 a.m.

PLACE: 4000 Gateway Centre Blvd., #100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Tampa Bay Regional Planning Council.

A copy of the agenda may be obtained by contacting www.tbrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting Wren Krahl at (727)570-5151, ext. 22. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Wren Krahl at (727)570-5151, ext. 22.

NOTICE OF CANCELLATION – The **Southwest Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 19, 2007, 9:00 a.m.

PLACE: Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This notice is to make the announcement that the July 19th SWFRPC Board Meeting has been cancelled and that the next regular scheduled board meeting is scheduled for Thursday, August 16, 2007 at the Riverside Community Center in Fort Myers.

For more information, you may contact Mrs. Nichole Gwinnett, Executive Assistant, SWFRPC at ngwinnett@swfrpc.org or (239)338-2550, ext. 232.

The **Regional Business Alliance** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July, 11, 2007, 2:00 p.m. – 4:00 p.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Business Meeting.

A copy of the agenda may be obtained by contacting Isabel Cosio Carballo at (954)985-4416 or isabelc@sfrpc.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 1 day before the workshop/meeting by contacting Isabel Cosio Carballo at (954)985-4416 or isabelc@sfrpc.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 Isabel Cosio Carballo at (954)985-4416 or isabelc@sfrpc.com.

WATER MANAGEMENT DISTRICTS

The **R. O. Ranch Inc.**, a Florida non-profit corporation, announces a public meeting to which all persons are invited.

DATE AND TIME: July 5, 2007, 6:30 p.m.

PLACE: The Chateau, Mayo, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors meeting to consider equestrian facilities on Suwannee River Water Management District lands.

A copy of the agenda may be obtained by contacting: Gwen Lord, 9225 CR 49, Live Oak, Florida 32060, (386)362-1001.

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting Gwen Lord at (386)362-1001. If you are 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: Gwen Lord, 9225 CR 49, Live Oak, Florida 32060, (386)362-1001.

The Suwannee River Water Management District announces the following public meetings to which all interested persons are invited.

DATE AND TIME: July 10, 2007, 9:00 a.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – to consider District business, and conduct public hearings on regulatory and land acquisition matters.

Public hearing in accordance with Section 373.59, F.S., concerning the proposed acquisition of the Martha Hale and Virginia McDaniel/Carter Conservation Easement, 1,301 Acres +/-, located in Columbia County; also the proposed acquisition of the Albert Levings/Fort White Wellfield Parcel, 100 acres +/- located in Columbia County, with funds from the Florida Forever Trust Fund; also the proposed surplus and sale of 536 acres +/- of District property in Columbia County to Albert Levings; also the amendment of the 2007 Florida Forever Work Plan to include Restoration of the Santa Fe Swamp Headwaters as a priority project.

A workshop will follow the Governing Board Meeting.

A copy of the agenda(s) may be obtained by writing SRWMD, 9225 CR 49, Live Oak, Florida 32060.

If any person decides to appeal any decision with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance in order to participate in this meeting may contact Lisa Cheshire at (386)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

The Southwest Florida Water Management District, Industrial Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: July 10, 2007, 9:00 a.m.

PLACE: Tampa Service Office, 7601 Highway 301 North, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is regularly scheduled meeting of the Industrial Advisory Committee to discuss committee business and issues.

A copy of the agenda may be obtained by contacting: SWFWMD, 2379 Broad Street, Brooksville, FL 34604-6899 or 1(800)423-1476 (Florida only) or (352)796-7211, ext. 4400.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting the General Services Department at 1(800)423-1476, ext. 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Paula McCleery at above address.

The Southwest Florida Water Management District, Public Supply Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: July 10, 2007, 1:30 p.m.

PLACE: Tampa Service Office, 7601 Highway 301 North, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a regularly scheduled meeting of the Public Supply Advisory Committee to discuss committee business and issues.

A copy of the agenda may be obtained by contacting: SWFWMD, 2379 Broad Street, Brooksville, FL 34604-6899 or 1(800)423-1476 (Florida only) or (352)796-7211, ext. 4400.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting the General Services Department at 1(800)423-1476, ext. 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Paula McCleery at the above address.

The Southwest Florida Water Management District (SWFWMD) announces a public meeting to which all persons are invited.

GOVERNING BOARD STRATEGIC PLANNING WORKSHOP

DATE AND TIME: Wednesday, July 11, 2007, 9:00 a.m.

PLACE: TECO Center for Environmental Studies, Nature's Classroom, 13100 Verges Road, Thonotosassa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss Board Policies, Board Roles and Responsibilities, and the District's Strategic Planning Process.

A copy of the agenda may be obtained by contacting: SWFWMD Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or (352)796-7211, extension 4606.

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.

Pursuant to the provisions of 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 General Services Department at 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. If you are 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 SWFWMD Executive Department at the address above.

The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

GOVERNING BOARD STRATEGIC PLANNING WORKSHOP, BUDGET MEETING, AND PUBLIC HEARING

DATE AND TIME: Thursday, July 12, 2007, 9:00 a.m.

PLACE: TECO Center for Environmental Studies, Nature's Classroom, 13100 Verges Road, Thonotosassa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continue discussion of Strategic Planning, consideration of draft FY2008 Budget, and adoption of proposed millage rate for FY2008.

A copy of the agenda may be obtained by contacting: SWFWMD Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or (352)796-7211, extension 4606.

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.

Pursuant to the provisions of 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 General Services Department at 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. If you are 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 the SWFWMD Executive Department at the address above.

The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

BASIN BOARD EDUCATION COMMITTEE AND BASIN BOARD LAND RESOURCES COMMITTEE JOINT MEETING

DATE AND TIME: Thursday, July 12, 2007, 1:30 p.m.

PLACE: TECO Center for Environmental Studies, Nature's Classroom, 13100 Verges Road, Thonotosassa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss committee issues/projects of mutual interest. Ad Order 28964.

A copy of the agenda may be obtained by contacting: SWFWMD Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or (352)796-7211, extension 4606.

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.

Pursuant to the provisions of 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 General Services Department at 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. If you are 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 the SWFWMD Executive Department at the address above.

The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: July 18, 2007, 1:30 p.m.

PLACE: Tampa Service Office, 7601 Highway 301 North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of the Well Drillers Advisory Committee (WDAC) Business. Some members of the District's Governing and Basin Boards may attend the meeting.

A copy of the agenda may be obtained by contacting: Patty McLeod, Regulation Performance Management Department, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 33604-6899, (352)796-7211, ext. 4346.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting Lori Manuel, at 1(800)423-1476, ext. 4341. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

Governing Board Workshop and Meeting

DATE AND TIME: July 11, 2007, 9:00 a.m.

PLACE: SFWMD Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33416

DATE AND TIME: July 12, 2007, 9:00 a.m.

PLACE: SFWMD Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33416

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board to discuss and consider District business, including regulatory and non-regulatory matters and may include an amendment to the District's Fiscal Year 2007 budget to revise revenues and expenditures.

All or part of these meetings may be conducted as a teleconference in order to permit maximum participation by Governing Board members. Governing Board action may be taken at the Governing Board Workshop or Meeting. If Workshop items are not discussed on 7/11, the items may be discussed on 7/12.

A copy of the agenda may be obtained by contacting: Jacki McGorty, (561)682-2087, or at https://my.sfwmd.gov/portal/page?_pageid=2574,13014318&_dad=portal&_schema=PORTAL.

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.

Pursuant to the provisions of 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 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 the District Clerk's office at (561)682-2087.

The **South Florida Water Management District** announces a private closed door attorney-client session.

DATE AND TIME: July 11, 2007, 9:00 a.m. – Completed
PLACE: South Florida Water Management District Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

DATE AND TIME: July 12, 2007, 9:00 a.m. – Completed
PLACE: South Florida Water Management District Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005), F.S., to discuss strategy related to litigation expenditures in Natural Resources Defense Council, Inc., et al. v. Van Antwerp, et al., United States District Court, Southern District of Florida, Case No. 07-80444-CIV-Middlebrooks. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, M. Collins, C. Dauray, S. Estenoz, N. Gutierrez, M. Meeker, P. Rooney, H. Thornton, M. Wade; Executive Director C. Wehle; District attorneys S. Wood, S. Echemendia, S. Nall, C. Kowalsky, R. Panse, J. Nutt.

