

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.099823	RULE TITLE: Performance Standards for Children Participating in the Voluntary Prekindergarten (VPK) Education Program
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PURPOSE AND EFFECT: The purpose of this rule development is to discuss proposed revisions to the education standards for children in the Voluntary Prekindergarten (VPK) Education Program. The effect of the rule will be the adoption of uniform standards that describe the skills that a four-year-old child should know and be able to demonstrate by the end of the VPK program.

SUBJECT AREA TO BE ADDRESSED: Voluntary Prekindergarten (VPK).

SPECIFIC AUTHORITY: 1002.79(1) FS.

LAW IMPLEMENTED: 1002.67(1) FS.

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

DATES AND TIMES: Wednesday, February 20, 2008, 2:00 p.m. – 5:00 p.m., Tuesday, February 26, 2008, 6:00 p.m. – 9:00 p.m.

PLACES: February 20 – The Anderson Training Room at the Children's Service Council Building, ELC PBC, 2300 High Ridge Road, Boynton Beach, FL 33426

February 26 – The Board Room of the Children's Board, Children's Board of Hillsborough County, 1002 East Palm Ave. in Historic Ybor City, Tampa, FL 33605

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Shan Goff, Executive Director, Office of Early Learning, at (850)245-0445 or Shan.Goff@fldoe.org.

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-20.002	RULE TITLE: Postsecondary Educational Institution Administrative Responsibilities for State Student Aid Programs
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PURPOSE AND EFFECT: The purpose of this rule development is to update text to include tuition assistance programs, the William L. Boyd, IV, Florida Resident Access Grant, and the Access to Better Learning and Education Grant. The effect is a rule consistent with current Florida Statute.

SUBJECT AREA TO BE ADDRESSED: Florida State Student Aid Programs.

SPECIFIC AUTHORITY: 1001.02(1), 1009.50(6), 1009.505(5), 1009.51(1), 1009.52(7), 1009.53(3) 1005.55(2), 1009.72(7), 1009.73(1), 1009.765, 1009.77(7), 1009.89(2), 1009.891(2) FS.

LAW IMPLEMENTED: 1001.02, 1009.50, 1009.505, 1009.51, 1009.52, 1009.53, 1009.532, 1009.55, 1009.72, 1009.73, 1009.765, 1009.77, 1009.89, 1009.891 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: Theresa Antworth, Director, State Scholarship and Grant Programs, Florida Department of Education, Office of Student Financial Assistance, 1940 North Monroe Street, Suite 70, Tallahassee, Florida 32303-4759, (850)410-5185

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-20.0021	RULE TITLE: Program Compliance Audits of State Student Financial Aid and the Florida Resident Access Grant Program
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PURPOSE AND EFFECT: The purpose of this rule development is to reflect current practice in that program compliance audits for state financial aid programs and tuition assistance grant programs are conducted by the Office of Student Financial Assistance rather than the Inspector General's Office. This amendment will bring participating postsecondary institutions in alignment with the Florida Single Audit Act.

SUBJECT AREA TO BE ADDRESSED: Florida Student Financial Aid and Resident Access Grant Programs.

SPECIFIC AUTHORITY: 295.01(3), 1001.02(1), 1009.51(1), 1009.52(7), 1009.53(3), 1009.72(7), 1009.73(1), 1009.765, 1009.77(7), 1009.89(2), 1009.891(2) FS.

LAW IMPLEMENTED: 295.01, 1009.51, 1009.52, 1009.53, 1009.72, 1009.73, 1009.765, 1009.77, 1009.89, 1009.891 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: Theresa Antworth, Director, State Scholarship and Grant Programs, Florida Department of Education, Office of Student Financial Assistance, 1940 North Monroe Street, Suite 70, Tallahassee, Florida 32303-4759, (850)410-5185

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-1.659
 RULE TITLE: Forms and Instructions

PURPOSE AND EFFECT: The proposed revision will adopt a new Section K of the Joint Application For: Environmental Resource Permit/Authorization to use State Owned Submerged Lands/Federal Dredge and Fill Permit, Form 547.27/ERP (9/07). The purpose of the new section is to require an applicant to specify the location within the draft homeowners' or property owners' association documents of certain information required by District rules. The effect will be to streamline and expedite the District's review of the relevant documents during the application process.

SUBJECT AREA TO BE ADDRESSED: Environmental Resource Permitting – Operation and Maintenance Entities.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171, 373.337 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, 373.413, 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 (25) No change.

SURFACE WATER

(1) JOINT APPLICATION FOR: ENVIRONMENTAL RESOURCE PERMIT/AUTHORIZATION TO USE STATE OWNED SUBMERGED LANDS/FEDERAL DREDGE AND FILL PERMIT FORM 547.27/ERP (____9/07)

(2) through (14) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171, 373.337 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, 373.413, 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, 5-26-96, 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, 2-26-07, 9-27-07, 11-11-07, 11-25-07, 1-8-08,_____.

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 proposed revision provides a reference to an additional section of the Environmental Resource Permit (ERP) application form in the relevant sections of the ERP Basis of Review. The effect will be to require that applicants proposing a homeowners' or property owners' association as the operation and maintenance entity for a surface water management system are required to submit the new form.

SUBJECT AREA TO BE ADDRESSED: Environmental Resource Permitting – Operation and Maintenance Entities.

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: 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-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, Environmental Resource Permit Applications within the Southwest Florida Water Management District, _____ ~~September 25, 2007~~. This document is available from the District upon request.

(2) through (4) 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, 7-1-07, 9-25-07, 11-26-07, _____.

ERP Information Manual
Part B, Basis of Review

Chapter Two – Administrative Criteria

2.0 - 2.4 No change.

2.6 Legal Operation and Maintenance Entity Requirements

2.6.1 No change.

2.6.2 Operation and Maintenance Entity Documentation Requirements

2.6.2.1 No change.

2.6.2.2 Requirements for Associations

2.6.2.2.1 If a homeowners’ association, property owners’ association or master association is proposed, the applicant shall submit, with the permit application, Section K, Supplemental Information for Homeowner or Property Owner Associations Documents, draft copies of the articles of incorporation for the association, the declaration of protective covenants or deed restrictions, and a reference map or plat if referred to in the documents. Copies of these documents in their final form shall be submitted either: (1) within 180 days after beginning construction or with the Statement of Completion and as-built construction plans if construction is completed prior to 180 days, or (2) prior to lot or parcel sales, whichever

occurs first. Where there will be a delayed transfer to the association, a copy of the association’s articles of incorporation in final form shall be submitted to the District prior to transfer of operation and maintenance responsibility to the association. “Final form” as applied to the articles of incorporation for the association means the document as filed with the Florida Department of State, Division of Corporations, including the certificate of incorporation. “Final form” as applied to the declaration of protective covenants or deed restrictions means the document as recorded in the official records for the county where the project is located, including the clerk of court’s official record book and page numbers. The final documents shall be the same as the draft documents approved by the District during the permit application review process with respect to the provisions required pursuant to sections 2.6.2.2.4, 2.6.2.2.5, and 2.6.2.2.6. The District’s approval of any proposed changes to the final documents regarding these provisions must be obtained in writing prior to their inclusion in the final documents.

2.6.2.2.2 If a condominium association is proposed, the applicant shall submit, with the permit application, Section K, Supplemental Information for Homeowner or Property Owner Associations Documents, draft copies of the articles of incorporation for the association and the declaration of condominium. The applicant shall also submit a copy of the acceptance letter from the Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, stating that the documents are proper for filing. Copies of these documents in their final form shall be submitted either: (1) within 180 days after beginning construction or with the Statement of Completion and as-built construction plans if construction is completed prior to 180 days, or (2) prior to unit sales, whichever occurs first. Where there will be a delayed transfer to the association, a copy of the association’s articles of incorporation in final form shall be submitted prior to transfer of operation and maintenance responsibility to the association. “Final form” as applied to the articles of incorporation for the association means the document as filed with the Florida Department of State, Division of Corporations, including the certificate of incorporation. “Final form” as applied to the declaration of condominium means the document as recorded in the official records for the county where the project is located, including

the clerk of court’s official record book and page numbers. The final documents shall be the same as the draft documents approved by the District during the permit application review process with respect to the provisions required pursuant to sections 2.6.2.2.4, 2.6.2.2.5, and 2.6.2.2.6. The District’s approval of any proposed changes to the final documents regarding these provisions must be obtained in writing prior to their inclusion in the final documents.

2.6.2.2.3 – 2.6.2.2.7 No change.

2.6.2.3 Requirements for Small Subdivisions with the Lot Owners as the Operation and Maintenance Entity - The declaration of protective covenants or deed restrictions for residential subdivisions consisting of 10 lots or less and for which the lot owners are proposed as the operation and maintenance entity shall contain the provisions in subsections 2.6.2.2.5 “a,” “c,” “h,” and “i,” and the following additional provisions:

- a. The surface water management system facilities are located on land that is designated common property on the plat or are located on land that is subject to an easement in favor of all of the lot owners within the subdivision.
- b. The permittee shall be responsible for operation and maintenance of the surface water management system facilities until the first successful reinspection conducted pursuant to the Environmental Resource Permit. The transfer of responsibility to the lot owners will not be effective until the District approves the transfer in writing.
- c. The lot owners shall be jointly and severally responsible for operation and maintenance of the surface water management system facilities after the first successful reinspection.
- d. Operation and maintenance, and reinspection reporting shall be performed in accordance with the terms and conditions of the Environmental Resource Permit.
- e. The District has the right to take enforcement measures, including a civil action for injunction and/or penalties, against any lot owner(s) to compel such lot owner(s) to correct any outstanding maintenance problems with the surface water management system facilities.

The applicant shall submit, with the permit application, Section K, Supplemental Information for Homeowner or Property Owner Association Documents, a draft copy of the declaration of protective covenants or deed restrictions, and a reference map or plat if referred to in the document. A copy of the declaration of protective covenants or deed restrictions in its

final form shall be submitted, either: (1) within 180 days after beginning construction or with the Statement of Completion and as-built construction plans if construction is completed prior to 180 days or (2) prior to lot sales, whichever occurs first. “Final form” as applied to the declaration of protective covenants or deed restrictions means the document as recorded in the official records for the county where the project is located, including the clerk of court’s official record book and page numbers. The final documents shall be the same as the draft documents approved by the District during the permit application review process with respect to the provisions required pursuant to this section. The District’s approval of any proposed changes to the final documents regarding these provisions must be obtained in writing prior to their inclusion in the final documents.

2.6.3 No change.

2.7 – 2.8 No change.

DEPARTMENT OF MANAGEMENT SERVICES

Personnel Management System

RULE NO.: 60L-32.005
RULE TITLE: Benefits

PURPOSE AND EFFECT: Removes reference to the Adoption Benefits Program from the administrative rule in accordance with Chapter 2007-119, Laws of Florida. Sections 110.152 and 110.15201, F.S., were repealed and the adoption benefits program for state employees was transferred to the Department of Children and Families effective July 1, 2007.

SUBJECT AREA TO BE ADDRESSED: Removes reference to the adoption benefits program for state employees from the Department of Management Services administrative rules.

SPECIFIC AUTHORITY: 110.1055, 110.1052 FS.

LAW IMPLEMENTED: 110.152 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: Anna B. Gray, Workforce Development and Benefits Manager, Division of Human Resource Management, 4050 Esplanade Way, Tallahassee, FL 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60L-32.005 Benefits.

(1) through (2) No change.

~~(3) Adoption benefits are available to employees of the state as outlined below:~~

~~(a) Payment of benefits is contingent on funding.~~

~~(b) Benefits are available only for adoptions that become final after September 30, 2000.~~

~~(c) Benefits are available only for a child who is under the age of eighteen upon final order of adoption, unless the child is a special needs child as defined in Section 110.152(1)(b), Florida Statutes.~~

~~(d) An employee who adopts more than one child is eligible for benefits for each child.~~

~~(e) The benefit is a non-qualified plan under Section 125 of the Internal Revenue Code, subject to withholding taxes.~~

~~(f) If funds are appropriated for payment of new adoptions, the Department shall administer the funds appropriated for this benefit. The Department shall hold an annual open enrollment period for submission of applications between the first business day of April and the last business day of May. To apply for this benefit, the applicant shall fully complete and submit the Department's Application for Adoption Benefits Form (Form DMS/HRM/ADOPT, eff. 1/1/02), which is hereby incorporated by reference.~~

~~1. To complete Part II of the application, the applicant shall apply to his or her agency head, who, upon completion, shall return the original application to the applicant. The applicant is responsible for obtaining all certifications and supporting documentation necessary to complete the application. The applicant shall submit the original application and required documentation to the Department before the close of the annual open enrollment period. The Department shall return any application received outside the open enrollment period.~~

~~2. For multiple adoptions, the applicant shall submit a separate application for each child. If the final order of adoption lists all children, the applicant may submit one certified copy of the final order.~~

~~(g) The Department shall review all timely applications and determine who is eligible to receive the benefit. If funding is insufficient to pay the benefit to all eligible applicants, those with earlier final orders of adoption shall have priority. If final orders of adoption bear the same date, earlier received applications shall have priority. Eligible applicants who do not receive a benefit due to lack of funds shall submit a new application during the next annual open enrollment period, if they desire consideration for payment of the benefit from later appropriations.~~

Specific Authority 110.1055, ~~110.15201~~, 110.201(1), 110.2035(1), 110.403(1)(c), 110.605(1) FS. Law Implemented ~~110.152~~, 110.201, 110.209, 110.403, 110.603 FS. History—New 1-1-02, Amended 4-3-03, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-22.0105
 RULE TITLE: Approval of Continuing Education Courses in Laws and Rules

PURPOSE AND EFFECT: Purpose and effect to clarify the time that a continuing education course approval is valid.

SUBJECT AREA TO BE ADDRESSED: Approval of Continuing Education Courses in Laws and Rules.

SPECIFIC AUTHORITY: 455.2123, 455.213, 455.2179, 471.017(3), 471.019 FS.

LAW IMPLEMENTED: 455.2123, 455.213, 455.2179, 471.017(3), 471.019 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 Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-22.0105 Approval of Continuing Education Courses in Laws and Rules.

Each course provider approved by the Board to conduct courses in Florida Laws and Rules must meet the requirements of Rule 61G15-22.011, F.A.C., and shall submit an application for approval of a continuing education course in Laws and Rules. The application shall be submitted on the course approval application provided by the Board and shall include the following:

(1) through (5) No change.

(6) Continuing education course approval is valid for the biennium during which it was applied for ~~two (2) years from date of issue, two (2) years from date of issue~~, provided no substantial change is made in the course and the approval status of the provider has not expired or been suspended or revoked. Substantial changes made in any course will require a new approval of that course. A provider must reapply for course approval ninety (90) days prior to the date of the end of the biennium which would be the expiration of course approval in order to prevent a lapse in course approval.

(7) No change.

Specific Authority 455.2123, 455.213, 455.2179, 471.017(3), 471.019 FS. Law Implemented 455.2123, 455.213, 455.2179, 471.017(3), 471.019 FS. History—New 4-8-07, Amended _____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.:	RULE TITLES:
69A-37.0335	Qualification of New Employee
69A-37.0336	Application Process Certificate of Compliance
69A-37.036	Determination of Moral Character
69A-37.037	Firefighter Training Course Medical Examination
69A-37.039	Prescribed Forms for Training and Certification
69A-37.0527	Retention of Certification
69A-37.054	Out of State Training – Certificate of Compliance; Special Certificate of Compliance
69A-37.055	Curriculum Requirements for Training Firefighter Recruits or Firefighters
69A-37.056	Specifications for Certifiable Training
69A-37.057	Roster of Students
69A-37.058	Verification of Prescribed Training Hours

PURPOSE AND EFFECT: To remove references to the Firefighter I category and adopt the latest National Fire Protection Association standards for training.

SUBJECT AREA TO BE ADDRESSED: The subject matter to be addressed is Firefighter I and updated training standards.

SPECIFIC AUTHORITY: 633.38(1)(a), 633.45(2)(a) FS.

LAW IMPLEMENTED: 633.34(4), 633.35, 633.35(2), 633.38, 633.45, 633.45(1)(a), (b), 633.45(2)(a), (i), 633.101(1) FS.

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

DATE AND TIME: Wednesday – February 27, 2008, 10:00 a.m.

PLACE: Main Meeting Room, Plantation Fire Department Administration Building, 550 N. W. 65th Avenue, Plantation, Florida 33317

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lesley Mendelson, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399, (850)413-3604

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON, AND IS ALSO AVAILABLE ON THE DIVISION’S WEBSITE AT <http://www.fldfs.com/SFM/>

DEPARTMENT OF FINANCIAL SERVICES

Division of Accounting and Auditing

RULE NOS.:	RULE TITLES:
69I-20.0011	Full Disclosure Statement
69I-20.0021	Procedures for Filing Claim
69I-20.0022	Proof of Ownership and Entitlement to Unclaimed Property
69I-20.0023	Database Submissions
69I-20.0024	Investigation or Examination Fees
69I-20.0025	Shareholder Affidavit
69I-20.0026	Claimant Affidavit
69I-20.0027	Payment of Conflicting Claims
69I-20.0028	General Principles for Joint Ownership of Property
69I-20.0029	Survivorship Accounts Reported by a Financial Institution
69I-20.030	Definitions
69I-20.031	Holder Due Diligence
69I-20.034	Report of Property Presumed Abandoned
69I-20.035	Reporting Safe Deposit Box Contents
69I-20.036	Remitting of Safe Deposit Box Contents and Reimbursement of Expenses
69I-20.038	Late Annual Report(s), Late Payment(s), and Late Delivery of Abandoned Property
69I-20.040	Written Notice
69I-20.050	Voluntary Disclosure Agreements

PURPOSE AND EFFECT: The purpose of the rule development is to do the following:

Rule 69I-20.0011: The purpose and effect of the proposed rule is to specify the mailing and Internet address of the Bureau of Unclaimed Property.