A copy of the agenda may be obtained by contacting the District Clerk's Office at (561)682-2087 or www.sfwmd.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the 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 the District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a private closed door attorney-client session.

DATE AND TIME: July 11, 2007, 9:00 a.m. – Completed
PLACE: South Florida Water Management District Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

DATE AND TIME: July 12, 2007, 9:00 a.m. – Completed
PLACE: South Florida Water Management District Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005), F.S., to discuss strategy related to litigation expenditures in Friends of the Everglades, Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 02-80309-CV-Altonaga/Turnoff; Miccosukee Tribe of Indians of Florida v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 98-6056-CIV-Lenard/Klein; and Friends of the Everglades v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 98-6057-CIV-Lenard/Klein. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, M. Collins, C. Dauray, S. Estenoz, N. Gutierrez, M. Meeker, P. Rooney, H. Thornton; Executive Director C. Wehle; District attorneys S. Wood, S. Echemendia, S. Nall, C. Kowalsky, R. Panse, J. Nutt.

A copy of the agenda may be obtained by contacting the District Clerk's Office at (561)682-2087 or www.sfwmd.gov.

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.

Pursuant to the provisions of 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 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: the District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

Governing Board Human Resources and Project & Lands Committee Meetings

DATE AND TIME: July 11, 2007, 9:00 a.m.

PLACE: SFWMD Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33416

DATE AND TIME: July 11, 2007, 10:00 a.m.

PLACE: SFWMD Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33416

All or part of these meetings may be conducted as a teleconference in order to permit maximum participation by Governing Board members.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The SFWMD announces a Regular Governing Board Human Resources Committee meeting and Project and Lands Committee meeting to discuss and consider District business. The Project and Lands Committee meeting will immediately follow the Human Resources Committee meeting.

A copy of the agenda may be obtained by contacting Jacki McGorty, (561)682-2087 or https://my.sfwmd.gov/portal/page?pageid=2574,13014318&_dad=portal&_schema=PORTAL.

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting District Clerk's office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact District Clerk's office at (561)682-2087.

The **South Florida Water Management District** announces a private closed door attorney-client session.

DATE AND TIME: July 11, 2007, 9:00 a.m. – Completed

PLACE: South Florida Water Management District Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

DATE AND TIME: July 12, 2007, 9:00 a.m. – Completed

PLACE: South Florida Water Management District Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005), F.S., to discuss strategy related to litigation expenditures in United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, M. Collins, C. Dauray, N. Gutierrez, M. Meeker, P. Rooney, H. Thornton; Executive Director C. Wehle; District attorneys S. Wood, S. Echemendia, S. Nall, K. Burns, C. Kowalsky, R. Panse.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained by contacting the District Clerk's Office at (561)682-2087 or www.sfwmd.gov.

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.

Pursuant to the provisions of 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 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 the District Clerk's Office at (561)682-2087.

EXPRESSWAY AUTHORITIES

The **Transportation and Expressway Authority Membership of Florida (TEAMFL)** and **Floridians for Better Transportation (FBT)** announce a public meeting to which all persons are invited.

DATES AND TIMES: TEAMFL, Thursday, June 28, 2007, 10:00 a.m. – 11:30 a.m.; FBT General Session, 1:00 p.m. – 5:00 p.m.; Friday, June 29, 2007, 8:00 a.m. – 12:00 Noon

PLACE: Ritz-Carlton Sarasota, 1111 Ritz-Carlton Drive, Sarasota, FL 34236. Registration Fee: \$300.00. Additional information can be obtained at www.bettertransportation.org or www.teamfl.org

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Future of Transportation; What about Freight?; What about Funding?; What about Capacity?; What about Non-Highway Solutions?; and What about People?.

DEPARTMENT OF ELDER AFFAIRS

The Florida **Department of Elder Affairs**, Statewide Public Guardianship Office announces a telephone conference call to which all persons are invited.

DATE AND TIME: July 10, 2007, 8:00 a.m. – 10:00 a.m.

PLACE: Callers with Tallahassee and outside Tallahassee: 1(888)808-6959. When prompted, enter Conference Code number 4142381 followed by #.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This will be a general business meeting of the Foundation for Indigent Guardianship, Inc.

A copy of the agenda may be obtained by contacting Ms. Frankie D. Leland at (850)414-2381.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Ms. Frankie D. Leland at (850)414-2381. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Department of Business and Professional Regulation** announces a public meeting to which all persons are invited.

DATE AND TIME: July 25, 2007, 9:00 a.m.

PLACE: Intercontinental Hotel, 100 Chopin Plaza, Miami, FL 33131

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business meeting.

A copy of the agenda may be obtained by contacting: Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, FL 32399.

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.

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

For more information, you may contact Board Office at (850)922-7154.

The **Board of Professional Surveyors and Mappers** announces a public meeting to which all persons are invited.

DATE AND TIME: July 10, 2007, 1:00 p.m.

PLACE: Casa Monica Hotel, 95 Cordova Street, St. Augustine, Florida 32259

GENERAL SUBJECT MATTER TO BE CONSIDERED: To reconsider case # 2005-029854 and case # 2005-038748.

A copy of the agenda may be obtained by contacting: Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0756.

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Richard Morrison at (850)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).

The **Building Code Administrators and Inspectors Board** announces a telephone conference call to which all persons are invited.

DATE AND TIME: July 19, 2007, 10:00 a.m.

PLACE: 1(888)808-6959, Conference Code 4148135

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel, which portions may be closed to the public.

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 **Suwannee River Wilderness Trail** announces a public meeting to which all persons are invited.

DATE AND TIME: July 11, 2007, 10:00 a.m.

PLACE: Lafayette County Community Center, CR 354 and U.S. Hwy. 27

GENERAL SUBJECT MATTER TO BE CONSIDERED: Suwannee River Wilderness Trail – General.

A copy of the agenda may be obtained by contacting Amy Thompson at 1(800)868-9914 or amy.thompson@dep.state.fl.us.

DEPARTMENT OF HEALTH

The **Board of Hearing Aid Specialists** announces a public meeting to which all persons are invited.

DATES AND TIMES: July 26, 2007, 9:00 a.m., Reconsiderations; July 26, 2007, 1:00 p.m., General Business; July 27, 2007, 9:00 a.m., Rules Workshop

PLACE: Miami Beach Resort and Spa, 4833 Collins Ave., Miami Beach, FL 33141, (305)532-3600

GENERAL SUBJECT MATTER TO BE CONSIDERED: PCP with Reconsiderations and General Business Meeting.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, BIN #C08, Tallahassee, FL 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800) 955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster, (850)245-4474, at least one week prior to meeting date.

The **Board of Nursing** announces a public meeting on Rule 64B9-17.003, F.A.C., Competency and Knowledge Requirements, to which all persons are invited.

DATE AND TIME: July 13, 2007, 2:00 p.m. – 4:00 p.m.

PLACE: Department of Health, Tallahassee at Meet Me Number 1(888)808-6959, Conference Code 2454593

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Advisory Committee will meet to discuss the Conscious Sedation Rule.

A copy of the agenda may be obtained by contacting: Florida Board of Nursing, 4052 Bald Cypress Way, Bin C02, Tallahassee, FL 32399.

The Florida **Board of Optometry** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 12, 2007, 10:00 a.m.

PLACE: The Breakers, One South County Road, West Palm Beach, Florida 33480, (561)655-6611

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing www.doh.state.fl.us/mqa/optometry/index.html.

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.

Pursuant to the provisions of 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).

The **Department of Health, Bureau of HIV/AIDS** announces a public meeting to which all persons are invited.

DATE AND TIME: July 9, 2007, 5:00 p.m.

PLACE: The Quorum Hotel, 700 N. Westshore, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Use and distribution of Ryan White funds administered by the Department of Health.

A copy of the agenda may be obtained by contacting Lucretia Jones at (850)245-4335.

The Florida **Department of Health, Division of Health Access and Tobacco** announces a public graduate medical education committee meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 11, 2007, 10:00 a.m. – 4:00 p.m.

PLACE: The Tampa Airport Marriott Hotel, Tampa International Airport, Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Graduate Medical Education Committee.