Rule 69I-20.0028: The purpose and effect of the proposed rule is to provide general principles for jointly owned property.

Rule 69I-20.0029: The purpose and effect of the proposed rule is to provide that “and” accounts, “or” accounts, and accounts otherwise reported by financial institutions in the name of two or more individuals shall be treated as survivorship accounts in the absence of evidence to the contrary.

Rule 69I-20.031: The purpose and effect of the proposed rule is to merge the definition of the term “due diligence” codified in Section 717.101(9), F.S., with the statutory provision of Section 717.117(4), F.S., which implements the definition.

Rule 69I-20.050: The purpose and effect of the proposed rule amendment is to amend the rule and provide that a holder may not enter into a voluntary disclosure agreement if the holder has agreed to a self-audit, been requested by the Department to conduct a self-audit, or has been notified of the Department's intention to audit or examine the holder.

SUBJECT AREA TO BE ADDRESSED: Rules 69I-20.0011: Full disclosure. 69I-20.0028: Joint ownership of unclaimed property. 69I-20.0029: Survivorship accounts. 69I-20.031: Due diligence. 69I-20.050: Voluntary disclosure agreements.

SPECIFIC AUTHORITY: 717.117(1), 717.138 FS.

LAW IMPLEMENTED: 655.005, 655.79, 717.101, 717.117, 717.119, 717.124, 717.12403, 717.126, 717.129, 717.135, 717.1351, 731.201 FS.

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

DATE AND TIME: Friday, March 14, 2008, 9:00 a.m.

PLACE: Suite 547, The Fletcher Building, 101 E. Gaines St., 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: Paul Stadler, (850)413-3010. If you are 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: Paul C. Stadler, Jr., Assistant General Counsel, Department of Financial Services, 200 E. Gaines St., Tallahassee, Florida 32399-4247, (850)413-3010

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

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Library and Information Services

RULE NO.: RULE TITLE:
1B-26.003 Electronic Recordkeeping

PURPOSE AND EFFECT: The purpose of this amendment is to update guidelines for managing public records created or maintained in electronic form. Updated guidelines reflect current technologies and best practices in managing electronic records and ensuring their retention and accessibility in accordance with public records provisions of Chapter 119, Florida Statutes.

SUMMARY: This amendment updates references to required technical standards, clarifies ambiguous language, reorganizes and consolidates various provisions, and provides for greater flexibility in agency technology practices while continuing to require adherence to records retention and access requirements set forth in Chapters 119 and 257, Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Costs 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: 257.14, 257.36 FS.

LAW IMPLEMENTED: 257.14, 257.36 FS.

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

DATE AND TIME: Tuesday, March 4, 2008, 2:00 p.m.

PLACE: Conference Room 307, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Jim Berberich, Program Manager, Information Resources Management, Division of Library and Information Services, M.S. 9A, Tallahassee, FL 32399-0250, phone (850)245-6750, e-mail jberberich@dos.state.fl.us. 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: Jim Berberich, Program Manager, Information Resources Management, Division of Library and Information Services, M.S. 9A, Tallahassee, FL 32399-0250, phone (850)245-6750, e-mail jberberich@dos.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

1B-26.003 Electronic Recordkeeping.

(1) PURPOSE. These rules provide standards for record (master) copies of public records which reside in electronic recordkeeping systems. Recordkeeping requirements must be incorporated in the system design and implementation of new systems and enhancements to existing systems. Public records are those as defined by Section 119.011(11), F.S.

(2) AUTHORITY. The authority for the establishment of this rule ~~these rules~~ is Sections 257.14 and 257.36(1) and ~~(6)(e)~~, F.S.

(3) SCOPE.

(a)1. These rules are applicable to all agencies as defined by Section 119.011(2), F.S.

2. These rules establish minimum requirements for the creation, utilization, maintenance, retention, preservation, storage and disposition of electronic record (master) copies, regardless of the media.

3. Electronic records include numeric, graphic, audio, sound video, and textual information which is recorded or transmitted in analog or digital form.

4. These rules apply to all electronic recordkeeping systems, including, but not limited to, microcomputers, minicomputers, main-frame computers, and image recording systems (regardless of storage media) in network or stand-alone configurations.

(b) Before existing records are committed to an electronic recordkeeping system, the agency shall conduct a cost benefit analysis to insure that the project or system contemplated is cost effective.

~~(c) Any electronic recordkeeping system not meeting the provisions of these rules may be utilized for long-term or permanent records provided the record (master) copy is maintained or microfilmed in accordance with the provisions of Rule 1B-26.0021, F.A.C., prior to disposition.~~

(4) INTENT. Electronic recordkeeping systems in use at the effective date of this rule, that are not in compliance with the requirements of this rule, may be used until the systems are replaced or upgraded. New and upgraded electronic recordkeeping systems created after the effective date of this rule shall comply with the requirements contained herein. The Department is aware that it may not be possible to implement this rule in its entirety immediately upon its enactment, and it is not the intent by this rule to disrupt existing recordkeeping practices provided that agencies make no further disposition of public records without approval of the Division of Library and Information Services of the Department of State.

(5) DEFINITIONS. For the purpose of these rules:

(a) "ASCII" means the American Standard Code for Information Interchange, a 7-bit coded character set for information interchange which was formerly ANSI (American National Standards Institute) Standard X3.4 and has since been incorporated into the Unicode standard as the first 128 Unicode characters.

~~(b)(a) "Database" means an organized collection of automated information.~~

~~(c)(b) "Database management system" means a set of software programs that controls the organization, storage and retrieval of data (fields, records and files) in a database. It also controls the security and integrity of the database.~~

~~(e) "Data file" means related numeric, textual, sound, video, or graphic information that is organized in a prescribed form and format.~~

(d) "Digital signature" means a type of electronic signature (any letters, characters, or symbols executed with an intent to authenticate) that can be used to authenticate the

identity of the sender of a message or the signer of a document and to ensure that the original content of the message or document that has been sent is unchanged. Digital signatures can be created through hashing algorithms.

~~(e)(d) "Electronic record" means any information that is recorded in machine readable form.~~

~~(f)(e) "Electronic recordkeeping system" means an automated information system for the organized collection, processing, transmission, and dissemination of information in accordance with defined procedures.~~

(g) "Hashing algorithm" (hash function, checksum) means a formula or procedure for checking that electronically transmitted messages or documents have not been altered by transforming a string of characters into a usually shorter fixed-length "hash value" or key that represents the original string. The receiver of the message can execute the same hashing algorithm as the sender and compare the resulting hash values; any difference in the hash values indicates an alteration of the message or document sent. Hashing algorithms can be used to create digital signatures.

~~(h)(f) "System design" means the design of the nature and content of input, files, procedures, and output and their interrelationships.~~

~~(i)(g) "Permanent or long-term Long-term records" means any public records as defined by Section 119.011(11), F.S. which have an established retention period of more than 10 years. See Section 119.011(11), F.S., for the definition of a public record.~~

~~(j)(h) "Record (master) copy" means public records specifically designated by the custodian as the official record.~~

~~(k)(i) "Geographic information system" means a computer system for capturing, storing, checking, integrating, manipulating, analyzing and displaying data related to positions on the Earth's surface.~~

~~(l)(j) "Open format" means a data format that is defined in complete detail and that allows transformation of the data to other formats without loss of information. An open format may be either standards-based or proprietary.~~

(m) "Unicode" means the universal character encoding standard maintained by the Unicode Consortium, providing the basis for processing, storage, and interchange of text data in any language in all modern software and information technology protocols.

(6) AGENCY DUTIES AND RESPONSIBILITIES. ~~The head of~~ Each agency shall:

(a) Develop and implement a program for the management of electronic records.

(b) Ensure that all records are included within records retention schedules, either by being included within an applicable General Records Schedule, or by developing and obtaining approval for an individual agency-specific records retention schedule in accordance with Rule 1B-24.003, F.A.C.,

~~Records Retention Scheduling and Dispositioning. Each record series shall be considered on an individual basis by the Division of Library and Information Services in establishing this retention period. See subsection 1B-24.001(3), F.A.C., for the definition of a record series.~~

(c) Integrate the management of electronic records with other records and information resources management programs of the agency.

(d) Incorporate electronic records management objectives, responsibilities, and authorities in pertinent agency directives, or rules, as applicable.

(e) Establish procedures for addressing records management requirements, including recordkeeping requirements and disposition, before approving, recommending, adopting, or implementing new electronic recordkeeping systems or enhancements to existing systems.

(f) Provide training for users of electronic recordkeeping systems in the operation, care, and handling of the equipment, software, and media used in the system.

(g) Ensure that agency electronic recordkeeping systems meet state requirements for public access to records in accordance with Chapter 119, F.S.

1. STANDARD. Each agency which maintains public records in an electronic recordkeeping system shall provide, to any person making a public records request pursuant to Chapter 119, F.S., a copy of any data in such records which is not specifically exempt from disclosure by statute. Said copy shall be on paper, disk, tape, optical disk, or any other electronic storage device or media requested by the person, if the agency currently maintains the record in that form, or as otherwise required by Chapter 119, F.S. Except as otherwise provided by state statute, the cost for providing a copy of such data shall be in accordance with the provisions of Sections 119.07(4), F.S.

2. STANDARD. Except as otherwise provided by law, no agency shall enter into a contract with, or otherwise obligate itself to, any person or entity for electronic recordkeeping hardware, software, systems, or services if such contract or obligation impairs the right of the public under state law to inspect or copy the agency's nonexempt public records, or impairs the agency's ability to retain the records in accordance with established records retention schedules existing on-line in, or stored on a device or media used in connection with, a computer system or optical imaging system owned, leased or otherwise used by an agency in the course of its governmental functions.

~~3. STANDARD. Each agency shall ensure that current and proposed electronic recordkeeping systems adequately provide for the rights of the public to access public records under Chapter 119, F.S.~~

~~3.4. STANDARD. In providing addition to ensuring that electronic recordkeeping systems meet requirements for public access to electronic public records, agencies shall ensure that procedures and controls are in place to maintain confidentiality for information which is exempt from public disclosure.~~

~~(h) Develop and maintain documentation about electronic recordkeeping systems used by the agency to specify technical characteristics necessary for reading or processing the records. Documentation for electronic records systems shall meet the following standards:~~

~~1. STANDARD. Each agency shall identify all inputs and outputs of the system; define the organization and contents of the files and records; define policies on access and use; define the purpose and function of the system; define update cycles or conditions and rules for adding information to the system, changing information in it, or deleting information; and ensure the timely, authorized disposition of the records in accordance with Chapter 1B-24, F.A.C.~~

~~2. STANDARD. Each agency shall specify the location and media in which electronic records are maintained to meet retention requirements, establish and document security controls for the protection of the records, and maintain inventories of electronic recordkeeping systems to facilitate disposition.~~

~~(7) DOCUMENTATION STANDARDS.~~

~~(a) STANDARD. Agencies shall develop and maintain adequate and up-to-date technical and descriptive documentation for each electronic recordkeeping system to specify characteristics necessary for reading or processing the records. Documentation for electronic records systems shall be maintained in printed form, and may should also be maintained in computer-readable form to facilitate access to the records. The minimum documentation required is:~~

~~1. A narrative description of the system, including all inputs and outputs of the system; the organization and contents of the files and records; policies on access and use; security controls; purpose and function of the system; update cycles or conditions and rules for adding information to the system, changing information in it, or deleting information; and the location and media in which electronic records are maintained and their retention requirements to ensure appropriate disposition of records in accordance with Chapter 1B-24, F.A.C.~~

~~2. The physical and technical characteristics of the records, including a record layout or markup language that describes each file or field including its name, size, starting or relative position, and description of the form of the data (such as alphabetic, decimal, or numeric), or a data dictionary or the equivalent information associated with a database management system including a description of the relationship between data elements in databases;~~

3. For information coming from geographic information systems, the physical and technical characteristics of the records must be described including a data dictionary, a quality and accuracy report and a description of the graphic data structure, such as recommended by the federal Spatial Data Transfer Standards; and

4. Any other technical information needed to read or process the records.

(8) ~~CREATION AND USE OF ELECTRONIC RECORDS AS RECORD (MASTER) COPIES.~~ Electronic recordkeeping systems that maintain record (master) copies of public records on electronic media shall meet the following minimum requirements:

(a)1. Provide a method for all authorized users of the system to retrieve desired records;

2. Provide an appropriate level of security to ensure the integrity of the records, in accordance with the requirements of Chapter 282, F.S. Security controls should include, at a minimum, physical and logical access controls, backup and recovery procedures, and training for custodians and users. Automated methods for integrity checking should be incorporated in all systems that generate and use official file copies of records. Hashing algorithms and digital signatures should be considered for all official file copies of electronic records. The use of automated integrity controls, such as hashing algorithms and digital signatures, can reduce the need for other security controls. Hashing algorithms used to protect the integrity of official file copies of records should meet the requirements of US Federal Information Processing Standard Publication 180-24 (FIPS-PUB 180-24) ~~(August 1, 2002 April 17, 1995)~~ entitled “Secure Hash Standard” ~~(or “Secure Hash Signature Standard”)~~ which is hereby incorporated by reference, and made a part of this rule. This publication is available from the National Technical Information Service (NTIS), 5285 Port Royal Road, U.S. Department of Commerce, Springfield, VA 22161, and at the Internet Uniform Resource Locator: <http://csrc.nist.gov/publications/fips/fips180-2/fips180-2.pdf> ~~http://www.itl.nist.gov/fipspubs/fip180-1.htm~~. Agencies utilizing hashing algorithms shall only use validated implementations of hashing algorithms ~~should also consider using only validated implementations of hashing algorithms in cases where the data being protected are of great intrinsic value or where the content and authenticity of the records are likely to be at issue in litigation.~~

3. Identify the open format or standard interchange format when necessary to permit the exchange of records on electronic media between agency electronic recordkeeping systems using different software/operating systems and the conversion or migration of records on electronic media from one system to another. For text records in the absence of other conversion capabilities, the word processing or text creation system should be able to import and export files in the ASCII or Unicode format as prescribed by the Unicode 5.0 Standard (or successor

Unicode Standard) Federal Information Processing Standard Publication (FIPS-PUB) Number 1-2; entitled Coded Character Sets—7-Bit American National Standard Code for Information Exchange (7-Bit ASCII) (1986, R2002), which is hereby incorporated by reference, and made a part of this rule. This publication is available from the Unicode Consortium, P. O. Box 391476, Mountain View, CA 94039-1476, and at the Internet Uniform Resource Locator: <http://www.unicode.org/book/bookform.html> ~~National Technical Information Service (NTIS), 5285 Port Royal Road, U.S. Department of Commerce, Springfield, VA 22161; and~~

4. Provide for the disposition of the records including, when appropriate, transfer to the Florida State Archives.

(b) STANDARD. Before a record (master) copy is created on an electronic recordkeeping system, the record shall be uniquely identified to enable authorized personnel to retrieve, protect, and carry out the disposition of records in the system. Agencies shall ensure that records maintained in such systems can be correlated with any existing related records on paper, microfilm, or other media.

(9) LEGAL AUTHENTICATION. Agencies shall implement the following procedures to enhance the legal admissibility of electronic records:

(a) Document that similar kinds of records generated and stored electronically are created by the same processes each time and have a standardized retrieval approach.

(b) Substantiate that security procedures prevent unauthorized addition, modification, or deletion of a record and ensure systems are protected ~~protection~~ against such problems as power interruptions.

(c) Identify the electronic media on which records are stored throughout their life cycle, the maximum time span that records remain on each storage media, and the official retention requirements as approved by the Division of Library and Information Services.

(d) State agencies shall, and other agencies are encouraged to, establish and maintain integrity controls for record (master) copies of electronic records in accordance with the requirements of Chapter 282, F.S.

(10) SELECTION OF ELECTRONIC RECORDS STORAGE MEDIA. For storing record (master) copies of electronic public records throughout their life cycle, agencies shall select appropriate media and systems which meet the following requirements:

(a) Permit easy and accurate retrieval in a timely fashion;

(b) Retain the records in a usable format until their authorized disposition and, when appropriate, meet the requirements necessary for transfer to the Florida State Archives.

(c) STANDARD. Agencies shall not use floppy disks, audio cassettes, or VHS-format video cassettes for the storage of record (master) copies of long-term or permanent or long-term records. ~~Long-term and Permanent or long-term~~

records on magnetic tape shall be stored on polyester-based media. Agencies shall use only previously unrecorded audio or video tape videotape for ~~original~~ record (master) copies of ~~long-term or permanent or long-term audio or video recordings~~. Obtain recording media only from vendors whose guarantee of 10 years or more of readability is based upon documented accelerated aging tests which are linked to specific locations on the media.