A copy of the agenda or additional information may be obtained by writing to: Graduate Medical Education Program, Division of Health Access and Tobacco, Department of Health, 4052 Bald Cypress Way, Bin C-18, Tallahassee, FL 32399-1738 or by calling Jessica Rivenbark at (850)245-4446, ext 2711.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment, should contact the Division of Health Access and Tobacco, (850)245-4446, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Division of Health Access and Tobacco using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, July 9, 2007, 2:30 p.m. (Eastern Time)

PLACE: Rick Seltzer Conference Room, Suite 6000, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the evaluations of the response submitted for Florida Housing Finance Corporation's Request for Proposals #2007-04 for Hearing Officer Services.

A copy of the agenda may be obtained by contacting Robin Grantham at (850)488-4197.

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.

Pursuant to the provisions of 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 Robin Grantham 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).

DEPARTMENT OF FINANCIAL SERVICES

The **Department of Financial Services** announces a telephone conference of the Florida Board of Funeral, Cemetery and Consumer Services, to which all persons are invited.

DATE AND TIME: July 10, 2007, 10:00 a.m. – 11:00 a.m.

PLACE: Department of Financial Services, Alexander Building, Suite 2100, 2020 Capital Circle, S. E., Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

At least 7 days before each meeting, a copy of the agenda of the meeting will be available. Agendas will be available on the home page of the Division of Funeral, Cemetery and Consumer Services (www.fldfs.com/FuneralCemetery). A copy of the agenda may also be obtained by writing to: Department of Financial Services, Division of Funeral, Cemetery and Consumer Services, Attn: LaTonya Bryant, 200 East Gaines Street, Tallahassee, FL 32399-0361, or by calling Ms Bryant at (850)413-3039.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise LaTonya Bryant, (850)413-3039, at least 48 hours before the meeting. If you are hearing or speech impaired, contact LaTonya Bryant via the Florida Relay Service at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), for assistance.

FINANCIAL SERVICES COMMISSION

The **Financial Services Commission** announces a hearing to which all persons are invited.

DATE AND TIME: July 10, 2007, 10:00 a.m.

PLACE: 401 Senate Office Building, Tallahassee, Florida (adjacent to The Capitol)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Farm Bureau Casualty Insurance Company and Florida Farm Bureau General Insurance Company have requested a 30.3% overall rate increase for its new and renewal homeowners policy forms, File Log #07-08928, effective October 1, 2007. 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 interested parties will be received at this public hearing. If you are unable to attend this public hearing, please forward your comments to ratehearings@fldfs.com. The subject line of your e-mail should read "Florida Farm Bureau."

A copy of the agenda may be obtained by contacting C. Khai Patterson, Esquire at (850)413-4276 or Sam Coskey 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 5 days before the workshop/meeting by contacting Sam Coskey at (850)413-2616 or e-mail him at sam.coskey@fldfs.com at least 48 hours before the hearing. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

LEON COUNTY RESEARCH AND DEVELOPMENT AUTHORITY

The Development Review Committee of the **Leon County Research and Development Authority** announces a public meeting to which all persons are invited.

DATES AND TIME: Every second Tuesday of each month through December 2007, 8:30 a.m. (Meeting subject to cancellation, please call ahead to confirm.)

PLACE: Innovation Park Administrative Centre, 1736 West Paul Dirac Drive, Tallahassee, Florida 32310

GENERAL SUBJECT MATTER TO BE CONSIDERED: This Committee reviews proposed construction plans for compliance with the protective covenants of Innovation Park.

Any person who desires to appeal a recommendation of the review committee will need a record of the proceedings conducted at such meetings.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance. For information regarding the proposed agenda, interested persons may contact Ms. Lewis at (850)575-0031.

The Board of Governors of the **Leon County Research and Development Authority** announces a public meeting to which all persons are invited.

DATES AND TIME: Every third Tuesday of each month through December 2007, 8:30 a.m.

PLACE: Innovation Park Administrative Centre, 1736 West Paul Dirac Drive, Tallahassee, Florida 32310

GENERAL SUBJECT MATTER TO BE CONSIDERED: The development and operation of Innovation Park and related matters. Any person who desires to appeal a decision of the Leon County Research and Development Authority will need a record of the proceedings of the Authority conducted at such meetings.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance.

For information regarding the proposed agenda, interested persons may contact Ms. Lewis at (850)575-0031.

SUNSHINE STATE GOVERNMENTAL FINANCING COMMISSION

The **Sunshine State Governmental Financing Commission** announces a public meeting, where all interested parties are invited.

DATE AND TIME: Friday, July 6, 2007, 11:00 a.m.

PLACE: Law Offices of Bryant Miller Olive, One Biscayne Tower, Suite 1480, 2 South Biscayne Boulevard, Miami, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors Business Meeting.

A copy of the agenda may be obtained by contacting Mr. Richard C. Dowdy, Program Administrator at (850)878-1874.

GLADES SOIL AND WATER CONSERVATION DISTRICT

The **Glades Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: July 10, 2007, 1:00 p.m.

PLACE: Doyle Conner Agriculture Building, 900 U.S. Hwy. 27, S. W., Moore Haven, Florida 33471

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Meeting.

A copy of the agenda may be obtained by contacting Glades SWCD at (863)674-4160.

For more information, you may contact Barbara Tillis at (863)674-4160.

SUNSHINE STATE ONE CALL OF FLORIDA, INC.

Mark your calendars for **Sunshine State One Call of Florida, Inc.** strategic planning and July board and committee meetings. Casual attire for all meetings will be acceptable.

PLACE: The Casa Monica Hotel, 95 Cordova Street, St. Augustine, FL 32084

STRATEGIC PLANNING MEETING

DATE AND TIME: July 18, 2007, 8:00 a.m. – 5:00 p.m.

PLACE: The Casa Monica Hotel, Casa Monica Room, 95 Cordova Street, St. Augustine, FL 32084

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting announcements and kick off by Chairman. Sunshine Law review and legal responsibilities discussed. Board discussion will include planning for standing committees, Ad Hoc committees, board budget, board travel, and review of last year’s strategic planning goals. Afternoon will be highlighted by the staff update for FY 2007/08 goals.

STRATEGIC PLANNING MEETING

DATE AND TIME: July 19, 2007, 8:00 a.m. – 3:15 p.m.

PLACE: The Casa Monica Hotel, Casa Monica Room, 95 Cordova Street, St. Augustine, FL 32084

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Long-term vision of SSOCAF

- Identify Proposed Goals
- Obtain Board Consensus On Goals
- Assign Goals To Committees

DATE AND TIME: July 19, 2007, 3:15 p.m. – 5:00 p.m.

Committee Meetings will begin in the following order (please note any unfinished Committee Meeting business will resume July 20, 2007 at approximately 9:00 a.m.)

- Finance Committee
- Damage Prevention Committee
- Operations Committee
- Legislative Ad Hoc Committee
- Enforcement Ad Hoc Committee

BOARD AND COMMITTEE MEETINGS

DATE AND TIME: July 20, 2007, 8:00 a.m. – 5:00 p.m.

PLACE: The Casa Monica Hotel, Casa Monica Room, 95 Cordova Street, St. Augustine, FL 32084

GENERAL SUBJECT MATTER TO BE CONSIDERED: Secretary’s report followed by the Executive Directors report and consent agenda, Review Proposed OSHA Alliance Agreement, General Counsel’s legal report. Committee meetings and reports to begin at approximately 9:00 a.m.

- Finance Committee
- Damage Prevention Committee
- Operations Committee
- Legislative Ad Hoc Committee
- Enforcement Ad Hoc Committee

Note: Any person requiring an accommodation at this meeting because of a physical impairment should call the One-call Notification Center, (386)575-2000, at least five calendar days prior to the activity.

FLORIDA LOCAL GOVERNMENT FINANCE COMMISSION

The **Florida Local Government Finance Commission** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Friday, August 3, 2007, 10:30 a.m.

PLACE: 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting of the Commission will be for the purposes of reviewing the statewide pooled commercial paper loan program for Florida governmental entities. The Commission is an unincorporated, nonprofit association whose members are comprised of Brevard County, Florida, Charlotte County, Florida, Collier County, Florida, Lee County, Florida, Osceola County, Florida and Sarasota County, Florida.

**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.”

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN THAT the Agency for Health Care Administration has declined to rule on the petition for declaratory statement filed by Ms. Elaine Decciutiis on June 18, 2007. The following is a summary of the agency’s declination of the petition: The Agency for Health Care Administration has issued a Final Order denying a Petition for Declaratory Statement received from Ms. Elaine Decciutiis. The Petition was assigned Agency Case Number 07-02DS.

A copy of the Order Declining of the Petition for Declaratory Final Order may be obtained by writing to: Richard Shoop, Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, MS 3, Tallahassee, Florida 32308.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from In Re: Prentiss Pointe, Ltd., Docket No. 2007035326. The petition seeks the agency's opinion as to the applicability of subsection 61B-22.004(2), Florida Administrative Code, and Section 718.116(9), Florida Statutes. as it applies to the petitioner.

Whether Prentiss Pointe, Ltd., a condominium developer, is entitled to amend its approved Public Offering Statement to remove an exclusion of reserves from its guarantee and to increase the common expense assessment to fund future reserves under subsection 61B-22.004(2), F.A.C., and Section 718.116(9), Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: the Division Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by In Re: Seapointe Condominium Association, Fred Kaus, Petitioner, Docket No. 2007018185, on March 22, 2007. The following is a summary of the agency's declination of the petition:

The Division lacks authority to issue a Declaratory Statement because the Petitioner did not provide the documents necessary to review the petition and support a final order.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by In Re: Petition for Declaratory Statement, Venture Out at Cudjoe Cay, Inc.; on April 30, 2007. The following is a summary of the agency's declination of the petition:

The Division has no jurisdiction or authority to issue a Declaratory Statement on Section 413.08, Florida Statutes.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

NOTICE OF WITHDRAWAL

Notice is hereby given that the Petition for Declaratory Statement from Kenneth R. Hart, Esquire, on behalf of PricewaterhouseCoopers LLP, as noticed in Vol. 33, No. 11, of the F.A.W., on March 16, 2007, has been withdrawn.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on May 21, 2007, the the Board of Dentistry has issued an order.

The order regards the Petition for Declaratory Statement for Joseph Calderone, D.M.D. The Notice of Petition for Declaratory Statement was published in Vol 33, No. 12, of the March 23, 2007, F.A.W. The Board considered the Petition at a duly-noticed public meeting held on April 20, 2007.

The Board finds that Petitioner has complied with the requirements of Section 120.565 of the Florida Statutes and Rule 28-105.002, Florida Administrative Code. The Board of Dentistry declines to issue a declaratory statement in response to Dr. Calderone's inquiry.

A copy of the Order may be obtained by contacting: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258.

NOTICE IS HEREBY GIVEN THAT the Board of Dietetics and Nutrition Practice Council, on June 4, 2007 has received the petition for declaratory statement from Natalia L. Cava. The petition seeks the agency's opinion as to the applicability of subsection 64B8-42.003(c), F.A.C., as it applies to the petitioner.

The question is regarding the number of hours of supervised experience in food service management Petitioner needs to qualify to sit for the licensure by examination. Petitioner has documented 900 hours of supervised experience. The question is asked on the assumption that those 900 hours constitutes experience as required by paragraphs (3)(a), (b), and (d) of the rule.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Susan Love, Executive Director, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

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

REQUEST FOR BID

The University of Florida, Purchasing and Disbursement Services will receive sealed bids for the following: ITB08SV-203, Animal Sciences, Steam Boilers Replacement, estimated budget: \$300,000, to be opened July 24, 2007, at 2:00 p.m. (Local Time). Scope of work: Removal of existing steam boilers, associated pipe, equipment and furnishing. Install new steam boilers, feed water pumps, steam pipe and devices. Mandatory Pre-Bid Meeting to be held July 10, 2007,

at 10:00 a.m., in the Animal Sciences Building, Building 459, Room 102, corner of Shealy Drive and Ritchey Road, Gainesville, FL. Specifications and Plans are available in Purchasing and Disbursement Services, Elmore Hall, Radio Road, Gainesville, FL 32611. All questions and bid document requests should be directed to Karen Olitsky, Purchasing and Disbursement Services, kolitsk@ufl.edu or (352)392-1331, ext. 224. For more information, visit www.purchasing.ufl.edu. AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-Bid Meeting or the Bid opening, contact Purchasing, purchasing@ufl.edu or (352)392-1331 within three (3) days of the event.

NOTICE TO DESIGN/BUILDER:

The University of Florida Board of Trustees announces that Design/Build services will be required for the project listed below:

Project: UF-319, CELLULOSIC ETHANOL PLANT, LOCATION (TBD)

The project consists of a plant to be co-located at an existing industrial site that provides biomass feedstocks and storage, steam (biomass boiler), electric, waste water treatment, fibrous solids disposal using a biomass boiler, and all permitting needed for construction and startup. Design and construction will focus on the new aspects of technology for cellulosic ethanol (substrate sizing, dilute acid pretreatment, fermentation, and distillation). Feedstocks will include grasses and row crops, bagasse and canes, and wood. Initial design and construction will be modular with a desired production of 1.5-2 million gal/yr. Fully developed, this ethanol plant will process up to 15 dry metric tons of cellulosic biomass/h into up to 10 million gal ethanol/yr.

The total project budget is \$16,000,000.00, including site planning, underground utilities, fees, survey & tests, plant & building design, furnishing & equipment, plant start-up commissioning and contingencies. Construction shall be “fast-tracked” to tentatively begin by December 2007 and end by January 2008. Silver LEED (Leadership in Energy and Environmental Design) certification by the U.S. Green Building Council is required to the extent appropriate.

The contract for design/build services will consist of two parts. Part one services include design, construction administration, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) proposal based on 60% Construction Documents, for which the design/builder will be paid a fixed fee.

If the GMP is accepted, part two, the construction phase, will be implemented. In part two of the contract, the design/builder becomes the single point of responsibility for completion of the construction documents, performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for part one of the contract, or

to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the design/builder's contract.

Blanket design professional liability insurance will be required for this project in the amount of \$1,000,000.00, and will be provided as a part of Basic Services. Plans and specifications for University of Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes.

Applicants will be evaluated on the basis of their past performance, experience, personnel, design and construction ability, references, bonding capacity, workload, and responses to questions posed both in the shortlist and interview phases. The Selection Committee may reject all proposals and stop the selection process at any time.

Applicants desiring to provide design/build services for the project shall submit a proposal only after thoroughly reviewing the facilities program, Project Fact Sheet, and other background information. The proposal shall be limited to 40 single-sided, consecutively-numbered pages and shall include:

1. A Letter of Application that concisely illustrates the applicant's understanding of the scope of services, schedule, and other goals and considerations as outlined in the Project Fact Sheet and facilities program.
2. Company information and signed certification.
3. A completed, project-specific "Design/Builder Qualifications Supplement" (DBQS) proposal. Applications on any other form will not be considered.
4. Resumes, copies of the applicant's contracting license, current Professional Registration Certificate(s) from the appropriate governing board, corporate charter(s) if applicable, proof of bonding capacity, and other pertinent credentials.

At the time of application, the applicant must be licensed to practice as a general contractor in the State of Florida; must possess current design Professional Registration Certificate(s) from the appropriate governing board; must be properly registered to practice its profession in the State of Florida; and, if the applicant is a corporation, must be chartered by the Florida Department of State to operate in Florida. As required by Section 287.133, Florida Statutes, an applicant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected design/builder must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Unsigned proposals or proposals containing expired or invalid licenses will be disqualified. Submittal materials will not be returned.

The project-specific DQBS forms, instructions, Project Fact Sheet, facilities program, UF Design Services Guide, UF Construction Standards, standard University of Florida Owner-Design/Builder agreement, and other project and process information can be found on the Facilities Planning & Construction website.

Finalists may be provided with supplemental interview requirements and criteria as needed.

Provide the number of copies prescribed in the Project Fact Sheet. Submittals must be received in the Facilities Planning & Construction office by 3:00 PM local time on Monday, July 30, 2007. Facsimile (FAX) submittals are not acceptable and will not be considered.