(d) STANDARD. A scanning density with a minimum of 300 dots per inch is required for scanned images created by the agency from hard copy permanent or long-term records recording electronic records.

(e) STANDARD. Record (master) copies of scanned digital images created by the agency from hard copy permanent or long-term records must be stored in accordance with a published International Organization for Standardization (ISO) open standard image format the TIFF 6.0 specification (June 3, 1992), which is hereby incorporated by reference and made a part of this rule. This specification is available from the Aldus Corporation, 411 First Avenue South, Seattle, WA 98104-2871. If use of a proprietary image format is unavoidable, the agency must provide a gateway to lossless conversion to the TIFF 6.0 specification.

(f) The following factors are to be considered before selecting a storage media or converting from one media to another:

1. The authorized retention of the records as determined during the scheduling process;
2. The maintenance necessary to retain the records;
3. The cost of storing and retrieving the records;
4. The access time to retrieve stored records;
5. The portability of the medium (that is, selecting a medium that can be read by equipment offered by multiple manufacturers); and
6. The ability to transfer the information from one medium to another, such as from optical disk to magnetic tape.

(11) MAINTENANCE OF ELECTRONIC RECORDS.

(a) STANDARD. Agencies shall back up electronic records on a regular basis to safeguard against the loss of information due to equipment malfunctions, human error, or other disaster. Agencies shall maintain backup all long-term and permanent backup/security electronic recording media created for disaster recovery purposes, and all preservation duplicates of permanent or long-term records, in an off-site storage facility, either on-site or off-site, with constant temperature (below 68 degrees Fahrenheit) and relative humidity (20 to 30 percent) controls. Storage and handling of long-term and permanent or long-term records on magnetic tape shall conform to the standards contained in Standard AES22-1997 (r2003), "AES recommended practice for audio preservation and restoration – Storage and handling – Storage of polyester-base magnetic tape," (published 1997, reaffirmed 2003), which is hereby incorporated by reference and made a

part of this rule. This publication is available from the Audio Engineering Society, Incorporated, 60 East 42nd Street, Room 2520, New York, New York, 10165-2520, and at the Internet Uniform Resource Locator: <http://www.aes.org/publications/standards/search.cfm>. If an agency cannot practicably maintain backups and preservation duplicates as required in this section, the agency shall document the reasons why it cannot do so. Other electronic records media should be stored in a cool, dry, dark environment when possible (maximum temperature 73 degrees Fahrenheit, relative humidity 20-50 percent).

(b) STANDARD. Agencies shall annually read a statistical sample of all electronic media containing ~~long-term or permanent or long-term~~ records to identify any loss of information and to discover and correct the cause of data loss.

(c) STANDARD. Agencies shall test all ~~long-term or permanent or long-term~~ electronic records at least every 10 years and verify that the media are free of permanent errors. More frequent testing (e.g. at least every 5 years) is highly recommended.

(d) STANDARD. Agencies shall only rewind tapes immediately before use to restore proper tension. When tapes with extreme cases of degradation are discovered, they should be rewound to avoid more permanent damage and copied to new media as soon as possible. Tapes shall be played continuously from end to end to ensure even packing. Tapes shall be stored so that the tape is all on one reel or hub.

(e) STANDARD. Agencies shall prohibit smoking, eating, and drinking in areas where electronic records are created, stored, used, or tested.

(f) STANDARD. External labels (or the equivalent automated management system) for electronic recording media used to store ~~long-term or permanent or long-term~~ records shall provide unique identification for each storage media, including:

1. The name of the organizational unit responsible for the data;
2. System title, including the version number of the application;
3. Special security requirements or restrictions on access, if any; and
4. Software in use at the time of creation.

(g) STANDARD. For all media used to store permanent or long-term electronic records, each electronic records series, agencies shall maintain human readable information specifying the metadata associated with the series, and technical documentation specifying recording methods, formats, languages, dependencies, and schema sufficient to ensure continued access to, and intellectual control over, the records series. Additionally, the following information shall be maintained for each media used to store long-term or permanent or long-term electronic records:

1. File title;
2. Dates of creation;

- 3. Dates of coverage; and
- 4. Character code/software dependency.

(h) STANDARD. Electronic records shall not be stored closer than 2 meters (about 6 feet, 7 inches) from sources of magnetic fields, including generators, elevators, transformers, loudspeakers, microphones, headphones, magnetic cabinet latches and magnetized tools.

(i) STANDARD. Electronic records on magnetic tape or disk shall not be stored in metal containers unless the metal is non-magnetic. Storage containers shall be resistant to impact, dust intrusion and moisture. Compact disks shall be stored in hard cases, and not in cardboard, paper or flimsy sleeves.

(j) STANDARD. Agencies shall ensure that record (master) copies of electronic records are maintained by personnel properly trained in the use and handling of the records and associated equipment.

~~(k) STANDARD. Agencies shall not use floppy disks, audio cassettes, or VHS format video cassettes for the storage of record (master) copies of long term or permanent records. Long term and permanent records on magnetic tape shall be stored on polyester-based media. Agencies shall use only previously unrecorded videotape for original record (master) copies of long term or permanent video recordings. For long term or permanent audio recordings of record (master) copies, agencies shall use only one quarter inch open reel tapes at three and three quarters or seven and one half inches per second, full track, using professional unrecorded polyester splice-free tape stock. For long term or permanent digital recordings of record (master) copies, agencies may use open reel one half inch tape reels recorded at 1600 or more bits per inch, 3480, 3490, or 3590 type tape cartridges, or compact disk read-only memory (CD-ROM) media.~~

~~(k)(4)~~ Agencies shall establish and adopt procedures for external labeling of the contents of diskettes, disks, tapes, or optical disks so that all authorized users can identify and retrieve the stored information.

~~(l)(m)~~ Agencies shall convert storage media to provide compatibility with the agency's current hardware and software to ensure that information is not lost due to changing technology or deterioration of storage media. Before conversion of information to different media, agencies must determine that authorized disposition of the electronic records can be implemented after conversion ~~long term or permanent~~. Permanent or long-term electronic records stored on magnetic tape shall be transferred to new media as needed to prevent loss of information due to changing technology or deterioration of storage media.

~~(n) Agencies shall back up electronic records on a regular basis to safeguard against the loss of information due to equipment malfunctions or human error. Duplicate copies of~~

~~long term or permanent records shall be maintained in storage areas located in buildings separate from the location of the records that have been copied.~~

(12) RETENTION OF ELECTRONIC RECORDS. Each agency is responsible for ensuring the continued accessibility and readability of public records throughout their entire life cycle regardless of the format or media in which the records are maintained.

Agencies shall establish policies and procedures to ensure that electronic records and their documentation are retained and accessible as long as needed. These ~~retention~~ procedures shall include provisions for:

(a) STANDARD. Scheduling the retention and disposition of all electronic records, as well as related access documentation and indexes, in accordance with the provisions of Chapter 1B-24, F.A.C.

(b) STANDARD. Establishing procedures for regular copying, reformatting, and other necessary maintenance to ensure the retention and usability of the electronic records throughout their authorized life cycle. Transferring a copy of the electronic records and any related documentation and indexes to the Florida State Archives at the time specified in the records retention schedule, if applicable. Transfer may take place at an earlier date if convenient for both the agency and the Archives.

~~(c) STANDARD. Transferring a copy of the electronic records and any related documentation and indexes to the Florida State Archives at the time specified in the records retention schedule, if applicable. Transfer may take place at an earlier date if convenient for both the agency and the Archives. Establishing procedures for regular copying, reformatting, and other necessary maintenance to ensure the retention and usability of the electronic records throughout their authorized life cycle.~~

(13) DESTRUCTION OF ELECTRONIC RECORDS. Electronic records may be destroyed only in accordance with the provisions of Chapter 1B-24, F.A.C. At a minimum each agency shall ~~should~~ ensure that:

(a) Electronic records scheduled for destruction ~~are must~~ be disposed of in a manner that ensures that protection of any information that is confidential or exempt from disclosure, including sensitive, proprietary, or security information, cannot practicably be read or reconstructed, and;

(b) Recording media previously used for electronic records containing information that is confidential or exempt from disclosure, including sensitive, proprietary, or security information, are not reused if the previously recorded information can be compromised in any way by reuse.

Specific Authority 257.14, 257.36(1), 257.36(6) FS. Law Implemented 257.36(1)(a) FS. History--New 8-16-92, Amended 5-13-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Jim Berberich, Program Manager, Information Resources
 Management, Division of Library and Information Services,
 M.S. 9A, Tallahassee, FL 32399-0250, phone (850)245-6750,
 e-mail jberberich@dos.state.fl.us

NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Judith Ring

DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: January 30, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: February 8, 2008

**DEPARTMENT OF AGRICULTURE AND CONSUMER
 SERVICES**

Division of Agricultural Environmental Services

RULE NO.: RULE TITLE:
 5E-14.142 Responsibilities and Duties –
 Records, Reports, Advertising,
 Applications

PURPOSE AND EFFECT: The purpose and effect of the
 proposed rule is to add an amendment that will accommodate
 newer phone communication technology in the conduct of pest
 control.

SUMMARY: An amendment that will accommodate newer
 phone communication technology in the conduct of pest
 control by removing a requirement for a phone terminating in
 the licensed business location, while providing for
 accountability for pest control sales calls. This will allow the
 use of cell phones which are increasingly important for pest
 control operators.

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: 482.051 FS.

LAW IMPLEMENTED: 482.051, 482.21(21) FS.

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

DATE AND TIME: March 5, 2008, 10:00 a.m.

PLACE: Florida Department of Agriculture and Consumer
 Services; Eyster Auditorium, 3125 Conner Boulevard,
 Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE
 PROPOSED RULE IS: Mr. Michael J. Page, Chief of
 Entomology and Pest Control, 1203 Governors Square
 Boulevard, Suite 300, Tallahassee, Florida 32301-2961,
 (850)921-4177

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-14.142 Responsibilities and Duties – Records, Reports,
 Advertising, Applications.

(1) through (2) No change.

(3) Advertising:

(a) Pest control advertising on service vehicles, in
 telephone directories or other advertising media shall in all
 cases be factual and shall be set forth only under the license’s
 name or trade name registered with the Department.
 Unregistered fictitious names are prohibited.

(b) All pest control telephone directory advertising,
 including ~~direct dial~~ long distance lines shall in all cases show
 the licensee’s name or trade name registered with the
 Department, complete licensed business location address from
 where services will be performed and telephone numbers.
~~Blind (Unidentified) telephone numbers are prohibited. All
 telephone numbers used in the solicitation and acceptance of
 pest control shall terminate in the licensed business location.~~

(c) Solicitation and acceptance of pest control must be
 performed by an identification card holder whether performed
 in person or by telephone.

(4) through (8) No change.

Specific Authority 482.051 FS. Law Implemented 482.021(21),
 482.061, 482.071, 482.091, 482.111(5), (9), 482.161(1)(g), (h),
 482.226(1), (6) FS. History–New 1-1-77, Amended 6-27-79, 6-22-83,
 1-20-87, 10-25-90, Formerly 10D-55.142, Amended 8-11-93,
 5-28-98, 4-29-02, 4-17-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Mr. Michael J. Page

NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Mr. Anderson H. “Andy” Rackley

DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: January 9, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: September 21, 2007

**DEPARTMENT OF AGRICULTURE AND CONSUMER
 SERVICES**

Division of Standards

RULE NOS.:	RULE TITLES:
5F-11.022	Marking of Containers
5F-11.026	Unsafe Container or System
5F-11.047	Connecting or Disconnecting Cylinders, Tanks, or Systems; Notice to Owner; Transportation Purpose
5F-11.080	Penalties; General
5F-11.081	Aggravating and Mitigating Factors; Warning Letters
5F-11.082	Resolution of Violations, Settlement, and Additional Enforcement Remedies
5F-11.083	Repeat Violations
5F-11.084	

- 5F-11.085 Notice of Noncompliance; Failure to Correct
- 5F-11.086 Accident Related Violations
- 5F-11.087 Hazardous Acts
- 5F-11.088 Violations; Enforcement Actions

PURPOSE AND EFFECT: These proposed rules are for the purpose of specifying penalties to be assessed for violations of laws, rules and regulations and to ensure uniformity in the application of such penalties.

SUMMARY: These proposed rules provide guidelines for the application of administrative and civil penalties as provided for in Chapter 527, Florida Statutes. Specific guidance is provided for commonly found violations and for those which constitute a hazard to the public health and welfare.

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: 527.06 FS.

LAW IMPLEMENTED: 527.06, 527.09, 527.12, 527.13, 527.14 FS.

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

DATE AND TIME: March 10, 2008, 9:00 a.m.

PLACE: Eyster Auditorium, 3125 Conner Blvd., Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Vicki O'Neil, Bureau Chief, Bureau of LP Gas Inspection, 3125 Conner Blvd., Suite N, Tallahassee, Florida 32399-1650, telephone: (850)921-8001. If you are 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: Vicki O'Neil, Bureau Chief, Bureau of LP Gas Inspection, 3125 Conner Blvd., Suite N, Tallahassee, Florida 32399-1650, telephone: (850)921-8001

THE FULL TEXT OF THE PROPOSED RULES IS:

5F-11.022 Marking of Containers.

(1) All dealer-owned containers, aboveground or underground, installed at consumer locations shall be marked in a legible manner with the name and telephone number of the owner by decal, tag, stencil, or similar marking.

(2) Containers gained through acquisition shall be marked as soon as reasonably possible, but no later than 24 months after acquisition.

(3) Failure to mark all dealer-owned containers in a legible manner with the name and phone number of the owner shall result in the following penalties:

(a) First Offense: Warning letter.

(b) Second Offense: \$500 fine.

(c) Subsequent Offenses: \$1,000 fine.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History--New 8-7-80, Formerly 4A-1.16, Formerly 4B-1.12, 4B-1.012, Amended 3-15-94,_____.

5F-11.026 Unsafe Container or System.

(1)(a) Any system or container that fails to comply with Chapter 527, F.S., this rule chapter, and any standards incorporated by reference shall be designated unsafe by division staff by means of a "red tag" indicating the inspector's name and the date of inspection where the violation creates an immediate threat to safety.

(b) Systems identified by the bureau in this manner, i.e. red-tagged, shall not continue in service until all deficiencies have been corrected.

(2) The owner of any container or system red-tagged by the division will be notified immediately by the bureau and furnished a copy of the inspection report indicating the deficiencies found.

(3)(a) A red tag placed on a system or container shall not be removed until all inspection deficiencies have been corrected and the bureau or its representative removes or authorizes removal of the red tag from the system or container. Removal of a redtag without authorization of the department shall result in the following penalties:

1. First Offense, Cylinder Exchange: \$1,000 fine.

2. First Offense – all other license categories: \$3,000 fine.

3. Second Offense: License suspension or revocation (mitigating and/or aggravating circumstances to be a determinant).

(b) The red tag must be returned to the bureau immediately upon removal.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History--New 3-15-94, Formerly 4B-1.037, Amended 7-20-95,_____.

5F-11.047 Connecting or Disconnecting Cylinders, Tanks, or Systems; Notice to Owner; Transportation.

(1) No person, firm or corporation, other than the owner and those authorized by the owner, shall connect or disconnect any cylinder, tank, or system containing liquefied petroleum gas, except in an out-of-gas situation, unless due and sufficient notice has been given by any person, firm or corporation to the owners of any cylinder or tank, prior to disconnecting or connecting such cylinder, tank, or system. Due and sufficient notice shall be received by the owners at least two (2) working

days prior to installing the cylinder, tank, or system of said person, firm, or corporation, and shall be evidenced by a signed receipt. Acceptable evidence of receipt of notification shall be a signed certified mail receipt, signed receipt of hand delivery or facsimile transmission receipt. If after two working days the cylinder, tank or system has not been disconnected by the owner, the said person, firm or corporation, may then disconnect downstream of the system regulator or meter. It shall be mandatory that the person, firm or corporation who so disconnects any such cylinder or tank, whether empty or full, upon the premises of a consumer, does so in a manner that renders the cylinder or tank tight with valves turned off, the cylinder or tank service valve plugged with brass or steel fittings, and all other cylinder, tank or system openings properly plugged. In addition, any cylinder, tank or system disconnected must be done so in a manner that is in compliance with the requirements of NFPA 58.

(2) In an out-of-gas situation and upon receiving authorization from the end user or owner of the cylinder, tank or system, the person, firm or corporation may disconnect the cylinder, tank or system downstream of the system regulator or meter. A person, firm or corporation who disconnects any cylinder, tank or system shall notify the owner of the cylinder, tank or system immediately, but not to exceed 24 hours, followed by written notification within 5 working days after said disconnect. Acceptable evidence of receipt of notification shall be a signed certified mail receipt, signed receipt of hand delivery or facsimile transmission receipt.

(3) The owner of any disconnected cylinder, tank or system must remove the cylinder or tank from the premises of the consumer or end-user within 30 working days after notification. No person, firm or corporation, other than the owner and those authorized to do so, shall transport or carry by any means of conveyance whatsoever, any cylinder or tank containing liquefied petroleum gas, whether in the liquid or vapor state. Failure to remove a disconnected cylinder, tank or system from the premises of the consumer or end-user within 30 working days from the notice of disconnection shall result in the following penalties:

- (a) First Offense: \$500 administrative fine.
- (b) Second Offense: \$1,000 administrative fine.
- (c) Third Offense: \$1,500 administrative fine.
- (d) Subsequent Offenses: \$3,000 with possible license suspension or revocation

(4) Complaints concerning violations of this section must be filed within 90 days of the occurrence.

(5) Connecting or disconnecting a cylinder, tank or system without proper notification as prescribed in this section will result in the following penalties:

- (a) First Offense: \$500 fine.
- (b) Second Offense: \$1,000 fine.
- (c) Third Offense: \$1,500 fine.
- (d) Fourth Offense: \$2,000 fine

- (e) Fifth Offense: \$2,500 fine.
- (f) Subsequent Offenses: \$3,000 fine with possible license suspension or revocation.

Specific Authority 527.06 FS. Law Implemented 527.06, 527.07 FS. History—New 8-7-80, Formerly 4A-1.11, Amended 7-18-85, Formerly 4B-1.08, Amended 2-6-90, 2-5-91, Formerly 4B-1.008, Amended _____.

5F-11.080 Purpose.

The purpose of these rules is to ensure uniform enforcement of regulatory requirements by providing penalty guidelines for specific violations not addressed elsewhere in rule or law. It is the policy of the State of Florida that the purpose of regulation is to protect the public by attaining compliance with these laws, rules and regulations. The collection of administrative fines and the imposition of penalties are intended to be secondary to the primary goal of attaining compliance and ensuring the safety of the public.

Specific Authority 527.06 FS. Law Implemented: 527.06, 527.12, 527.13, 527.14. FS. History—New _____.

5F-11.081 Penalties; General.

(1) The Department will apply one or more of the following penalties for violations of Chapter 527, Florida Statutes, or Chapter 5F-11, Florida Administrative Code, or codes adopted therein:

- (a) Denial of an application for licensure or license renewal and/or qualifier/master qualifier status.
- (b) Revocation of license, qualifier card or master qualifier certificate (not to exceed a 2-year period).
- (c) Suspension of license, qualifier card or master qualifier certificate (not to exceed a 2-year period).
- (d) Administrative fines or civil penalties of up to \$3,000 for each offense.
- (e) Injunction to temporarily or permanently restrain any person from engaging in business until compliance is achieved.
- (f) Cease and Desist Order (may include an administrative fine or civil penalty).
- (g) Red tagging of any equipment which has been determined to be unsafe for continued use until violations are corrected or equipment has been removed or otherwise made safe.
- (h) Warning letters may be issued for first violations which are minor in nature and do not constitute a threat to the public health, safety or welfare.

(i) If inadequate training is found during an investigation where any violation has occurred, the department shall require remedial training as a part of any administrative action taken.

Specific Authority 527.06 FS. Law Implemented 527.06, 527.12, 527.13, 527.14 FS. History—New _____.

5F-11.082 Aggravating and Mitigating Factors: Warning Letters.

(1) When imposing an administrative fine, the Department will consider the degree and extent of harm or potential harm that was, or could have been, caused by the violation, the cost of rectifying the damage, whether the violation was committed willfully, the compliance record of the violator, and the costs to the Department of investigating the violation.

(2) Any department investigation or inspection which reveals minor violations for which the department has reason to believe that the violator was unaware of the law or rule or unclear as to how to comply with it, may result in the issuance of an inspection report, notice of noncompliance or a warning letter as the department's first response to a violation. For the purposes of this section a minor violation includes, but is not limited to, general violations of a non-threatening nature, i.e. housekeeping issues such as a lack of proper signage, painting required, weeds growing around containers, storage of combustibles too close to a container, or failure to file proper paperwork.

(3) The department may deviate from the penalties reference in this rule and impose any penalty authorized under Section 527, F.S., upon a showing of one or more of the following aggravating or mitigating circumstances presented to the finder of fact:

- (a) The violation was committed maliciously.
- (b) The danger to public safety or welfare.
- (c) The number of previous violations for the same type of offense, whether or not disciplinary action was taken.
- (d) The length of time the violator engaged in the prohibited activity.
- (e) The length of time since the violation occurred.
- (f) Previous disciplinary action against the violator in this or any other jurisdiction.
- (g) The amount of damage to persons or property caused by the violation.
- (h) The deterrent effect of the penalty imposed.
- (i) Any efforts by the violator at rehabilitation.
- (j) Attempts by the violator to correct violations or the failure to correct violations.
- (k) The violator's prior knowledge of Chapter 527, F.S.
- (l) Whether the violation resulted from negligence or an intentional act.
- (m) Financial hardship.
- (n) The cost of disciplinary proceedings.
- (o) The number of other violations proven in the same proceeding.
- (p) The violation occurred while on probation.
- (q) Any other aggravating or mitigating circumstances.

(6) The provisions of this rule are not intended and shall not be construed to limit the ability of the division to informally dispose of disciplinary actions by stipulation, settlement or consent order pursuant to Section 120.57(3), F.S.

(7) The provisions of this rule are not intended and shall not be construed to limit the ability of the Department to pursue or recommend collateral civil or criminal action when appropriate.

Specific Authority 527.06 FS. Law Implemented 527.06, 527.12, 527.13, 527.14 FS. History—New _____.

5F-11.083 Resolution of Violations, Settlement, and Additional Enforcement Remedies.

(1) The Department and the violator may agree to resolve violations prior to administrative hearing, or to enter into settlement pursuant to Section 120.57(4), Florida Statutes. The penalties addressed in this rule shall not be construed to limit the authority of the Department to resolve violations prior to or after initiation of any administrative action or to settle with any party. The Department may utilize all available remedies to ensure voluntary compliance including administrative action, civil actions and referrals for criminal prosecution. The willingness of a party to resolve violations prior to initiation of administrative action or to settle shall be considered in determining the appropriate penalty. The Department shall enforce a failure to comply with an agreement to resolve violations or a settlement agreement with the penalties and remedies provided in the agreement and/or as authorized by law.

(2) Failure to respond to an administrative complaint shall result in the entry of a Final Order against the entity imposing administrative fines equal to twice the amount imposed in the original complaint, not to exceed \$3,000 per violation. A failure to comply with a Final Order of the department shall result in license revocation and additional penalties as prescribed by law.

Specific Authority 527.06 FS. Law Implemented 527.06, 527.12, 527.13, 527.14 FS. History—New _____.

5F-11.084 Repeat Violations.

(1) A repeat violation is one for which the license holder has a previous violation where an administrative sanction was imposed by the Department within the last three years. The three-year period shall be calculated from the date of the violation.

(2) Unless otherwise specified herein, any person, firm or corporation who accumulates more than three administrative fines for violations of Florida's laws, rules, regulations or codes within a three-year period, shall receive a \$3,000 penalty for each subsequent action, and, based on the nature and severity of the cumulative deficiencies, shall be subject to license suspension or revocation, as provided for in Section 521.14, F.S.

Specific Authority 527.06 FS. Law Implemented 527.06, 527.12, 527.13, 527.14 FS. History—New _____.

5F-11.085 Notice of Noncompliance: Failure to Correct. Failure to correct rule or code deficiencies identified in a Notice of Noncompliance within the time period specified by the notice shall result in the following penalties unless otherwise specified herein:

- (1) First offense: Administrative fine of \$500.
- (2) Second offense: Administrative fine of \$1,000.
- (3) Third offense: Administrative fine of \$1,500.
- (4) Subsequent offenses: Administrative fine of \$3,000.

Specific Authority 527.06 FS. Law Implemented 527.06, 527.12, 527.13, 527.14 FS. History—New _____.

5F-11.086 Accident Related Violations.

(1) Violations found during the course of an accident investigation by the Department and that are determined to have contributed to the severity of the accident but were not a direct cause, shall result in the following penalties:

(a) Death, severe personal injury requiring professional medical treatment, or a total loss of property: \$1,500 administrative fine per violation.

(b) Minor personal injury not requiring professional medical attention, or property damage over \$1,000 that is not a total loss: \$1,000 administrative fine per violation.

(c) Property damage of less than \$1,000: \$500 administrative fine per violation.

(2) Violations found during the course of an accident investigation that are determined to be a direct cause of the accident shall result in the following administrative fines:

(a) Death, severe personal injury requiring professional medical treatment, or a total loss of property: \$3,000 administrative fine per violation.

(b) Minor personal injury not requiring professional medical attention, or property damage over \$1,000 that is not a total loss: \$2,000 administrative fine per violation.

(c) Property damage of less than \$1,000: \$1,000 administrative fine per violation.

(3) Any company found to be operating without a license and whose unlicensed activities result in an accident, shall receive an administrative fine of \$3,000 for each violation found which contributed to the severity of, or is found to be the direct cause of the accident.

Specific Authority 527.06 FS. Law Implemented 527.06, 527.12, 527.13, 527.14 FS. History—New _____.

5F-11.087 Hazardous Acts.

Any department investigation or inspection conducted under the authority of Chapter 527, Florida Statutes, which reveals willful or intentional violation of the law, or any acts on the part of a person, firm, corporation, qualifier or master qualifier which are considered dangerous, hazardous or potentially

harmful in any way, shall result in the maximum penalties of \$3,000 per violation, with the consideration of license, qualifier or master qualifier certificate suspension or revocation. In determining license, qualifier or master qualifier certificate suspension or revocation, the department shall consider the offenders compliance record, good faith efforts in correcting the situation, the degree and extent of harm or potential harm, and other mitigating or aggravating circumstances as determined during investigation.

Specific Authority 527.06 FS. Law Implemented 527.06, 527.12, 527.13, 527.14 FS. History—New _____.

5F-11.088 Violations: Enforcement Actions.

(1) Conducting LP gas activities without the required insurance coverage in violation of Sections 527.02 and 527.04, Florida Statutes, shall result in the following penalties:

- (a) First offense: \$500 administrative fine.
- (b) Second offense: \$1,000 administrative fine.
- (c) Subsequent Offenses: \$1,500 administrative fine.

(2) Falsification of records relating to application for, or renewal of, qualifier or master qualifier status, including but not limited to misrepresentation of eligibility, of position within the licensed company, or place of full-time employment, shall result in the following penalties:

- (a) First Offense: Warning letter.
- (b) Second Offense: \$1,000 administrative fine.
- (c) Subsequent Offenses: \$3,000 administrative fine with possible revocation or suspension of qualification.

(3) Failure to notify the department of a loss of qualifier or master qualifier in violation of Section 527.0201, Florida Statutes, shall result in the following penalties:

- (a) First Offense: \$500 administrative fine.
- (b) Second Offense: \$1,000 administrative fine.
- (c) Third Offense: \$3,000 administrative fine.

(d) Subsequent Offenses: \$3,000 administrative fine with possible license suspension or revocation and/or possible suspension or revocation of qualification or denial of qualifier/master qualifier renewal.

(4) Any company found to be operating without a license and whose unlicensed activities result in an accident, shall be fined \$3,000 per violation found. Companies found conducting unlicensed activities in the following categories, when such activities are not accident related, shall be penalized as follows:

(a) Categories I, II, IV, and Requalification and Fabrication

- 1. First offense: \$500 administrative fine.
- 2. Second offense: \$1,000 administrative fine.
- 3. Subsequent Offenses: \$1,500 administrative fine.

- (b) Installer and Specialty Installer Licenses
 - 1. First offense: \$400 administrative fine.
 - 2. Second offense: \$800 administrative fine.
 - 3. Subsequent Offenses: \$1,200 administrative fine

- (c) Category III, V, and Manufacturer of Equipment
 - 1. First offense: \$300 administrative fine.
 - 2. Second offense: \$600 administrative fine.
 - 3. Subsequent Offenses: \$900 administrative fine

- (d) Dealer in Appliances and Equipment
 - 1. First offense: \$200 administrative fine.
 - 2. Second offense: \$400 administrative fine.
 - 3. Subsequent Offenses: \$600 administrative fine

(5) Failure to provide documentation of employee training upon request shall result in the following penalties:

- (a) First Offense: \$500 administrative fine.
- (b) Second Offense: \$1,000 administrative fine.
- (c) Third Offense: \$1,500 administrative fine.
- (d) Subsequent Offenses: \$3,000 administrative fine with possible license suspension or revocation.

(6) Filling a container without inspection or verification of compliance with codes shall result in the following penalties:

- (a) First Offense: \$500 administrative fine.
- (b) Second Offense: \$1,000 administrative fine.
- (c) Third Offense: \$3,000 administrative fine with possible license suspension or revocation.

(7) Transportation of propane cylinders in violation of the requirements of NFPA 58, shall result in the following penalties:

- (a) First Offense: \$1,000 administrative fine.
- (b) Second Offense: \$2,000 administrative fine.
- (c) Subsequent Offenses: \$3,000 administrative fine with possible license suspension or revocation.

(8) Failure to install LP gas appliances, piping, equipment in accordance with manufacturers instructions and/or adopted safety codes; or to install, disconnect, and/or store LP gas containers in accordance with rules and adopted safety codes, when such installation causes direct or potential harm to individuals or property, shall result in the following administrative fines:

- (a) First Offense: \$1,000 administrative fine.
- (b) Second Offense: \$2,000 administrative fine.
- (c) Subsequent Offenses: \$3,000 administrative fine with possible license suspension or revocation.

(9) Failure to follow proper fill procedures, including overfilling of propane containers, shall result in the following penalties:

- (a) First Offense: \$1,000 administrative fine.
- (b) Second Offense: \$2,000 administrative fine.
- (c) Subsequent Offenses: \$3,000 administrative fine with possible license suspension or revocation.

(10) Failure to perform and/or document periodic testing required on propane cargo vehicles within the time frames prescribed by Title 49, Code of Federal Regulations, as referenced in NFPA 58, shall result in the following penalties for the referenced inspection:

- (a) Annual External Visual and Leak Test:
 - 1. First Violation: \$500 per vehicle
 - 2. Second Violation: \$1,000 per vehicle
 - 3. Subsequent Offenses: \$3,000 per vehicle

- (b) Five-Year Cargo Vessel Pressure Test
 - 1. First Violation: \$500 per vehicle
 - 2. Second Violation: \$1,000 per vehicle
 - 3. Subsequent Offenses: \$3,000 per vehicle

- (c) Monthly Delivery Hose Inspection
 - 1. First Violation: \$500 per vehicle
 - 2. Second Violation: \$1,000 per vehicle
 - 3. Subsequent Offenses: \$3,000 per vehicle

- (d) Monthly Emergency Shutoff Valve Test
 - 1. First Violation: \$500 per vehicle
 - 2. Second Violation: \$1,000 per vehicle
 - 3. Subsequent Offenses: \$3,000 per vehicle

(11) The intentional alteration or disabling of any component in an LP gas system, including the container and its appurtenances, which either renders the equipment out of compliance with adopted laws, rules and codes, or which renders the component inoperable, or prevents it from functioning as intended by the equipment manufacturer, shall result in the following penalties:

- (a) First Violation: \$1,000 administrative fine
- (b) Second Violation: \$3,000 administrative fine
- (c) Subsequent Offenses: \$3,000 administrative fine with possible license suspension or revocation.

(12) Failure to conduct a leak test in a new piping system, or in an out-of-gas or interrupted service situation, as required by NFPA 54 and Rule 5F-11.044, F.A.C., shall result in the following penalties:

- (a) First Offense: \$1,000 administrative fine.
- (b) Second Offense: \$2,000 administrative fine.
- (c) Subsequent Offenses: \$3,000 with possible license suspension or revocation.

(13) Failure to respond to a verifiable leak call within a reasonable time period (non-accident related) or failure to physically respond to an emergency within 2 hours when

contacted by an emergency response unit as required by Sections 527.065(4) and 527.065(5)]. Florida Statutes, shall result in the following penalties:

- (a) First Offense: \$1,000 administrative fine.
- (b) Second Offense: \$3,000 administrative fine.
- (c) Third Offense: \$3,000 administrative fine
with possible license
suspension or revocation.

(14) Failure to provide local emergency response personnel with emergency contacts for after-hour emergencies; failure to post emergency numbers on the premises; or failure to relay messages on emergency answering services or machines within time frames as required by Section 527.065(3), Florida Statutes, shall result in the following penalties:

- (a) First Offense: Warning letter.
- (b) Second Offense: \$500 administrative fine.
- (c) Third Offense: \$1,000 administrative fine.
- (d) Subsequent Offenses: \$3,000 administrative fine
with possible license
suspension or revocation.

(15) Failure to notify the department of any accident meeting the criteria of Section 527.065, Florida Statutes, shall result in the following penalties:

- (a) First Offense: \$500 administrative fine.
- (b) Second Offense: \$1,000 upon second violation.
- (c) Third Offense: \$3,000 administrative fine.

(16) Selling, filling, refilling, delivering, or using an LP gas container for any gas or compound, or for any other purpose, without permission of the owner, in violation of Section 527.07, Florida Statutes, shall result in the following penalties:

- (a) First Offense: \$500 administrative fine.
- (b) Second Offense: \$1,000 administrative fine.
- (c) Third Offense: \$3,000 administrative fine
with possible license
suspension or revocation.