Facilities Planning and Construction

232 Stadium / P. O. Box 115050

Gainesville, FL 32611-5050

Telephone: (352)392-1256; Fax: (352)392-6378

Internet: www.facilities.ufl.edu

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

ADVERTISEMENT FOR BIDS

PROPOSALS ARE REQUESTED FROM QUALIFIED CERTIFIED FIRE SPRINKLER CONTRACTORS BY THE Department of Highway Safety and Motor Vehicles HEREINAFTER REFERRED TO AS OWNER,

For the design, supply and delivery of materials, installation and testing of system and all related Fire Marshal, NFPA and permitting issues related to the installation of an automatic clean agent fire suppression system using 3M NOVEC 1230 fire protection fluid and the reactivation of the existing computer room pre-action system.

CONTRACT NO: A0017A **FUNDING CODE:** ITEM #2708
PROJECT NAME AND LOCATION: "Installation of an Automatic Clean Agent Fire Protection System" to be located in the Data Center at the Neil Kirkman Building, Tallahassee, Florida.

PREQUALIFICATION: Each bidder whose field is governed by Chapter 399, 455, 489, and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility to submit proposals five (5) calendar days prior to the bid opening date if not previously qualified by the Department of Management Services for the current biennium (July 1 through June 30) of odd numbered years. Call (850)488-6233 for information on prequalification with the Department of Management Services. After the bid opening, the low bidder must qualify in accordance with Rule 60D-5.004, F.A.C. A copy of the requirements are included in the Instruction To Bidders under Article B-2 "Bidder Qualification Requirements and Procedures".

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

DISCRIMINATION; DENIAL OR REVOCATION FOR THE RIGHT TO TRANSACT BUSINESS WITH PUBLIC ENTITIES: An entity or affiliate who had been placed on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity.

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND: If the construction contract award amount is \$100,000.00 or less, a Performance Bond and a Labor And Material Payment Bond are not required.

Sealed bids will be received, publicly opened and read aloud on:

DATE AND TIME: July 19, 2007, Until 2:00 p.m. (Local Time)

PLACE: Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, A102, MS 27, Tallahassee, Florida 32399-0500

Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Betty Stevens, Department of Community Affairs, (850)487-1824, at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800) 955-8770 (Voice) and 1(800) 955-8771 (TDD).

PROPOSAL: Bids must be submitted in full in accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, which may be examined and obtained from the:

OWNER: H. R. Hough, Chief, Bureau of Office Services, 2900 Apalachee Parkway, Tallahassee, Florida 32399

TELEPHONE: (850)617-3309

CONTRACT AWARD: The official Notice of Award Recommendation will be posted at the Bureau of Office Services, 2900 Apalachee Parkway, Neil Kirkman Building,

Room A-102, MS 27, Tallahassee, Florida. Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, 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."

REGIONAL PLANNING COUNCILS

Notice of Bid/Request for Proposal

Request for Letters of Interest and Statements of Qualifications for Auditing Services

The North Central Florida Regional Planning Council is seeking letters of interest and statements of qualifications from auditors interested in providing auditing services for the North Central Florida Regional Planning Council and the Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area for Fiscal Years 2006-07, 2007-08 and 2008-09. In addition, the auditor selected is also required to review the accounts of the Council's pension program for two of the three years and to conduct a complete audit for the third year.

A request for statement of qualifications may be obtained by contacting: Tony Marshall, Finance Director, North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603, (352)955-2200, ext. 107.

Potential firms should submit their expression of interest and qualifications in a sealed envelope to: North Central Florida Regional Planning Council, Attention: Scott R. Koons, Executive Director, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603. Letters must be marked, "LETTER OF INTEREST AND STATEMENT OF QUALIFICATIONS FOR AUDITING SERVICES." Letters of interest and qualifications must be received by 5:00 p.m., on July 18, 2007.

Faxed and e-mailed responses will not be accepted. Late letters will be returned unopened with the notation, "This letter of interest was received after the delivery time designated for receipt and opening in the notice."

The North Central Florida Regional Planning Council reserves the right to accept or reject any and all responses in the best interest of the Council.

Request for Proposals (RFP)

The Northeast Florida Regional Council is seeking offers for the procurement of a .96 Meter Split Boom Transportable Auto Deploy Antenna, Accessories and Bandwidth Service.

The Northeast Florida Regional Council is a regional governmental entity that was formed in 1977 by an interlocal agreement between Baker, Clay, Duval, Flagler, Nassau, Putnam and St. Johns County pursuant to Florida Statutes, Chapter 186. The governing body of the Council consists of local elected officials and gubernatorial appointees. We received funding from state, federal and local agencies. The Council provides a wide scope of services and programs including strategic planning, regional transportation, economic development, human services and emergency preparedness.

To obtain a copy of the Request for Proposal you may contact Joyce Rhodes at (904)279-0880 or you may obtain a copy from our website; www.nefrc.org.

The Northeast Florida Regional Council reserves the right to accept or reject any and all responses that do not meet the RFP requirements.

DEPARTMENT OF CORRECTIONS

ADVERTISEMENT FOR BIDS

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS BY THE STATE OF FLORIDA, DEPARTMENT OF CORRECTIONS, FOR THE CONSTRUCTION OF:

PROJECT NO: FC-54(ST)

PROJECT NAME & LOCATION: Construction of Site work and Utilities for the Work Camp at Suwannee Correctional Institution, Live Oak, Florida.

FOR: STATE OF FLORIDA, DEPARTMENT OF CORRECTIONS

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND: If the construction contract award amount is \$100,000 (one hundred thousand dollars) or less, a Performance Bond and a Labor and Material Payment Bond are not required.

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity; may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for Category Two, for a period of 36 months from the date of being placed on the convicted vendor list.

PREQUALIFICATION: Each bidder, whose field is governed by Chapters 399, 489, and 633 of the Florida Statutes, for licensure or certification, must submit prequalification data of their eligibility to submit proposals five (5) calendar days prior

to the bid opening date. If not previously qualified by the Department for the current biennium (July 1 through June 30) of odd numbered years, or you are unsure, please contract Ms. Sandra Rogers at (850)922-8855, for prequalification instructions. After the bid opening the low bidder must qualify in accordance with Rule 60D-5.004, F.A.C. A copy of the rule requirements is included in the "Instruction to Bidders" under Article B-2 "Bidder Qualification Requirements and Procedures".

Sealed bids will be received, publicly opened, and read aloud on:

DATE AND TIME: July 31, 2007, 2:00 p.m. Local Time (Eastern Daylight Time)

PLACE: Creech Engineering, Inc., 707 East Park Avenue, Tallahassee, Florida 32301

Any person with a qualified disability requiring special accommodations at the pre-bid conference, and/or bid/proposal opening, shall contact the person listed below at least (5) working days prior to the event. If you are hearing or speech impaired, please contact this office by using Florida Relay Services by dialing 1(800)955-8771 (TDD).

PROPOSAL: Bids must be submitted in full in accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, which may be examined and obtained from the:

ARCHITECT-ENGINEER: Creech Engineering, Inc., 707 East Park Avenue, Tallahassee, Florida 32301, Attention: Sean Marston, Telephone: (850)841-1705

Drawings and specifications may be purchased for a Non-refundable price of \$75.00 per set from the Architect/Engineer. Bidder must pay postage/shipping. Partial sets may not be purchased.

A non-mandatory pre-bid conference will be held on July 12, 2007 at 10:00 a.m. (Eastern Daylight Time), at the project site, at the 63rd road entrance. A brief walk-through of the work area(s) will be available as part of the pre-bid conference.

CONTRACT AWARD: Bid Tabulation and Notice of Award Recommendation will be sent to all bidders by Facsimile, Return Receipt Required. If no protest is filed per Article B-20 of the Instructions to Bidders, "Bid Protests, Points of Entry", the contract will be awarded by the Secretary, Department of Corrections. RIGHT IS RESERVED TO REJECT ANY OR ALL BIDS.

WATER MANAGEMENT DISTRICTS

Request for Bid Number 06/07-0441m

Road Construction Materials

The Suwannee River Water Management District (District) is requesting bids for Rock Aggregate. The District has budgeted approximately \$100,000 to purchase rock aggregate during Fiscal Year 2008. The District desires to purchase various rock

aggregate from the successful bidder throughout the year on an as-needed basis. Supplier selection will be based on bid price and distance from the mine to job site.

The Bids will be opened at a public bid opening at the District offices in Live Oak at 3:00 p.m., July 10, 2007. Contact Linda Smith, Procurement Coordinator, to receive a complete bid package at (386)362-1001 or 1(800)226-1066 (FL only).

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 XII
Miscellaneous**

DEPARTMENT OF COMMUNITY AFFAIRS

**NOTICE OF INTENT TO FIND PUBLIC SCHOOLS
INTERLOCAL AGREEMENT CONSISTENT WITH
SECTION 163.3177(2) AND (3), FLORIDA STATUTES
DCA DOCKET NO. 52-01**

The Department gives notice of its intent to find the Public Schools Interlocal Agreement ("Agreement") entered into by Pinellas County, Clearwater, Dunedin, Gulfport, Largo, Madeira Beach, Oldsmar, Pinellas Park, SafetyHarbor, Seminole City, St. and the Pinellas County School Board, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Pinellas County Board of County Commissioners, 600 Cleveland Street, Suite 750, Clearwater, Florida 33755.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2) and (3), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the F.A.W., and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Pinellas County, Clearwater, Dunedin, Gulfport, Largo, Madeira Beach, Oldsmar, Pinellas Park, SafetyHarbor, Seminole City, St. and the Pinellas County School Board. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition

is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

Mike McDaniel, Chief
Office of Comprehensive Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR
VEHICLES**

**Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population**

Pursuant to Section 320.642, Florida Statutes, notice is given that Zongshen, Inc., intends to allow the establishment of Douglas Adkins Motorsports, Inc., as a dealership for the sale of motorcycles manufactured by Chongqing Zongshen Group (ZONG) at 21657 South Dixie Highway, Miami (Dade County), Florida 33170, on or after June 1, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Douglas Adkins Motorsports, Inc. are dealer operator(s): Deborah Miller, 21657 South Dixie Highway, Miami, Florida 33170; principal investor(s): Deborah Miller, 21657 South Dixie Highway, Miami, Florida 33170.

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: Jieming Qiu, General Manager, Zongshen, Inc., 3511 Northwest 113 Court, Doral, Florida 33178.

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 Auto Easy Finance, Inc. d/b/a Daelim Motor USA, intends to allow the establishment of Scooter Superstore of America, Inc. formally known as Scooter Worx, Inc., as a dealership for the sale of Daelim (DAEL) motorcycles at 2300 North 23rd Avenue, Hollywood (Broward County), Florida 33020, on or after June 18, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Scooter Superstore of America, Inc. d/b/a Scooter Worx, Inc. are dealer operator(s): Peter Warrick, 2300 North 23rd Avenue, Hollywood, Florida 33020; principal investor(s): Peter Warrick, 2300 North 23rd Avenue, Hollywood, Florida 33020.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Maria Maury, Dealer Development Department, Auto Easy Finance, Inc., 6500 Northwest 72 Avenue, Suite 301, Miami 33166.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Rolls-Royce Motor Cars NA, LLC, intends to allow the establishment of TT of Naples, Inc. d/b/a Rolls-Royce Motor Cars Naples, as a dealership for the sale of Rolls-Royce automobiles at 850 North Tamiami Trail, Naples (Collier County), Florida 34102, on or after July 15, 2007.

The name and address of the dealer operator(s) and principal investor(s) of TT of Naples, Inc. d/b/a Rolls-Royce Motor Cars Naples are dealer operator(s): Terry Taylor, 515 North Flagler Drive, P-400, West Palm Beach, Florida 33401 and John Adams, 850 North Tamiami Trail, Naples, Florida 34102; principal investor(s): Terry Taylor, 515 North Flagler Drive, P-400, West Palm Beach, Florida 33401 and John Adams, 850 North Tamiami Trail, Naples, Florida 34102.

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, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Matthew M. Lynch, General Manager, Southern Region, Rolls-Royce Motor Cars NA, LLC, Post Office Box 1227, Westwood, New Jersey 07675-1227.

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.

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Mod Cycles Corp., intends to allow the establishment of Wenmark, Inc. d/b/a All The Wheel Toys, as a dealership for the sale of motorcycles manufactured by Zhejiang Taizhou Wangye Power Co. Ltd. (ZHEJ) and Deceleste, S.A. (DECE) at 1540 Northwest Federal Highway, Stuart (Martin County), Florida 34994, on or after June 15, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Wenmark, Inc. d/b/a All The Wheel Toys are dealer operator(s): Bill Koenig, 15120 County Line Road, Suite 112, Spring Hill, Florida 34610; principal investor(s): Bill Koenig, 15120 County Line Road, Suite 112, Spring Hill, Florida 34610.

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, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Javier Opoczynski, General Manager, Mod Cycles Corp., 7547 Northwest 52 Street, Miami, Florida 33166.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

**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

The Agency for Healthcare Administration has received applications for services exemption from St. Lucie Medical Center in Port St. Lucie pursuant to Section 395.1041(3), Florida Statutes and Rule 59A-3.255, Florida Administrative Code. The service categories requested are Plastic Surgery, Oral Maxillo-Facial Surgery, and Neurosurgery. Comments received within 15 days of publication will be considered by the Agency prior to making a determination of exemption status.

Additional information may be obtained by writing to: Agency for Health Care Administration, Attention: Teresa Wooten, 2727 Mahan Drive, MS #31, Tallahassee, Florida 32308, by phone (850)487-2717 or by e-mail wootent@ahca.myflorida.com.

**CERTIFICATE OF NEED DECISIONS ON BATCHED
APPLICATIONS**

The Agency for Health Care Administration made the following decisions on Certificate of Need applications for Hospital Beds and Facilities batching cycle with an application due date of March 14, 2007:

County: Escambia Service District: 1
CON # 9973 Decision Date: 6/15/2007 Decision: D
Facility/Project: Baptist Hospital, Inc.
Applicant: Baptist Hospital, Inc.
Project Description: Establish a 96-bed Class I acute care hospital

Approved Cost: \$0
County: Pasco Service District: 5
CON # 9975 Decision Date: 6/15/2007 Decision: A
Facility/Project: Pasco-Pinellas Hillsborough Community Health System, Inc.

Applicant: Pasco-Pinellas Hillsborough Community Health System, Inc.

Project Description: Establish an 80-bed Class I acute care hospital

Approved Cost: \$121,017,163.00

County: Pasco Service District: 5

CON # 9977 Decision Date: 6/15/2007 Decision: D

Facility/Project: BayCare of Southeast Pasco, Inc.

Applicant: BayCare of Southeast Pasco, Inc.

Project Description: Establish a 130-bed Class I acute care hospital

Approved Cost: \$0

County: Orange Service District: 7

CON # 9978 Decision Date: 6/15/2007 Decision: A

Facility/Project: The Nemours Foundation

Applicant: The Nemours Foundation

Project Description: Establish a 5-bed Level II NICU

Approved Cost: \$3,876,744.00

County: Orange Service District: 7

CON # 9979 Decision Date: 6/15/2007 Decision: A

Facility/Project: The Nemours Foundation

Applicant: The Nemours Foundation

Project Description: Establish an 82-bed Class II children's hospital

Approved Cost: \$266,848,451.00

County: Orange Service District: 7

CON # 9980 Decision Date: 6/15/2007 Decision: A

Facility/Project: The Nemours Foundation

Applicant: The Nemours Foundation

Project Description: Establish an 8-bed Level III NICU

Approved Cost: \$6,294,962.00

County: St. Lucie Service District: 9

CON # 9981 Decision Date: 6/15/2007 Decision: A

Facility/Project: Martin Memorial Medical Center, Inc.

Applicant: Martin Memorial Medical Center, Inc.

Project Description: Establish an 80-bed Class I acute care hospital

Approved Cost: \$116,970,000.00

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in

the Florida Administrative Weekly pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for nursing home facilities participating in the Florida Medicaid Program.

PURPOSE: To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for nursing home facilities, the Agency is publishing the proposed rates, the methodologies underlying the establishment of such rates, and justifications for the proposed rates. The Agency is in the process of amending its Title XIX Long-Term Care Reimbursement Plan (The Plan) to incorporate changes to the reimbursement methodology.