(17) Placing a bulk plant or dispensing unit into operation without submitting a site plan and/or calling for a final inspection as required by Section 527.0605, Florida Statutes, shall result in the following penalties:

- (a) First Offense: \$500 administrative fine.
- (b) Second Offense: \$1,000 administrative fine.
- (c) Third Offense: \$3,000 administrative fine
with possible license
suspension or revocation.

Specific Authority 527.06 FS. Law Implemented 527.06, 527.12, 527.13, 527.14 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Vicki O’Neil, Bureau Chief, Bureau of LP Gas Inspection, 3125 Conner Blvd., Suite N, Tallahassee, Florida, 32399-1650, telephone: (850)921-8001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Paul Driggers, Director of Standards
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 3, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 21, 2007

DEPARTMENT OF TRANSPORTATION

RULE NOS.:	RULE TITLES:
14-100.003	Variable Rate Tolls for Express Lanes
14-100.004	95 Express Toll Exemption Registration

PURPOSE AND EFFECT: The title of the rule chapter is being changed from “Toll Enforcement” to “Tolls” with the existing toll enforcement rules in “Part I Toll Enforcement” and new rules added under Part II “Variable Rate Tolls.” The new rules establish standards for use of variable rate tolls for express lanes and a process for exemptions from tolls on the 95 Express Lanes Project.

SUMMARY: Two new rules on variable rate tolls are added and the rule chapter is restructured into two parts.

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: 334.044(2), 316.0741 FS.

LAW IMPLEMENTED: 316.0741, 316.1001, 316.640(1), 334.044(16), 338.155(1), 338.165, 335.02(3), 338.231 FS.

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

DATE AND TIME: March 4, 2008, 6:00 p.m. (Informal Session), 7:15 p.m. (Hearing)

PLACE: Sheraton Fort Lauderdale Airport Hotel, 1825 Griffin Road, Empire Ballroom, Dania, Florida 33004

DATE AND TIME: March 6, 2008, 6:00 p.m. (Informal Session), 7:15 p.m. (Hearing)

PLACE: Miami Shores Country Club, 10000 Biscayne Boulevard, Miami Shores, Florida 33138

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULES IS:

TOLLS ENFORCEMENT

PART I Toll Enforcement

PART II Variable Rate Tolls

14-100.003 Variable Rate Tolls for Express Lanes.

(1) Purpose. Express lanes are used to relieve congestion and provide reliable, predictable travel alternatives. By controlling points of access and collecting tolls, express lanes manage demand, thereby optimizing facility capacity, improving operating speeds, and encouraging carpooling and other ride-sharing alternatives to single occupant vehicles. Toll collection is performed electronically and is intended primarily to keep the express lanes moving freely. Because operating conditions on the express lanes and the adjacent general use lanes change continuously throughout the day, effective traffic management within the express lanes cannot be accomplished through a fixed toll schedule.

(2) Definition. Express lanes are a set of lanes physically separated from the general use lanes within a roadway corridor in which operational strategies, including congestion-priced tolls are implemented in response to changing conditions. These lanes may be operated as reversible flow or bi-directional facilities. Specified classes of vehicles may be restricted from using these lanes, and toll exceptions may be granted as a way of encouraging specific transportation choices.

(3) Toll Rate Criteria. Variable toll rates will be used on express lanes. Under this program, toll charges will be set based on one or more of the following:

(a) Traffic levels (volumes) in the express lanes;

(b) Operating speeds and level of service in the express lanes; and

(c) Operating speeds and level of service in the adjacent general use lanes.

(4) Toll Rates. Toll rates in express lanes will be varied based on a time-of-day variable rate schedule, or dynamically, based on continual monitoring of traffic and the criteria set forth in subsection (3) above. In addition to the variable toll rate criteria, the following specific conditions apply:

(a) The toll rate will be set to allow free flow conditions in the express lanes under typical anticipated traffic demand conditions while maximizing overall throughput for the entire facility.

(b) If time-of-day variable rates are used, such rates shall be established for each period of the day, hourly or less, by day of the week, and by travel direction.

(c) The time-of-day variable rates will be periodically reviewed and adjusted as needed. During the operation of the express lanes, traffic volumes will be collected and historic trend data will be used to review the settings for the current toll rate table. If trend data indicate that the express lanes are

underutilized, the time-of-day toll rates will be reduced; if the toll rates do not allow for free flow conditions, toll rates will be increased.

(d) When traffic demand in the express lanes does not allow free flow conditions, the initial toll rates will be increased to improve traffic flow conditions. Once the traffic demand in the express toll lanes returns to a free flow condition, the toll rate will be reduced.

(e) The minimum toll rate charged will be:

1. Based on a minimum per-mile rate of \$0.03; and

2. Calculated for each trip between any entry and exit point of the express lanes as the base per-mile fee times the distance traveled on the express lanes, rounded to the nearest \$0.05; and

3. Be at least \$0.25 per segment (between points of entry and exit) at any given time.

(f) Toll rates at any time may be higher than the minimum rates based on traffic and operating conditions.

(5) Toll Rate Display.

(a) To the extent feasible, toll rates will be displayed on variable electronic message signs in advance of each point of entry. Users of the express lanes will have a reasonable opportunity to view the current toll rate before deciding to enter the express lanes. Variable toll rate signs in advance of each point of entry will provide information for up to two possible points of exit from the express lanes. If there are more than two possible points of exit, the toll rates for the most distant exit point plus one additional exit point shall be displayed.

(b) To the extent feasible, the users of the express lanes will pay the toll rate displayed on the variable electronic message sign made available for their view prior to entering the express lane. However, due to the inherent nature of variable pricing, some variation in the actual toll rate to be paid can be expected from time to time because the actual toll rate will be the variable rate in effect at the precise time the vehicle passes under the toll collection gantry.

Specific Authority 334.044(2), 316.0741 FS. Law Implemented 316.0741, 316.1001, 316.640(1), 334.044(16), 335.02(3), 338.155(1), 338.165, 338.231 FS. History—New _____.

14-100.004 95 Express Toll Exemption Registration.

The provisions of this section apply to the express lanes on I-95 in Miami-Dade and Broward Counties.

(1) Purpose. To address congestion and to offer travel-choice options to motorists in South Florida, the 95 Express project implements a combination of tolling, technology, travel demand management and transit elements into a single project along the Interstate 95 corridor from just south SR 112/I-95 in Miami-Dade County to just north of I-595 in Broward County. Tolls will be collected electronically. Toll exemptions are allowed for certain vehicle types as

specified in this section. Both the tolls and toll exemptions are intended to provide incentives for increased vehicle occupancy, shift in travel demand, and overall congestion relief.

(2) Exemptions. Tolls shall be collected from all vehicles using the express lanes, unless a valid exemption applies. The following qualify for an exemption from payment of tolls on 95 Express:

(a) Carpools with three or more occupants, registered in the manner described in subsection (5) below;

(b) South Florida Vanpools, registered in the manner described in subsection (5) below;

(c) Inherently Low Emission Vehicles (ILEV) or Hybrid vehicles with valid Department of Motor Vehicles decals, registered in the manner described in subsection (5) below;

(d) School buses used by the Miami-Dade County Public School and the Broward County Public School systems, registered in the manner described in subsection (6) below;

(e) Buses used by the Miami-Dade Transit Agency and Broward County Transit Agency, registered in the manner described in subsection (6) below;

(f) Over-the-Road Buses, defined as vehicles operated by a for-hire company registered on the US Federal Motor Carrier Safety Administration (USFMCSA) registration system, characterized by an elevated passenger deck located over a baggage compartment and at least 35 feet in length with a capacity of 30 or more passengers, registered in the manner described in subsection (6) below; and

(g) Motorcycles.

(3) Registered South Florida Vanpools and registered carpools shall only be granted free passage if the vehicle has the minimum number of occupants specified in subsection (5) below; otherwise such user shall be required to pay the applicable tolls.

(4) South Florida Commuter Services (SFCS) along with SunPass are partnering to administer the fulfillment and registration process pertaining to the 95 Express Project. SFCS is the regional commuter assistance program funded by the Florida Department of Transportation. SunPass is the Florida Department of Transportation's Prepaid Toll Program. This rule sets forth the process to register for exemption from payment of tolls on the 95 Express project.

(5) Decals will be provided for the following vehicles eligible for an exemption from payment of tolls for use of the express lanes: registered 3+ passenger carpools, registered ILEV and hybrid vehicles and registered South Florida Vanpools. 3+ passenger carpools means at least three commuters traveling to and from work in one vehicle and properly registered by SFCS as a 3+passenger carpool. An ILEV or a hybrid vehicle means a vehicle as defined in Section 316.0741, F.S. A South Florida Vanpool means a van meeting the registration requirements of the South Florida Vanpool Program. The South Florida Vanpool program is managed by the Miami-Dade County Metropolitan Organization with coordination from Broward County Metropolitan Planning Organization, and the Palm Beach Metropolitan County Planning Organization.

(a) 3+ Passenger Carpools:

1. All eligible 3+ passenger carpools must register with SFCS.

2. Registration will allow users to receive a "95 Express" decal that will allow them to use the express lanes without incurring tolls.

3. SFCS will provide the "95 Express" registration form. The registration form requests: name, home address, work address, employer, home/work phone numbers, work schedule, driver license number, and state of vehicle registration.

4. 3+ Passenger Carpool eligibility will be based on matching all of the following criteria:

<u>Criteria</u>	<u>Configuration</u>	<u>Comments</u>
<u>Home Distance</u>	<u>3 mile radius</u>	<u>System will seek similar participants that live within a three-mile radius. If participant's commute distance is less than three miles, search radius will be 2 of distance</u>
<u>Work Distance</u>	<u>1 mile radius</u>	<u>Matched participants must work within a one-mile radius to have a positive match</u>
<u>Start Time / End Time</u>	<u>30 minutes</u>	<u>Participants must have a start/end work time within this timeframe to have a positive match</u>

The only exception that will be allowed to the above criteria will be for carpools whose participants meet at a specified location, parking lot, park-n-ride lot, or transit/multi-modal facility that is located between the origin and destination of all participants within the carpool.

5. If a driver of a vehicle with a registered 3+passenger carpool decal receives two or more citations for failure to pay a required 95 Express toll under Section 316.1001, F.S., which

results in a withhold of adjudication or an adjudication of guilt, when operating a vehicle with less than three passengers, the 3+ passenger decal will be revoked. Further, the driver, and the owner of the 3+passenger carpool decal (if different), will not be eligible to apply for a 3+passenger carpool decal for a period of one year from the revocation of the decal.

(b) ILEV and Hybrid Vehicles:

1. ILEV and hybrid vehicle owners in Miami-Dade and Broward counties with valid Florida DHSMV decals are eligible to register for toll exemption on 95 Express. Eligible ILEV and hybrid vehicle owners who complete registration with SFCS will receive a decal for toll-free use of the 95 Express lanes.

2. ILEV and hybrid vehicle owners will be required to renew 95 Express registration annually based upon the anniversary date of the initial request.

(c) Registered South Florida Vanpools:

1. One decal will be sent to the primary driver of the vanpool.

2. One decal will be provided per van.

3. The 95 Express lanes are only to be used by South Florida Vanpools for commuting purposes only.

4. The "95 Express" decal will remain active as long as the South Florida Vanpool continues to be part of the South Florida Vanpool program.

(6) Miami-Dade County Public School, Broward County Public School, Miami-Dade Transit Agency, and Broward County Transit Agency buses are eligible to use the 95 Express and are exempt from paying tolls on 95 Express if their license plates have been registered with SFCS. The respective agencies shall provide and maintain current a license plate list of buses and school buses that may utilize the 95 Express and SFCS. Over-the Road-Buses (OTRB) registered with USFMCSA are eligible to be exempt from paying tolls on 95 Express. OTRB owners or operators shall provide a copy of valid USFMCSA registration to SFCS in order to register to utilize the 95 Express. ORTB owner information, name, address, and license plate information shall be provided to SFCS and shall be updated annually by OTRB vehicle owners or operator.

Specific Authority 334.044(2), 316.0741 FS. Law Implemented 316.0741, 316.1001, 316.640(1), 334.044(16), 335.02(3), 338.155(1), 338.165(7), 338.231 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
James Wolfe, District Secretary, District 4, and Gerry O'Reilly, Interim District Secretary, District 6

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Stephanie C. Kopelousos, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 28, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 25, 2008

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-4.021	Definitions
40D-4.041	Permits Required
40D-4.051	Exemptions

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendments is to clarify when an Environmental Resource Permit is required by removing the distinction between a "surface water management system" and a "new surface water management system". The rulemaking will further clarify when an Environmental Resource Permit is required by simplifying the definition of "alteration" and by creating exemptions for the operation of systems constructed under an earlier exemption.

SUMMARY: The District's current ERP rules require an ERP to construct or operate a new surface water management system except when a project meets a specific rule or statutory exemption. The proposed rule amendments will clarify when an ERP is required by removing the distinction between a "surface water management system" and a "new surface water management system." The proposed revision deletes the term "new surface water management system" from Rules 40D-4.021 and 40D-4.041, F.A.C., and creates new exemptions under Rule 40D-4.051, F.A.C., for the operation of systems constructed prior to October 1, 1984 or systems constructed under a previous exemption. The changes are consistent with the District's long-term interpretation and application of the terms. The proposed rule amendments also remove the word "design" from the definition of Alteration in Rule 40D-4.021, F.A.C., to clarify that an ERP is required for activities that result in an increase or decrease in the discharge of the system as constructed.

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: 373.044, 373.113, 373.118, 373.149, 373.171, 373.414 FS.

LAW IMPLEMENTED: 373.403, 373.406, 373.413, 373,414(9), 373.416, 373.426, 373.427 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: Carrie N. Felice, Staff Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-4.021 Definitions.

When used in this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) "Alteration" means any activity resulting in substantial expansion or change of a surface water management system that will increase or decrease the ~~design~~ discharge of the system, increase pollutant loading, change the point or points of discharge, or intrude into or otherwise adversely impact wetlands by rim ditching, draining, filling or excavation. Routine custodial maintenance and repairs shall not constitute alterations.

(2) through (3) No change.

(4) "Construction" means any on-site activity which will result in the creation of a ~~new~~ surface water management system, or the abandonment or alteration of an existing surface water management system, including the building, assembling, expansion or recontouring of the property; the erection of buildings or other structures, or any part thereof; or land clearing.

(5) through (10) No change.

~~(11) "New surface water management system" means any surface water management system which is not in existence on October 1, 1984, or not authorized to be constructed on October 1, 1984.~~

(12) through (22) renumbered (11) through (21) No change.

Specific Authority 373.044, 373.113, 373.118, 373.149, 373.171 FS. Law Implemented 373.403, 373.413 FS. History--Readopted 10-5-74, Formerly 16J-4.02, Amended 10-1-84, 3-1-88, 9-11-88, 10-3-95, 7-23-96, 2-27-02, 9-26-02, 2-19-04, 2-6-07, 1-8-08,_____.

40D-4.041 Permits Required.

(1) Unless expressly exempt by law or District rule an Environmental Resource Permit shall be obtained from the District prior to:

~~(a) The construction and operation of any new surface water management system, or~~

~~(a)(b)~~ The construction, operation, alteration, abandonment, or removal of any surface water management system.

~~(b)(e)~~ The establishment of a mitigation bank.

(2) through (6) No change.

Specific Authority 373.044, 373.113, 373.118, 373.149, 373.171 FS. Law Implemented 373.413, 373.416, 373.426, 373.427 FS. History--Readopted 10-5-74, Amended 12-31-74, 9-4-77, 6-7-78, Formerly 16J-4.04, 16J-4.10(1), (2), (4), Amended 10-1-84, 3-1-88, 10-3-95, 7-23-96, 10-16-96, 4-17-97, 10-11-01, 7-16-02, 9-26-02, 3-26-03, 1-8-08,_____.

40D-4.051 Exemptions.

The following activities are exempt from permitting under this chapter:

(1) The activities specified in Section 373.406, F.S.

(2) The operation and maintenance of a surface water management system which:

(a) Was constructed before October 1, 1984; or

(b) Was constructed or was being constructed on or before December 9, 1999 and was not required to obtain a District permit under exemptions existing at that time.

(2) through (14) renumbered (3) through (15) No change.

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, 11-26-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Carrie N. Felice, Staff Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 26, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 1, 2008

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.:	RULE TITLE:
40D-8.624	Guidance and Minimum Levels for Lakes

PURPOSE AND EFFECT: To amend Chapter 40D-8, Florida Administrative Code, to establish minimum levels for the next set of priority lakes pursuant to Section 373.042, Florida Statutes and to establish guidance levels for those lakes.

SUMMARY: The proposed amendments establish the High Guidance Level, High Minimum Level, Minimum Lake Level and Low Guidance Level for Dinner Lake, Lake Mabel and Lake Starr in Polk County, Florida. The proposed amendments replace the previous levels adopted for these lakes.

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: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.086 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 Leeper, Chief Environmental Scientist, Resource Conservation and Development Department, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4272

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-8.624 Guidance and Minimum Levels for Lakes.

(1) through (12) No change.

(13) Levels for lakes established during or after August 7, 2000, are set forth in the following table. After the High Minimum Lake Level and Minimum Lake Level elevation for each lake is a designation indicating the Method used, as described in subsection 40D-8.624(8), F.A.C., to establish the level. Compliance with the High Minimum and Minimum Lake Levels is determined pursuant to paragraphs (6)(b) and (7)(b) above. Guidance Levels established prior to August 7, 2000, are set forth in Table 8-3 in subsection 40D-8.624(14), F.A.C., below.