PROPOSED RATES: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Long-Term Care Reimbursement Plan payment methodology effective July 1, 2007. The Title XIX Long-Term Care Reimbursement Plan will be modified as follows:

1. The operating and indirect patient care component targets and target rate class ceilings of the Medicaid nursing home per diem rate shall be rebased. The operating and indirect patient care components of the per diem rate shall continue to be limited by the lower of the cost-based class ceiling, the target rate class ceiling, or the individual provider-specific target.
2. Establish a target rate class ceiling floor equal to 90 percent of the cost-based class ceiling.
3. Establish an individual provider-specific target floor equal to 75 percent of the cost-based class ceiling.
4. Modify the inflation multiplier to equal 2.0 times inflation for the individual provider-specific target. (The inflation multiplier for the target rate class ceiling shall remain at 1.4 times inflation.)
5. Modify the calculation of the change of ownership target to equal the previous providers' operating and indirect patient care cost per diem (excluding incentives), plus 50 percent of the difference between the previous providers' per diem (excluding incentives) and the effective class ceiling and use an inflation multiplier of 2.0 times inflation. This provision shall be contingent upon federal approval of a Medicaid State Plan amendment to limit Medicaid payments for nursing home Medicare Part A coinsurance. Should the Centers for Medicare and Medicaid Services

eliminate nursing home payment of Medicare Part A bad debt, the agency shall reinstate the dually eligible coinsurance payment policy for Medicare nursing home Part A coinsurance claims existing prior to July 1, 2007 in a budget neutral manner that does not increase existing nursing home expenditures. The agency is authorized to reduce nursing home reimbursement rates to fund the reinstatement of the Medicare nursing home Part A coinsurance payments and shall coordinate with the nursing home industry to develop and implement this reduction.

6. The methodology for nursing home special Medicaid payments is being revised.
7. The low occupancy adjustment is being removed.

METHODOLOGIES: The methodology underlying the establishment of the proposed rates for Medicaid nursing facilities will be rates resulting from the revised methodology used to calculate per diem rates in the Title XIX Long-Term Care Reimbursement Plan effective July 1, 2007.

JUSTIFICATION: The justification for the proposed rate change is the 2007-08 General Appropriations Act, Senate Bill 2800, proviso language following Specific Appropriation 242. The Agency is proposing the above changes effective July 1, 2007. Providers, beneficiaries and their representatives, and other concerned state residents may provide written comment on the proposed rates, methodologies and justification underlying the establishment of such changes.

Written comments may be submitted to: Edwin Stephens, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308 or stephene@ahca.myflorida.com. Written comments should be submitted no later than July 31, 2007.

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis, provides the following public notice regarding reimbursement for inpatient hospitals participating in the Florida Medicaid Program.

PURPOSE: To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for inpatient hospitals, the Agency is publishing the proposed rates, the methodologies underlying the establishment of such rates, and justifications for the proposed rates. The Agency is in the process of amending its Title XIX Inpatient Hospital Reimbursement Plan (The Plan) to incorporate changes to the reimbursement methodology.

PROPOSED RATES: Effective July 1, 2007, the proposed rates for Medicaid inpatient hospitals will be rates resulting from revised methodology used to calculate per diem rates.

1. Effective July 1, 2007, inpatient reimbursement ceilings will be eliminated for hospitals whose charity care and Medicaid days, as a percentage of total adjusted hospital days, equal or exceed 11 percent. For any public hospital that does not qualify for the elimination of the inpatient ceilings under this section of the 2007-08 General Appropriations Act or any other proviso listed, the public hospital shall be exempt from the inpatient reimbursement ceilings contingent on the public hospital or local governmental entity providing the required state match. The Agency shall use the average of the 2001, 2002, and 2003 audited disproportionate share (DSH) data available as of March 1, 2007. In the event the Agency does not have the prescribed three years of audited DSH data for a hospital, the Agency shall use the average of the audited DSH data for 2001, 2002, and 2003 that are available.
2. Effective July 1, 2007, the inpatient reimbursement ceilings for hospitals that have a minimum of ten licensed Level II Neonatal Intensive Care Beds and are located in Trauma Services Area 2 will be eliminated.
3. Effective July 1, 2007, the inpatient hospital reimbursement ceilings for hospitals whose Medicaid days as a percentage of total hospital days exceed 7.3 percent, and are designated or provisional trauma centers will be eliminated. This provision shall apply to all hospitals that are designated or provisional trauma centers on July 1, 2007 and any hospitals that become a designated or provisional trauma center during State Fiscal Year 2007-2008. The Agency shall use the average of the 2001, 2002 and 2003 audited DSH data available as of March 1, 2007. In the event the Agency does not have the prescribed three years of audited DSH data for a hospital, the Agency shall use the average of the audited DSH data for 2001, 2002 and 2003 that are available.
4. Effective July 1, 2007, the inpatient reimbursement ceilings will be eliminated for teaching, specialty, Community Hospital Education Program hospitals and Level III Neonatal Intensive Care Units that have a minimum of three of the following designated tertiary services as regulated under the Certificate of Need Program: pediatric bone marrow transplantation, pediatric open heart surgery, pediatric cardiac catheterization and pediatric heart transplantation.

5. Effective July 1, 2007, the Medicaid inpatient rate reductions shall be reinstated for all hospitals whose Medicaid charity care days as a percentage to total adjusted days equals or exceeds 30 percent and have more than 10,000 Medicaid days, or a hospital or hospital system that established a provider service network during the prior state fiscal year. The Agency shall use the average of the 2001, 2002 and 2003 audited DSH data available at as of March 1, 2007.

Regular DSH

6. The Agency for Health Care Administration shall use the average of the 2001, 2002, and 2003 audited disproportionate share data to determine each hospital's Medicaid days and charity care days for the 2007-2008 state fiscal year.
7. \$148,382,079 is provided for payments to public hospitals.
8. \$48,000,000 is provided for payments to defined statutory teaching hospitals.
9. \$12,000,000 is provided for payments to the family practice teaching hospitals.
- Mental Health DSH
10. \$60,998,691 is provided for Mental Health DSH.
- Specialty DSH
11. \$2,444,444 is provided for Specialty DSH.

METHODOLOGIES: The methodology underlying the establishment of the proposed rates for Medicaid inpatient hospitals will be rates resulting from the 2007-08 General Appropriations Act, Senate Bill 2800, Specific Appropriation's 211, 212, 244, and 245.

JUSTIFICATION: The justification for the proposed state plan amendment is Senate Bill 2800, 2007-08 General Appropriations Act, Specific Appropriation's 211, 212, 244, and 245.

State residents may provide written comment on the proposed rates, methodologies and justification underlying the establishment of such rates.

Written comments may be submitted to: Edwin Stephens, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308 or stephene@ahca.myflorida.com. Written comments should be submitted no later than July 31, 2007. Copies of the proposed reimbursement plan incorporating the above changes are not available at this time. Please contact the person listed above for a copy once it is available.

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for outpatient hospitals participating in the Florida Medicaid Program.

PURPOSE: To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for outpatient hospitals, the Agency is publishing the proposed rates, the methodologies underlying the establishment of such rates, and justifications for the proposed rates. The Agency is in the process of amending its Title XIX Outpatient Hospital Reimbursement Plan (The Plan) to incorporate changes to the reimbursement methodology.

- Effective July 1, 2007, the outpatient reimbursement ceilings will be eliminated for hospitals whose charity care and Medicaid days as a percentage of total adjusted hospital days equals or exceeds 11 percent. For any public hospital that does not qualify for the elimination of the outpatient ceilings under this provision of proviso or any other proviso listed, the public hospital shall be exempt from the outpatient reimbursement ceilings contingent on the public hospital or local governmental entity providing the required state match. The Agency shall use the average of the 2001, 2002, and 2003 audited DSH data available as of March 1, 2007. In the event the Agency does not have the prescribed three years of audited DSH data for a hospital, the Agency shall use the average of the audited DSH data for 2001, 2002, and 2003 that are available.
- Effective July 1, 2007, the outpatient reimbursement ceilings will be eliminated for hospitals that have a minimum of ten licensed Level II Neonatal Intensive Care Beds and are located in Trauma Services Area 2.
- Effective July 1, 2007, the outpatient reimbursement ceilings will be eliminated for hospitals whose Medicaid days, as a percentage of total hospital days, exceed 7.3 percent, and are designated or provisional trauma centers. This provision shall apply to all hospitals that are designated or provisional trauma centers on July 1, 2007, or become a designated or provisional trauma center during State Fiscal Year 2007-2008. The Agency shall use the average of the 2001, 2002, and 2003 audited DSH data available as of March 1, 2007. In the event the Agency does not have the prescribed three years of audited DSH data for a hospital, the Agency shall use the average of the audited DSH data for 2001, 2002, and 2003 that are available.