Table 8-2 Minimum and Guidance Levels Established During or After August 7, 2000. Levels are elevations, in feet above the National Geodetic Vertical Datum of 1929.						
Location by County and Basin	Name of Lake and Section, Township and Range Information	Ten Year Flood Guidance Level	High Guidance Level	High Minimum Lake Level	Minimum Lake Level	Low Guidance Level
(a)-(y) No change						
(z) In Polk County Within the Peace River Basin	Annie, Lake S-3, T-29S, R-27E		116.0'	115.2' (CAT 3)	112.8' (CAT 3)	111.7'
	Bonnie, Lake S-31, T-29S, R-28E		105.9'	105.8' (CAT 3)	102.1' (CAT 3)	99.8'
	Clinch Lake S-31, T-31S, R-28E	107.4'	105.5'	105.5' (CAT 3)	104.4' (CAT 3)	103.1'
	Dinner Lake S-15, T-29S, R-27E		114.4' 115.7'	113.6' 114.9' (CAT 3)	110.6' 112.7' (CAT 3)	109.1' 112.2'
	Eagle Lake S-01, T-29S, R-25E	131.3'	129.6'	129.0' (CAT 3)	127.9' (CAT 3)	127.2'
	Lee, Lake S-10, T-29S, R-27E		116.8'	116.0' (CAT 3)	113.9' (CAT 3)	113.1'
	Mabel, Lake S-11, T-29S, R-27E		107.5' 108.7'	106.7' 107.9' (CAT 3)	103.9' 105.9' (CAT 3)	102.5' 105.4'
	McLeod Lake S-07, T-29S, R-26E	133.3'	129.4'	129.4' (CAT 3)	128.3' (CAT 3)	127.0'
	Parker, Lake S-8, T-28S, R-24E	131.8'	130.6'	130.6' (CAT 3)	129.6' (CAT 3)	129.0'
	Starr, Lake S-14, T-29S, R-27E		105.8' 106.9'	105.0' 106.1' (CAT 3)	102.1' 104.2' (CAT 3)	100.7' 103.8'
	Venus Lake S-9, T-29S, R-27E		121.2'	120.4' (CAT 3)	118.2' (CAT 3)	117.4'
	Wales Lake S-01, T-30S, R-27E	114.1'	ND	107.7' (CAT 3)	106.6' (CAT 3)	ND
(aa)-(cc) No change						

(14) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421, 373.086 FS. History—New 6-7-78, Amended 1-22-79, 4-27-80, 10-21-80, 12-22-80, 3-23-81, 4-14-81, 6-4-81, 10-15-81, 11-23-81, 1-5-82, 3-11-82, 5-10-82, 7-4-82, 9-2-82, 11-8-82, 1-10-83, 4-3-83, 7-5-83, 9-5-83, 10-16-83, 12-12-83, 5-8-84, 7-8-84, 12-16-84, 2-7-85, 5-13-85, 6-26-85, 11-3-85, 3-5-86, 6-16-86, Formerly 16J-8.678, Amended 9-7-86, 2-12-87, 9-2-87, 2-18-88, 6-27-88, 2-22-89, 3-23-89, 9-26-89, 7-26-90, 10-30-90, 3-3-91, 9-30-91, 10-7-91, 7-26-92, 3-1-93, 5-11-94, 6-6-96, 2-23-97, 8-7-00, 1-8-04, 12-10-04, 6-5-05, 1-1-07, 2-12-07, 1-10-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Doug Leeper, Chief Environmental Scientist, Resource Conservation and Development Department, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4272
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 1, 2008

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: 59A-9.034
 RULE TITLE: Reports
 PURPOSE AND EFFECT: The Agency proposes to amend Rule 59A-9.034, Florida Administrative Code, to change the reporting system for abortion clinics.
 SUMMARY: The proposed amendments establish an on-line reporting system for the monthly reports required from abortion clinics to the Agency for Health Care Administration.
 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: 390.012 FS.
 LAW IMPLEMENTED: 390.012 FS.
 A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
 DATE AND TIME: March 3, 2008, 1:00 p.m.
 PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conf. Rm. B, Tallahassee, FL 32308
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Tara E. Ehlers by e-mail at

ehlerst@ahca.myflorida.com or by phone at (850)922-0791. If you are 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: Bill McCort, Bureau of Health Facility Regulation, 2727 Mahan Drive, Tallahassee, Florida, or call (850)487-0641

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-9.034 Reports.

Pursuant to ~~Section Chapters 382 and~~ 390.0112, F.S., an abortion clinic must submit a report each month to the ~~Agency Office of Vital Statistics of the Department of Health,~~ regardless of the number of terminations of pregnancy. Monthly reports must be received by the ~~Agency department~~ within 30 days following the preceding month using the ~~on-line reporting system that may be accessed at: <http://ahca.myflorida.com/ITOP>.~~ ~~“Monthly Report of Induced Terminations of Pregnancy”, hereby incorporated by reference, Department of Health, Office of Vital Statistics, Public Health Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042, or by telephone request at (904)359-6900, extension 1049.~~

Specific Authority 390.012 FS. Law Implemented ~~20.42(2)(a), 382.002, 390.002,~~ 390.011, 390.0112, 390.012 FS. History—New 6-13-90, Formerly 10D-72.034, Amended 8-24-94, 9-25-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Bill McCort, Bureau of Health Facility Regulation, 2727 Mahan Drive, Tallahassee, Florida, or call (850)487-0641
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jeffrey Gregg, Bureau of Health Facility Regulation, Division of Health Quality Assurance, Agency for Health Care Administration
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 28, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 26, 2007

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NOS.: 59G-13.080
 RULE TITLES: Home and Community-Based Services Waivers
 59G-13.083
 Developmental Disabilities Waiver Services

PURPOSE AND EFFECT: The purpose of the rule amendment to Rule 59G-13.080, F.A.C., is to delete the reference to the Florida Medicaid Developmental Disabilities Waiver Services Coverage and Limitations Handbook and other obsolete language from the general Home and Community-Based

Services (HCBS) Rule. We are deleting references from the general HCBS rule to the individual waiver programs for which we have promulgated individual rules.

The purpose of Rule 59G-13.083, F.A.C., is to incorporate by reference the revised Florida Medicaid Developmental Disabilities Waiver Services Coverage and Limitations Handbook, July 2007, in rule. The handbook revisions include updated agency names, provider definitions, provider qualifications; changes to the Core Assurances; and updated policies in accordance with Senate Bill 1124 and proviso language in the 2007-2008 General Appropriations Act.

The effect of the rule amendment to Rule 59G-13.080, F.A.C., is to delete the reference to the Florida Medicaid Developmental Disabilities Waiver Services Coverage and Limitations Handbook and other obsolete language from the general Home and Community-Based Services (HCBS) Rule. The effect of Rule 59G-13.083, F.A.C., will be to incorporate by reference the revised Florida Medicaid Developmental Disabilities Waiver Services Coverage and Limitations Handbook, July 2007.

SUMMARY: The purpose of the rule amendment to Rule 59G-13.080, F.A.C., is to delete the reference to the Florida Medicaid Developmental Disabilities Waiver Services Coverage and Limitations Handbook and other obsolete language from the general Home and Community-Based Services (HCBS) Rule. The purpose of Rule 59G-13.083, F.A.C., is to incorporate by reference the revised Florida Medicaid Developmental Disabilities Waiver Services Coverage and Limitations Handbook, July 2007, in 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: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.906, 409.907, 409.908, 409.910, 409.912, 409.913 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, March 3, 2008, 2:00 – 4:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pam Kyllonen, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)414-9756, kyllonep@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULES IS:

59G-13.080 Home and Community-Based Services Waivers.

(1) through (5) No change.

(6) Program Requirements – General. ~~All HCB services waiver providers and their billing agents must comply with the provisions of the Florida Medicaid Provider Reimbursement Handbook, Non Institutional 081, October 2003, which is incorporated by reference and available from the Medicaid fiscal agent. The following requirements are applicable to all HCB services waiver programs:~~

(a) through (i) No change.

(7) through (8) No change.

(9) Home and Community-Based Services Waiver Programs. The following are authorized HCB services waivers: Adult Cystic Fibrosis Waiver, Adult Day Health Waiver (~~a~~) Aged and Disabled Adult Waiver; Alzheimer’s Disease Waiver, Assisted Living for the Elderly Waiver, (~~b~~) Channeling Waiver; (~~c~~) Consumer-Directed Care Waiver, Developmental Disabilities Services Waiver; Family Supported Living Waiver, Familial Dysautonomia Waiver, (~~d~~) Model Waiver; (~~e~~) Project AIDS Care Waiver, and Traumatic Brain Injury and Spinal Cord Injury Waiver.

~~(10) Aged/Disabled Waiver.~~

(a) ~~Program Summary. The aged/disabled waiver is a long term care initiative providing HCB services to the aged and disabled as an alternative to institutional care. Services are available statewide to recipients who meet the eligibility requirements as specified in paragraph (10)(e) of this rule.~~

(b) ~~Covered Services and Provider Qualifications. Providers must meet the criteria specified in Chapter 59G-5, F.A.C. In addition, providers must be under contract with the Department for the provision of HCB services available under this waiver. Provider qualifications for services are:~~

~~1. Adult Day Health Care providers must be licensed adult day health care centers in accordance with Rule 59A-16.003, F.A.C.~~

~~2. Caregiver Training and Support providers must be community care for the elderly (CCE) agencies or be Medicaid-participating home health agencies pursuant to Chapter 59A-8, F.A.C.~~

~~3. Case Aide providers must be CCE agencies, pursuant to Chapter 410, F.S.~~

~~4. Case Management providers must be CCE contractors, or community care for the disabled adults contractors, or staff of the Department who serve the community care for the disabled adults program, pursuant to Chapter 58C-1, F.A.C.~~

~~5. Chore Services providers must be community action agencies or home repair services, pursuant to Chapter 10A-10 F.A.C.~~

~~6. Consumable Medical Supplies must be provided by medical supply companies, home health agencies, or licensed independent vendors.~~

~~7. Counseling providers must be licensed psychologists or mental health counselors pursuant to Sections 490.001-.015, F.S., licensed social workers pursuant to Sections 491.002-.015, F.S., or licensed mental health centers, pursuant to Sections 394.65-.907, F.S.~~

~~8. Environmental Modifications providers must be community care agencies as defined in Chapter 10A-10, F.A.C., or independent contractors holding local occupational licenses. If major structural modifications are required, the providers must comply with Chapter 61G4-15, F.A.C.~~

~~9. Home Delivered Meals providers must be Older Americans Act and Community Care Meal providers that comply with Sections 410.011-.029, F.S., and Chapter 58C-1, F.A.C.; or Section 410.402 or Sections 410.602-.606, F.S.~~

~~10. Homemaker and Personal Care Services providers must be Medicaid participating home health agencies or CCE agencies, pursuant to Chapter 59A-8, F.A.C. or Sections 400.461-.506, F.S.~~

~~11. Occupational Therapy providers must be occupational therapists licensed in accordance with Chapter 468, F.S.~~

~~12. Personal Emergency Response System providers must be independent contractors that comply with Sections 410.604-.606, F.S.~~

~~13. Physical Therapy providers must be physical therapists licensed in accordance with Chapter 486, F.S.~~

~~14. Respite Care providers must be licensed Medicaid participating home health agencies, CCE agencies, or residential providers, pursuant to Sections 400.011-.332, 400.401-.454, and 400.616-.629, F.S.~~

~~15. Risk Reduction Services providers must be community care agencies, Medicaid participating home health agencies, or independent contractors, pursuant to Chapter 61F11-4, F.A.C.~~

~~16. Speech Therapy providers must be speech pathologists licensed in accordance with Sections 468.1105-.1315, F.S.~~

~~(c) Recipient Eligibility. Individuals must meet Medicaid eligibility requirements as defined by Chapter 409, F.S., subsection 65A-1.711(4), F.A.C., and Florida's Title XIX State Plan; or be physically disabled or aged as defined by Rule 65A-1.701, F.A.C., and 42 CFR 435.217 and 435.726, as of October 1, 2001, the latter two hereby incorporated by reference. Recipients must be assessed as meeting level of care criteria for skilled or intermediate nursing home care as defined in Rules 59G 4.180 and 59G 4.290, F.A.C., and must be at risk for nursing facility placement without the provision of HCB services.~~

~~(d) Program Operations. The HCB services program under this waiver shall comply with the provisions of Chapters 10A-4, 58A-5, 65C-2, 65C-6, 58C-1, 58A-1, and 58A-14, F.A.C.~~

~~(10)(11) Channeling Waiver.~~

(a) Program Summary. The Channeling program is directed toward a group of seriously impaired, aged Medicaid eligible individuals. The core functions of outreach, screening, assessment, care planning, and case management focus community services on program participants as an alternative to institutional care.

(b) Covered Services and Provider Qualifications. The Agency contracts with qualified entities for the provision of these services to enrolled recipients. The standards applicable to the contractor's selection of vendors and providers of covered services are outlined in the contract between the Agency and the contractor. The following services are available:

1. Adult Day Health Care;
2. Caregiver Training and Support;
3. Companion Services;
4. Consumable Medical Supplies;
5. Financial Education and Protection Services;
6. Home Health Aide Services;
7. Homemaker and Personal Care Services;
8. Housekeeping/Chore Services;
9. Medical Alert and Response Service;
10. Mental Health Services;
11. Minor Physical Adaptations to the Home/Home Modification;
12. Occupational Therapy;
13. Physical Therapy;
14. Respite Care;
15. Skilled Nursing;
16. Special Home Delivered Meals;
17. Special Drug and Nutritional Assessments;
18. Speech Therapy; and
19. Waiver Case Management.

(c) Recipient Eligibility. Recipients eligible for services under this waiver must be Broward or Dade County residents, 65 years of age or older, and eligible under the HCB services waiver optional coverage groups as defined by 42 CFR section 435.217, or otherwise be Medicaid eligible. Recipients must be assessed as meeting level of care criteria for skilled or intermediate nursing home care as defined in Rules 10C-7.032 and 10C-7.033, F.A.C. The contractor may refuse participation in the program to otherwise qualified recipients whose estimated cost of community care exceeds 85 percent of the cost of institutional care in that recipient's county of residence.

(d) Provider enrollment is accomplished through the contract procurement process as set forth in Chapter 287, F.S., and Chapter 13A-1, F.A.C.

(e) Payment Methodology. Payment is based on a prospective monthly per diem reimbursement rate with a year-end cost settlement. Medicaid will make monthly payment to the contractor for satisfactory performance of

duties and responsibilities as set forth in the contract. The per diem rate is set annually as a part of the agreement renewal process. The rates are developed using historical Channeling Project data for similar services in the same geographic area, adjusted for anticipated service and cost increases. The final amount paid shall not exceed the amount that would have been paid, on an aggregate basis, by Medicaid under fee-for-service for institutional care provided to a demographically similar population of recipients.

~~(12) Developmental Services Waiver—General. This rule applies to all Developmental Services Waiver Services providers enrolled in the Medicaid program. All Developmental Services Waiver Services providers enrolled in the Medicaid program must comply with the Developmental Services Waiver Services Florida Medicaid Coverage and Limitations Handbook, October 2003, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, Non Institutional 081, October 2003. Both handbooks are available from the Medicaid fiscal agent. The Developmental Disabilities Waiver Services Provider Rate Table, November 2003, is incorporated by reference. The Developmental Disabilities Waiver Services Provider Rate Table is available from the Medicaid fiscal agent.~~

~~(11)~~(13) Model Waiver.

(a) Program Summary. The model waiver allows the provision of specified HCB services to persons with degenerative spinocerebellar disease. These services are provided to eligible persons who would otherwise require the level of care provided in an acute care hospital.

(b) Services Availability. Eligible program participants may receive covered services if approved by the case manager as part of a service plan developed in accordance with the requirements outlined in this section.

(c) Recipient Eligibility. Individuals eligible for HCB services under the model waiver must be:

1. Persons under 21 years of age, disabled with a degenerative spinocerebellar disease as identified in the International Classification of Diseases, 9th Revision (ICD-9), 1995 Edition, effective October 1, 1994, code range beginning with the first three digits of 330 through 337, inclusive; hereby incorporated by reference;

2. Assessed as being at risk of hospitalization by the comprehensive assessment and review for long term care services (CARES) team; administered by DOEA; or the Children’s Multidisciplinary multi-handicapped Assessment Team (CMHAT), administered by the Department of Health, Children’s Medical Services program; and able to live safely at home with the Medicaid HCB services made available to him; and

3. Cost-effective to the state for each individual program participant, pursuant to the approved federal waiver.

(d) Covered Services and Provider Qualifications. Provider qualifications for services available under this waiver are:

1. Case Management providers must be licensed as a registered nurse in the state of Florida and meet applicable state requirements, pursuant to Chapter 464, F.S.

2. Respite Care providers must be a Florida licensed and Medicaid participating home health agency and meet applicable state requirements, pursuant to Chapter 400, F.S.

~~(14) Project AIDS Care.~~

~~(a) Program Summary. The Project AIDS Care waiver provides a range of HCB services designed to meet the needs of people living with AIDS related conditions.~~

~~(b) Covered Services and Provider Qualifications. Providers of AIDS waiver services must be enrolled Medicaid providers, subject to the requirements of Chapter 59G-5, F.A.C. Additional provider qualifications for services available under this waiver are as follows:~~

~~1. Adaptive Equipment providers must be handymen, home repair general contractors, licensed general contractors, or medical supply and equipment vendors.~~

~~2. Case Management. Case management agency providers must be licensed hospitals, insurance companies, community based AIDS service organizations, or entities of the HRS or the Agency.~~

~~a. Case management agencies must meet the following general standards:~~

~~(I) Have sufficient qualified case management support and administrative staff to meet service demands in their service area;~~

~~(II) Have data collection and analysis capability that will enable the tracking of recipient service utilization, cost, and demographic information;~~

~~(III) Have a medical records system that complies with the guidelines of the HRS Pamphlet 150-8, “Guidelines for Clinical Records Management in County Public Health Units”;~~

~~(IV) Maintain all accounting and business records according to accepted accounting principles and in sufficient detail to constitute a clear audit trail to justify Medicaid reimbursement for all services;~~

~~(V) Require case managers to maintain case loads that are equal to or less than the maximum set by the Medicaid Agency; and~~

~~(VI) Comply with state licensure and certification requirements appropriate to the type of provider.~~

~~b. In addition to subparagraphs 1. through 6. above, community-based AIDS service organizations must also meet the following standards:~~

~~(I) Be organized for the primary purpose of providing health, social, or support services to persons with HIV disease;~~

(H) Be incorporated as a Florida not-for-profit corporation and have documentation of federal Internal Revenue Service 501(c)(3) status;

(III) Have a Board of Directors consisting of at least five members;

(IV) Have been an operational entity for at least two years;

(V) Have a full-time administration consisting of regularly scheduled and maintained hours of operation, at least a full-time executive director, and sufficient support staff to manage the agency;

(VI) Have an agency director with at least a baccalaureate degree from an accredited college or university in a social science area or a baccalaureate degree and at least two years experience in the social services field;

(VII) Have written operating policies and procedures that address:

(A) Compliance with civil rights/handicapped statutes;

(B) Fiscal operations;

(C) Conflicts of interest;

(D) Procedures for provision of case management services;

(E) Confidentiality; and

(F) Continuing education.

(VIII) Maintain personnel policies and procedures that assure that case managers will be able to provide waiver case management. This includes:

(A) Position descriptions that include background and education requirements; and

(B) Signed statements by employees acknowledging their obligations to protect confidential information.

(C) Requirements for Case Managers. Case managers must be graduates of accredited colleges or universities with at least a baccalaureate degree in a social science; or, be a licensed registered nurse in the state of Florida and have one year of case management experience. Case managers who do not have this educational background may substitute case management experience on a year for year basis for the required education.

3. Chore Services providers must be handymen or licensed pest control companies.

4. Consumable Medical Supplies providers must be a Medicaid certified home health agency, hospice, Medicaid participating pharmacy provider, or medical supply vendor.

5. Day Health Care providers must be licensed by the state as child and adult day health care centers, including prescribed pediatric extended care centers. These pediatric extended care centers are day stay facilities for ambulatory pediatric patients and are state licensed, pursuant to Chapter 10D-102, F.A.C.

6. Education and Support providers must be community mental health centers licensed by the state pursuant to Chapter 394, F.S., or hospices, or the following licensed professionals: mental health counselors, marriage and family therapists, social workers, and psychologists.

7. Homemaker Services providers must be a licensed, enrolled Medicaid provider, and participating home health agency, hospice, or community based AIDS service organization that has met the standards for enrollment as case management agencies and that provides training to the homemakers including: confidentiality, infection control, interpersonal skills, basic AIDS education, cultural sensitivity, substance abuse, death and dying, and professional roles and responsibilities.

8. Home Delivered Meals providers must meet all local regulatory requirements for the preparation, packaging, and delivery of home delivered meals.

9. Home Modifications providers must be general contractors, handymen, or home repair services. Modifications that require a building permit will be performed only by state licensed general contractors.

10. Personal Care Services providers must be a licensed and Medicaid participating home health agency or hospice. Duties are assigned and performed under the supervision of a registered professional nurse or other appropriate professional.

11. Respite Care providers must be state licensed and Medicaid participating hospitals, hospices, home health agencies, or day health care centers; or registered nurses licensed under Chapter 464, F.S.

13. Skilled Care providers must be an appropriately licensed nurse employee of a state licensed and Medicaid certified home health agency, a hospice, a state Title V agency (including county public health units), or a licensed respiratory therapist. 12. Specialized Personal Care Services to Foster Care Children providers must be state licensed foster homes, group homes, or shelter care homes.

14. Substance Abuse Treatment providers must be licensed community mental health centers, licensed drug abuse treatment centers, or individuals who are licensed by the state pursuant to Chapter 490, F.S., or Chapter 491, F.S., as psychologists, mental health counselors, clinical social workers, or marriage and family therapists.

(c) Recipient Eligibility. Recipients eligible for services under this waiver shall:

1. Be categorically eligible or financially eligible under the institutional care program as defined by Chapter 10C-8, F.A.C., and 42 CFR, sections 435.217 and 435.726.

2. Be diagnosed as having AIDS;

3. Be assessed by the CARES team as being at risk of hospitalization or at risk of institutionalization in a nursing facility, pursuant to Rules 59G-4.290 and 59G-4.180, F.A.C.;

4. Be determined by the HRS or by the Social Security Administration to be disabled according to Social Security Administration standards;

- 5. Be able to be maintained safely in the home; and
- 6. Have a Project AIDS Care case manager.

(d) ~~Provider Enrollment.~~ Pursuant to the requirements of Chapter 59G-5, F.A.C., providers seeking enrollment must complete a Medicaid agreement, and a Medicaid non-institutional provider agreement. To enroll a person not in a licensed profession, the case management agency must submit a letter of reference from a current or past employer, attesting to the person's character and their professional skills, knowledge, and capability to meet the demands of the position.

(e) ~~Program Operations.~~

1. ~~Case Management Activities.~~

a. Project AIDS Care services identified in plans of care and costing less than a total dollar amount set by the Medicaid office may be authorized by the case manager without prior approval from Medicaid.

b. If the total estimated cost of Project AIDS Care services exceeds a level prescribed by the Medicaid office, prior approval must be obtained from Medicaid before service authorizations can be made. This approval will be made after consultation with the case manager and a review of the recipient's condition, service needs, and the variety and quantity of planned services.

c. The case manager will notify the Medicaid office within seven working days of the recipient's enrollment. Upon request, case managers will send plans of care to the Medicaid office.

d. The case manager will review plans of care on an ongoing basis, but no less frequently than every six months.

e. ~~Service Authorization.~~ The case manager shall develop written service authorizations for all services except case management. These authorizations will provide sufficient information to allow the provider to bill for services with a minimum of assistance. The authorizations will parallel the plans of care in terms of specificity of the service, the duration of the service, frequency of service, and the total authorized amount to be spent. If a case manager authorizes a service orally, he will send a written authorization to the provider within five working days as confirmation of the oral authorization.

2. ~~Participating case management agency files shall contain at least the following:~~

- a. ~~Notice of Medicaid recipient eligibility;~~
- b. ~~Level of care determination;~~
- c. ~~Project AIDS Care application;~~
- d. ~~Needs assessment;~~
- e. ~~Progress notes;~~
- f. ~~Plans of care; and~~
- g. ~~Service authorizations.~~

3. ~~Other participating provider agency files shall contain at least the following:~~

- a. ~~Service authorizations;~~
- b. ~~Provider eligibility documents; and~~
- c. ~~Provider enrollment documents.~~

4. ~~Disenrollment of Case Management Agencies.~~ The Agency or its designee will disenroll a case management agency whose performance impairs the agency's ability to furnish services. The Agency or its designee must provide at least one oral and at least one written warning to the case management agency regarding the implications of their performance. The Agency or its designee will give a written explanation of disenrollment to the case management agency when disenrollment occurs. Disenrolled case management agencies may submit a new application for Medicaid consideration no less than 12 months after the date of disenrollment.

(f) ~~Payment Methodology.~~ Medicaid will make payment for services provided to Project AIDS Care recipients in accordance with applicable Medicaid claims processing requirements.

(15) ~~Assistive Care Services and Assisted Living for the Elderly Waiver.~~ All Assistive Care Services and Assisted Living for the Elderly Waiver providers must comply with the provisions of the Florida Medicaid Assistive Care Services and Assisted Living for the Elderly Waiver Coverage and Limitations Handbook, July 2001, which is incorporated by reference and available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.906, 409.907, 409.908, 409.910, 409.912, 409.913 FS. History—New 4-20-82, Formerly 10C-7.527, Amended 3-22-87, 11-23-89, Formerly 10C-7.0527, Amended 1-16-96, 7-23-97, 1-6-02, 10-27-02, 6-11-03, 11-24-03, 1-16-05, 6-23-05, Formerly 59G-8.200, Amended 11-29-07.

59G-13.083 Developmental Disabilities Waiver Services.

(1) This rule applies to all developmental disabilities waiver services providers enrolled in the Medicaid program.

(2) All developmental disabilities waiver services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Developmental Disabilities Waiver Services Coverage and Limitations Handbook, July 2007, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081, which is incorporated by reference in Rule 59G-13.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Paper copies of the handbooks may be obtained by calling the Medicaid fiscal agent at (800)377-8216.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.907, 409.908, 409.912 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Pam Kyllonen
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Andrew Agwunobi, M.D.
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: January 30, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 27, 2007

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NOS.:	RULE TITLES:
59G-13.081	Developmental Disabilities Waiver Provider Rate Table
59G-13.082	Developmental Disabilities Waiver Services Procedure Codes
59G-13.084	Developmental Disabilities Residential Habilitation Services in a Licensed Facility Provider Rate Table

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-13.081, F.A.C., is to incorporate by reference in rule the Developmental Disabilities Home and Community-Based Services Waiver Provider Rate Table, January 1, 2008. The effect will be to incorporate by reference in rule Developmental Disabilities Home and Community-Based Services Waiver Provider Rate Table, January 1, 2008.

The purpose of the amendment to Rule 59G-13.082, F.A.C., is to incorporate by reference in rule the Developmental Disabilities Home and Community-Based Services Waiver Procedure Codes, January 1, 2008. The effect will be to incorporate by reference in rule the Developmental Disabilities Home and Community-Based Services Waiver Procedure Codes, January 1, 2008.

The purpose of Rule 59G-13.084, F.A.C., is to incorporate by reference in rule the Developmental Disabilities Home and Community-Based Services Waiver Residential Habilitation Services in a Licensed Facility Provider Rate Table, April 1, 2008. The effect will be to incorporate by reference in rule the Developmental Disabilities Home and Community-Based Services Residential Habilitation Services in a Licensed Facility Provider Rate Table, April 1, 2008. In the Notice of Rule Development that was published in the Florida Administrative Weekly on November 16, 2007, the rate table was dated December 1, 2007. We changed the date to April 1, 2008.

SUMMARY: The purpose of the amendment to Rule 59G-13.081, F.A.C., is to incorporate by reference in rule the Developmental Disabilities Home and Community-Based Services Waiver Provider Rate Table, January 1, 2008. The purpose of the amendment to Rule 59G-13.082, F.A.C., is to incorporate by reference in rule the Developmental Disabilities Home and Community-Based Services Waiver Procedure

Codes, January 1, 2008. The purpose of Rule 59G-13.084, F.A.C., is to incorporate by reference in rule the Developmental Disabilities Home and Community-Based Services Waiver Residential Habilitation Services in a Licensed Facility Provider Rate Table, April 1, 2008.

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: 393.066, 393.0661, 409.906, 409.908 FS., Chapter 2007-64 L.O.F.

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, March 3, 2008, 2:00 p.m. – 4:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pam Kyllonen, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)414-9756, kyllonep@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULES IS:

59G-13.081 Developmental Disabilities Waiver Provider Rate Table.

(1) No change.

(2) All developmental disabilities waiver services providers enrolled in the Medicaid program must be in compliance with the Developmental Disabilities Home and Community-Based Services Waiver Provider Rate Table, January 1, ~~2008~~ 2007, which is incorporated by reference. The rate table is available from the Medicaid fiscal agent’s website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Fees. Paper copies of the rate table may be obtained from the Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, M.S. 20, Tallahassee, Florida 32308.

Specific Authority 409.919 FS. Law Implemented ~~393.0661~~, 409.906, 409.908 FS. History–New 5-29-06, Amended 11-15-07, _____.

59G-13.082 Developmental Disabilities Waiver Services Procedure Codes.

(1) No change.

(2) All developmental disabilities waiver services providers enrolled in the Medicaid program must be in compliance with the Developmental Disabilities Home and Community-Based Services Waiver Procedure Codes and Maximum Units of Service, January 1, 2008 ~~November 2003~~, which is incorporated by reference. The Developmental Disabilities Home and Community-Based Services Waiver Procedure Codes and Maximum Units of Service is available from the Medicaid fiscal agent website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Fees.

Specific Authority 409.919 FS. Law Implemented 393.066, 409.906, 409.908 FS. History–New 11-22-06, Amended _____.

59G-13.084 Developmental Disabilities Waiver Residential Habilitation Services in a Licensed Facility Provider Rate Table.

(1) This rule applies to all developmental disabilities waiver services providers enrolled in the Medicaid program.

(2) All developmental disabilities waiver services providers enrolled in the Medicaid program must be in compliance with the Developmental Disabilities Waiver Residential Habilitation Services in a Licensed Facility Provider Rate Table, April 1, 2008, which is incorporated by reference. The Developmental Disabilities Waiver Residential Habilitation Services in a Licensed Facility Provider Rate Table is available from the Medicaid fiscal agent website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Fees.

Specific Authority 409.919 FS. Law Implemented 393.0661, 409.906, 409.908 FS., Chapter 2007-64, L.O.F. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Pam Kyllonen

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 30, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 16, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors’ Licensing Board

RULE NO.: 61G6-4.019
RULE TITLE: General Definitions

PURPOSE AND EFFECT: The purpose and effect is to add a definition for “call verification methods.”

SUMMARY: A definition for “call verification methods” is 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.

SPECIFIC AUTHORITY: 489.507(3) FS.

LAW IMPLEMENTED: 489.521(7)(b), 489.529 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 B. Spivey, Executive Director, Electrical Contractors’ Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-4.019 General Definitions.

The following words, terms and phrases are used in Chapter 489, Part II, F.S., shall mean the following:

(1) Call Verification Methods – The term “call verification methods” is the process of monitoring facility personnel making two or more attempts to make contact prior to dispatch, by means of telephone or audio conversation, with an authorized pass code holder or other authorized person for the protected premises to verify that no emergency exists.

(2) Other Advertising Media – The term “other advertising media” shall apply to business proposals, bill of sales, contracts, business cards, construction site signs, all newspapers, airwave transmission, phone directory, handbills, billboards, flyers, shopping and service guides (coupon offerings), magazines (including trade association publications), classified advertisements, internet websites, manufacturer’s “authorized dealer” listings, and signs on vehicles. They shall not apply to business stationery, balloons, pencils, pens, hats, articles of clothing, or other promotional novelties. Neither shall the terms apply to free phone directory listings (regardless of page color) of one, two, or three lines, which display nothing more than the proper name, company name, address, and telephone numbers in whole or in part in an unbolded or unhighlighted print and without further textual or pictorial elaboration or touting in its overall display.

Specific Authority 489.507(3) FS. Law Implemented 489.521(7)(b), 489.529 FS. History–New 8-23-89, Amended 7-3-91, Formerly 21GG-4.019, Amended 12-24-97, 5-13-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Electrical Contractors’ Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractors’ Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 16, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2008

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-730.020	Definitions
62-730.021	References, Variances and Case-by-Case Regulations
62-730.030	Identification of Hazardous Waste
62-730.160	Standards Applicable to Generators of Hazardous Waste
62-730.170	Standards Applicable to Transporters of Hazardous Waste
62-730.180	Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
62-730.181	Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities
62-730.183	Land Disposal Restrictions
62-730.185	Standards for Universal Waste Management
62-730.200	Introduction, Scope and Procedures for Decision Making
62-730.220	Applications for Permits and Other Authorizations

PURPOSE, EFFECT AND SUMMARY: The proposed rule amendments incorporate by reference the changes made by the U.S. Environmental Protection Agency (EPA) between July 1, 2006 and June 30, 2007 to the federal hazardous waste regulations. The Florida Department of Environmental Protection (FDEP) is authorized by EPA to administer the state hazardous waste program in lieu of the federal program. As a result of that authorization, every year FDEP must adopt changes that make state rules equivalent to and consistent with the existing federal regulations. The amendments in this notice serve that purpose.

SPECIFIC AUTHORITY: 403.8055 FS.

LAW IMPLEMENTED: 403.061, 403.151, 403.704, 403.707, 403.72, 403.721, 403.722, 403.723, 403.724, 403.727 FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 403.8055, F.S. WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE TO: Ms. Julie Rainey, Hazardous Waste Regulation Section, Mail Station 4560, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULES IS:

62-730.020 Definitions.