4. Effective July 1, 2007, the Medicaid outpatient rate reductions will be reinstated for all hospitals whose Medicaid charity care days as a percentage to total adjusted days equals or exceeds 30 percent and have more than 10,000 Medicaid days or hospital system that established a Provider Service Network during the prior state fiscal year. The Agency shall use the average of the 2001, 2002, and 2003 audited DSH data available at as of March 1, 2007.
5. Addition of the phrase "available to AHCA as of each April 15 and October 15" to Section V.B 1. of the Title XIX Outpatient Hospital Reimbursement Plan.

PROPOSED RATES: Effective July 1, 2007, the proposed rates for Medicaid outpatient hospitals will be rates resulting from the revised methodology used to calculate per diems including appropriations from the 2007-08 General Appropriations Act, Senate Bill 2800, Specific Appropriation 216.

METHODOLOGIES: The methodology underlying the establishment of the proposed rates for Medicaid Outpatient Hospitals will be rates resulting from the current methodology used to calculate per diems including the 2007-08 General Appropriations Act, Senate House Bill 2800, Specific Appropriation 216.

JUSTIFICATION: The justification for the proposed rate change is based on the 2007-08 General Appropriations Act, Senate Bill 2800, Specific Appropriation 216.

The Agency is proposing the above rates and changes in methodology, effective July 1, 2007. Providers, beneficiaries and their representatives, and other concerned State residents may provide written comment on the proposed rates, methodologies and justification underlying the establishment of such rates.

Written comments may be submitted to: Edwin Stephens, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308 or stephene@ahca.myflorida.com. Written comments should be submitted no later than July 31, 2007. Please contact the person listed above for a copy of the State Plan Amendment when available.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

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 is available at: http://www.dep.state.fl.us/secretary/oip/state_clearinghouse/ ("Current Project Information") or call (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

DEPARTMENT OF HEALTH

On June 15, 2007, Ana M. Viamonte Ros, M.D., M.P.H., Secretary of the Department of Health, issued a Substitute Order of Emergency Suspension with regard to the license of James S. Pendergraft, IV, M.D., license number ME 59702. This Emergency Suspension Order was predicated upon the Secretary'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 Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On June 15, 2007, Ana M. Viamonte Ros, M.D., M.P.H., Secretary of the Department of Health, issued an Emergency Suspension Order with regard to the license of Tonya G. Bryant, L.P.N., license number PN 5174141. This Emergency Suspension Order was predicated upon the Secretary'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 Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On June 15, 2007, Ana M. Viamonte Ros, M.D., M.P.H., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Lucille Castro, L.P.N. license number PN 5175042. This Emergency Suspension Order was predicated upon the Secretary'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 Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On June 15, 2007, Ana M. Viamonte Ros, M.D., M.P.H., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Carol Exantos, R.N., license number RN 9258273. This Emergency Suspension Order was predicated upon the Secretary'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 Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On June 15, 2007, Ana M. Viamonte Ros, M.D., M.P.H., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Jeanine Fede, R.N. license number RN 9257375. This Emergency Suspension Order was predicated upon the Secretary'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 Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On June 15, 2007, Ana M. Viamonte Ros, M.D., M.P.H., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Yanique Letang, R.N., license number RN 9257327. This Emergency Suspension Order was predicated upon the Secretary'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 Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On June 15, 2007, Ana M. Viamonte Ros, M.D., M.P.H., Secretary of the Department of Health, issued an Emergency Suspension Order with regard to the license of Candace May Lijedahl, R.N., license number RN 3318742. This Emergency

Suspension Order was predicated upon the Secretary'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 Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On June 15, 2007, Ana M. Viamonte Ros, M.D., M.P.H., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Webster M. Saint-Georges, R.N., license number RN 9256795. This Emergency Suspension Order was predicated upon the Secretary'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 Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On June 15, 2007, Ana M. Viamonte Ros, M.D., M.P.H., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Lisa Ann Willmott, R.N., license number RN 9234948. This Emergency Suspension Order was predicated upon the Secretary'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 Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On June 18, 2007, Ana M. Viamonte Ros, M.D., M.P.H., Secretary of the Department of Health, issued an Emergency Suspension Order with regard to the license of Arthur Henson, II, D.O., license number OS 1441. This Emergency Suspension Order was predicated upon the Secretary'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 Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Department of Children and Family Services initiated a survey to determine the need for new medication (methadone) treatment service providers, pursuant to Section 397.427, Florida Statutes, and administrative rules adopted thereunder. However, because the Agency for Healthcare Administration has changed the method and timeframe to collect key information, the Department of Children and Family Services is unable to finalize the survey process at this time. Consequently, the results of the finalized survey indicating the area in the State that needs additional outpatient methadone maintenance treatment will be noticed by October 26, 2007.

For additional information regarding this matter, please contact: Department of Children and Family Services, Substance Abuse Program Office, 1317 Winewood Boulevard, Building 6, Room 305, Tallahassee, Florida 32399-0700, Telephone: (850)413-6708, Attention: Susan B. Sweeney.

FINANCIAL SERVICES COMMISSION

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institution, has received the following applications. Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105,

Florida Administrative Code, any person may request a public hearing by filing a petition with the: Clerk, Legal Services Office, Office of Financial Regulation, Division of Financial Institutions, 200 East Gaines Street, Tallahassee, Florida 32399-0379. The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., July 20, 2007):

APPLICATION AND PLAN FOR THE PURCHASE OF CERTAIN ASSETS AND ASSUMPTION OF CERTAIN LIABILITIES

Acquiring Entity: Florida Shores Bank – Southwest (In Organization), 500 U.S. 41 Bypass North (corner of Bird Bay), Venice, Florida 34285

Selling Entity: Florida Shores Bank – Southeast, (branch located in Venice, Florida)

Received: June 12, 2007

APPLICATION TO ACQUIRE CONTROL

Financial Institution to be Acquired: Marco Community Bank, Marco Island, Florida (Marco Community Bancorp, Inc.), Melbourne, Florida

Proposed Purchasers: LF QFP, LLLP, and BC Qualified Family Partnership LLLP

Received: June 14, 2007

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN June 11, 2007
 and June 15, 2007

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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WATER MANAGEMENT DISTRICTS
South Florida Water Management District

40E-4.091	6/11/07	7/1/07	33/9	
40E-4.302	6/11/07	7/1/07	33/9	

AGENCY FOR HEALTH CARE ADMINISTRATION
Medicaid Program Office

59G-4.230	6/12/07	7/2/07	33/16	
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DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-113.100	6/11/07	7/1/07	33/17	
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DEPARTMENT OF HEALTH
Board of Medicine

64B8-3.003	6/12/07	7/2/07	33/19	
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Board of Opticianry

64B12-9.017	6/15/07	7/5/07	33/16	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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Board of Orthotists and Prosthetists

64B14-4.100	6/12/07	7/2/07	33/19	
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DEPARTMENT OF FINANCIAL SERVICES
Division of Insurance Agents and Agency Services

69B-211.320	6/13/07	7/3/07	33/11	
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Finance

69V-560.102	6/15/07	7/15/07	33/8	33/20
69V-560.103	6/15/07	7/15/07	33/8	33/20
69V-560.201	6/15/07	7/15/07	33/8	33/20
69V-560.302	6/15/07	7/15/07	33/8	33/20
69V-560.402	6/15/07	7/15/07	33/8	33/20
69V-560.602	6/15/07	7/15/07	33/8	33/20
69V-560.606	6/15/07	7/15/07	33/8	33/20

NOTICE OF CORRECTION

WATER MANAGEMENT DISTRICTS
St. Johns River Water Management District

40C-1.106	5/31/07	7/1/07	33/8	33/16
40C-4.091	5/31/07	7/1/07	33/8	33/16
40C-4.302	5/31/07	7/1/07	33/8	33/16