(1) The Department adopts by reference the definitions contained in 40 Code of Federal Regulations (CFR) 260.10 revised as of July 1, 2007 ~~July 1, 2006~~, except for the optional addition of "or 267.101" to subsection (2) of the definition of "facility" in the Federal Register dated September 8, 2005 (70 FR 53419).

(2) through (5) No change.

Specific Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.704, 403.72, 403.721 FS. History—New 5-28-81, Amended 9-8-81, 12-6-81, 11-25-82, 5-19-83, 1-5-84, 8-24-84, 7-5-85, Formerly 17-30.02, Amended 9-19-86, 10-31-86, 4-13-88, Formerly 17-30.020, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.020, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07, _____.

62-730.021 References, Variances and Case-by-Case Regulations.

The Department adopts by reference the following Sections of 40 CFR Part 260 revised as of July 1, 2007 ~~July 1, 2006~~: 260.11 except for the optional amendments to 260.11(c)(1), 260.11(c)(3)(xxvii) and 260.11(d)(1) in the Federal Register dated September 8, 2005 (70 FR 53419); 260.21; 260.23; 260.30; 260.31; 260.32; 260.33; 260.40 and 260.41. The language of 40 CFR 260.11 in effect on September 8, 2005 remains in effect.

Specific Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.704, 403.721 FS. History—New 7-5-85, Formerly 17-30.021, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.021, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 4-6-06, 5-1-07, _____.

62-730.030 Identification of Hazardous Waste.

(1) The Department adopts by reference 40 CFR Part 261 revised as of July 1, 2007 ~~July 1, 2006~~, and all appendices, with the exceptions described in paragraphs (1)(a) through (d) of this section.

(a) through (4) No change.

Specific Authority 403.72, 403.721, 403.8055 FS. Law Implemented 403.72, 403.721 FS. History—New 5-28-81, Amended 9-8-81, 12-6-81, 3-4-82, 11-25-82, 5-19-83, 1-5-84, 8-24-84, 12-18-84, 7-5-85, 10-3-85, Formerly 17-30.03, Amended 5-5-86, 8-25-86, 9-19-86, 10-31-86, 3-31-87, 4-13-88, Formerly 17-30.030, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.030, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07,_____.

62-730.160 Standards Applicable to Generators of Hazardous Waste.

(1) The Department adopts by reference 40 CFR Part 262 revised as of July 1, 2007 ~~July 1, 2006~~, including the Appendix with the exception of 40 CFR 262.34(e) and the Project XL site-specific regulations in 262.10(j) and Subparts I and J.

(2) through (7) No change.

Specific Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.704, 403.72, 403.721 FS. History—New 5-19-82, Amended 5-20-82, 3-31-83, 1-5-84, 2-2-84, 8-24-84, 7-5-85, 10-3-85, Formerly 17-30.16, Amended 9-19-86, 10-31-86, 3-31-87, 5-26-87, 6-28-88, Formerly 17-30.160, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.160, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07,_____.

62-730.170 Standards Applicable to Transporters of Hazardous Waste.

(1) The Department adopts by reference 40 CFR Part 263 revised as of July 1, 2007 ~~July 1, 2006~~.

(2) through (3) No change.

Specific Authority 403.704, 403.721, 403.724, 403.8055 FS. Law Implemented 403.704, 403.721, 403.724 FS. History—New 11-8-81, Amended 5-31-84, 9-13-84, Formerly 17-30.17, Amended 9-19-86, 3-31-87, 5-26-87, 6-28-88, Formerly 17-30.170, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.170, Amended 1-5-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07,_____.

62-730.180 Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities.

(1) The Department adopts by reference 40 CFR Part 264 revised as of July 1, 2007 ~~July 1, 2006~~, including all appendices, with the exceptions described in paragraphs (1)(a) through (c) of this section.

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

(2) The Department adopts by reference 40 CFR Part 265 revised as of July 1, 2007 ~~July 1, 2006~~, including all appendices, with the exceptions described in paragraphs (2)(a) through (e) of this section.

(a) through (6) No change.

Specific Authority 403.704, 403.721, 403.724, 403.8055 FS. Law Implemented 403.704, 403.721, 403.724 FS. History—New 5-19-82, Amended 3-4-82, 5-20-82, 7-14-82, 8-30-82, 10-7-82, 11-25-82, 2-3-83, 3-31-83, 5-19-83, 1-5-84, 2-2-84, 11-7-84, 7-5-85, 10-3-85, Formerly 17-30.18, Amended 5-5-86, 9-19-86, 10-31-86, 3-31-87, 4-13-88, 6-28-88, Formerly 17-30.180, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.180, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07,_____.

62-730.181 Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities.

(1) The Department adopts by reference 40 CFR Part 266 revised as of July 1, 2007 ~~July 1, 2006~~, except for the Project XL site-specific regulations in Subpart O.

(2) No change.

Specific Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.704, 403.721 FS. History—New 7-5-85, Amended 10-3-85, 5-5-86, 4-13-88, Formerly 17-30.181, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.181, Amended 1-5-95, 9-7-95, 2-25-96, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07,_____.

62-730.183 Land Disposal Restrictions.

The Department adopts by reference 40 CFR Part 268 revised as of July 1, 2007 ~~July 1, 2006~~, and all appendices, with the exception of subsections (1) and (2) of this section.

(1) through (2) No change.

Specific Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.704, 403.721 FS. History—New 1-25-89, Formerly 17-30.183, Amended 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.183, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 4-6-06, 5-1-07,_____.

62-730.185 Standards for Universal Waste Management.

(1) The Department adopts by reference 40 CFR Part 273 revised as of July 1, 2007 ~~July 1, 2006~~.

(2) No change.

Specific Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.061, 403.704, 403.721 FS. History—New 9-7-95, Amended 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07,_____.

62-730.200 Introduction, Scope and Procedures for Decision Making.

(1) through (2) No change.

(3) The Department will follow the procedures set forth in these sections of 40 CFR Part 124 revised as of July 1, 2007 ~~July 1, 2006~~: 124.3(a); 124.5(a), (c), and (d); except the optional amendment to 124.5(c)(1) in the Federal Register dated September 8, 2005 (70 FR 53419); 124.6(a), (d), and (e) except (d)(4)(ii) through (v); 124.8(a) and (b) except (b)(3) and (b)(8); 124.10(a) except (a)(1)(i) and (a)(1)(iv) through (a)(3); 124.10(b); 124.10(c) except (c)(1)(iv) through (viii); 124.10(d) except (d)(1)(vii) through (ix) and (d)(2)(iv); 124.11;

124.12(a); and 124.17 except (b); 124.31 except for two sentences in 124.31(a) which include the phrase “over which EPA has permit issuance authority” and the optional amendments to 124.31(a), (b) and (c) in the Federal Register dated September 8, 2005 (70 FR 53419); 124.32 except for two sentences in 124.32(a) which include the phrase “over which EPA has permit issuance authority” and the optional amendment to 124.32(a) in the Federal Register dated September 8, 2005 (70 FR 53419); and 124.33 except for 124.33(a), which are hereby adopted by reference. For the optional amendments excepted in this section, the language in effect on September 8, 2005 remains in effect. Sections 124.31, 124.32, 124.33 apply to all applicants seeking construction or operation permits for hazardous waste management units.

(4) through (5) No change.

Specific Authority 403.704, 403.721, 403.722, 403.8055 FS. Law Implemented 403.704, 403.721, 403.722 FS. History—New 7-1-82, Formerly 17-30.20, Amended 9-23-87, 6-28-88, Formerly 17-30.200, Amended 9-10-91, 10-14-92, Formerly 17-730.200, Amended 1-5-95, 1-29-06, 4-6-06, 5-1-07,_____.

Editorial Note: Formerly Rule 62-730.184, F.A.C.

62-730.220 Applications for Permits and Other Authorizations.

(1) The Department adopts by reference the following sections of 40 CFR Part 270 revised as of ~~July 1, 2007~~ ~~July 1, 2006~~: 270.1(c) except for the Project XL site-specific regulations in 270.1(c)(2)(ix); 270.2, except for the optional amendments to the definition of “permit” and “Standardized Permit” in the Federal Register dated September 8, 2005 (70 FR 53419); 270.3; 270.4; 270.6; 270.10 except for the optional amendments to 270.10(a) and (h) in the Federal Register dated September 8, 2005 (70 FR 53419); 270.11; 270.12 through 270.28; 270.30; 270.31; 270.32(b)(2); 270.33; 270.51 except for the optional amendments to 27051(e) in the Federal Register dated September 8, 2005 (70 FR 53419); 270.61; 270.62; 270.65; 270.66; 270.68; 270.72; 270.79 through 270.230; and 270.235. For the optional amendments excepted in this section, the language in effect on September 8, 2005 remains in effect.

(a) through (11) No change.

Specific Authority 403.061, 403.087, 403.704, 403.721, 403.722 FS. Law Implemented 403.151, 403.704, 403.707, 403.721, 403.722, 403.723, 403.727 FS. History—New 7-9-82, Amended 1-5-84, 8-19-84, 7-22-85, Formerly 17-30.22, Amended 9-23-87, 6-28-88, 12-12-88, Formerly 17-30.220, Amended 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.220, Amended 1-5-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07,_____.

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: RULE TITLE:

64B18-11.001 Application for Licensure

PURPOSE AND EFFECT: The Board proposes the rule amendment to remove language concerning the date of the administering of the PMLexis Examination.

SUMMARY: The date required for administering the PMLexis examination will be removed from 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: 456.033(6), 461.005 FS.

LAW IMPLEMENTED: 456.017(1)(c), 456.033, 461.006 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-11.001 Application for Licensure.

An application file for licensure is not complete unless and until it contains verification of a passing score from examination of the National Board of Podiatric Medical Examiners, including Part I, Part II, and the PMLexis Examination ~~administered after August of 1996~~. Such verification must be received by the Board office directly from the provider of the National Board of Podiatric Medical Examiners examination.

Specific Authority 456.033(6), 461.005 FS. Law Implemented 456.017(1)(c), 456.033, 461.006 FS. History—New 1-29-80, Amended 12-9-82, Formerly 21T-11.01, Amended 10-14-86, 1-26-88, 6-20-88, 7-3-89, 6-24-92, Formerly 21T-11.001, Amended 7-6-94, Formerly 61F12-11.001, Amended 1-1-96, 7-15-96, Formerly 59Z-11.001, Amended 9-3-98, 2-8-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Podiatric Medicine

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2008

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: RULE TITLE:

64B18-14.011 Mediation

PURPOSE AND EFFECT: The Board proposes the rule amendment to remove language concerning updating profiling requirements.

SUMMARY: The requirement for updating profiling requirements will be removed from 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: 456.078, 461.005 FS.

LAW IMPLEMENTED: 456.078 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-14.011 Mediation.

The Board of Podiatric Medicine has determined that the following violations are defined as mediation offenses:

- (1) Failure to supply copies of patient records in a timely manner when requested by a patient or a patient's representative;
- (2) Failure to post the patient's bill of rights as required by Sections 381.026 and 381.0261, F.S.;
- ~~(3) Failure to update profiling requirements on a timely basis; and~~
- ~~(3)(4)~~ Failure to provide proof of proper financial responsibility.

Specific Authority 456.078, 461.005 FS. Law Implemented 456.078 FS. History--New 3-26-95, Amended 6-17-97, Formerly 59Z-14.011, Amended 8-24-00, 7-26-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Podiatric Medicine

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2008

DEPARTMENT OF HEALTH

Vital Statistics

RULE NOS.: RULE TITLES:

- 64V-1.001 Delayed Birth Registration Requirements; Fees
- 64V-1.002 Birth Certificate Amendments; Who May Apply; Fees
- 64V-1.0031 Birth Certificate Amendments by Adoption
- 64V-1.0032 Birth Certificate Amendments by Paternity Establishment; Judicial and Administrative Process
- 64V-1.006 Birth Registration; Evidence Required for Births Occurring Outside of a Facility
- 64V-1.0061 Death and Fetal Death Registration
- 64V-1.007 Death and Fetal Death Certificate Amendments; Who May Apply; Fees; Documentary Evidence Requirements
- 64V-1.008 Delayed Death or Delayed Fetal Death Registration
- 64V-1.0081 Presumptive Death Registration
- 64V-1.0131 Certifications of Vital Records; Information Required for Release; Applicant Identification Requirements
- 64V-1.014 Fees for Vital Statistics Services Provided by State Registrar
- 64V-1.016 Florida Putative Father Registry
- 64V-1.020 Marriage Reporting
- 64V-1.021 Dissolution of Marriage Reporting

PURPOSE AND EFFECT: To update forms used in current processing of vital records registration, amendment thereto, and issuance of said records to clarify instructions and provide location of availability of forms. Incorporating into rule forms used for applying for certifications of marriage or divorce records. Amending rule to change language to agree with statute governing the acknowledgment of paternity process by removing requirement of notarization of form, addressing form to be used for filing a disestablishment of paternity, amending current rule to include process of amending a record as a result of administrative proceeding to establish paternity and amending language stating photocopy can be ordered in place of computer certification to include wording "and is available". Adding language to allow for electronic creation of birth, death, marriage and dissolution of marriage records using a system adopted by the Department of Health, and the electronic creation and issuance of a Florida Delayed Birth Certificate and Certificate of Foreign Birth.

SUMMARY: The Office of Vital Statistics wishes to improve the quality of service to its clients. Therefore, forms are being updated to provide additional guidance and clarification. The Office of Vital Statistics is implementing the electronic submission and creation of certain vital records.

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: 63.054(3), (9), (10), (14), 382.003(7), (10), (11), 382.008, 382.0085, 382.012, 382.013, 382.015(6), 382.016, 382.016(1), 382.017, 382.019, 382.025 382.0255(1)(a), (b), (3) FS.

LAW IMPLEMENTED: 63.054, 63.054(9), 63.062(1), 63.152, 382.003(7), (10), (11), 382.008, 382.0085, 382.011, 382.012, 382.013, 382.015, 382.015(2), (3), 382.016, 382.016(1)(b), 382.017, 382.019, 382.023, 382.025, 382.0255(1), 409.256(11)(d), 742.10, 742.16, 742.18(8) FS.

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

DATE AND TIME: Monday, March 3, 2008, 10:00 a.m.
 PLACE: Department of Health, State Office of Vital Statistics, 1217 Pearl St., Boorde Bldg., Rm. 420, Jacksonville, Florida 32202

Pursuant to the provisions of 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: Kevin Wright, Operations Manager, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042, telephone (904)359-6900, ext. 1004. If you are 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: Kevin Wright, Operations Manager, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042

THE FULL TEXT OF THE PROPOSED RULES IS:

64V-1.001 Delayed Birth Registration Requirements; Fees.

(1) All delayed birth registrations must be accompanied by an Application for Florida Delayed Certificate of Birth, DH Form 521, Feb. 07 July 04, hereby incorporated by reference and available from the Florida Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida

32231-0042, department and the fee required by subsection (2) of Rule 64V-1.014, F.A.C., and by documents described in subsection (2) of Rule 64V-1.001, F.A.C., which substantiate the following facts of birth:

- (a) Name at the time of birth of the registrant;
- (b) Date of birth of the registrant;
- (c) State of birth of the registrant as Florida;
- (d) Mother's name including her maiden surname; and
- (e) Father's name; except that if the parents were not married at the time of the registrant's birth, the father's name shall not be entered on the delayed certificate except by an affidavit of acknowledgment of paternity signed by both parents before a notarizing official or two witnesses, by both parents or by order of a court of competent jurisdiction.

(2) through (4) No change.

(5) The Application for Florida Delayed Certificate of Birth, DH Form 521, Feb. 07 July 04, must be signed by a parent or guardian before a notarizing official for a registrant under the age of 18. A registrant 18 years or older, or if disability of nonage has been removed and the registrant provides proof of such removal, must sign this form before a notarizing official. ~~The person signing the Delayed Certificate of Birth, DH Form 520, July 04, must sign before a notarizing official.~~

(6) through (10) No change.

(11) Upon receipt of the required forms, fees and documentary evidence, the department shall electronically create and issue a Delayed Certification of Birth, DH Form 520, Nov. 07, hereby incorporated by reference and available from the Florida Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, FL 32231-0042.

Specific Authority 382.003(10), (11), 382.019, 382.0255(3) FS. Law Implemented 382.003(7), (11), 382.019 FS. History—New 1-1-77, Formerly 10D-49.13, Amended 10-1-88, 10-1-90, 4-18-96, 12-26-96, Formerly 10D-49.013, Amended 11-11-98, 7-18-00, 2-29-04, 10-19-04,_____.

64V-1.002 Birth Certificate Amendments; Who May Apply; Fees.

(1) A request for an amendment to a birth certificate made pursuant to subsection (1) of Section 382.016, F.S., shall be submitted with an Application for Amendment to Amended Florida Birth Record, DH Form 429, Sept. 07 June 03, hereby incorporated by reference and available from the Florida Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042, department and accompanied by statutory fees required pursuant to subsection (3) of Rule 64V-1.014, F.A.C., an Affidavit of Amendment to Certificate of Live Birth, DH Form 430, May 04, hereby incorporated by reference and available from the Florida Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042, department and documentary evidence, if required, by Rule 64V-1.003, F.A.C.

The required Affidavit of Amendment to Certificate of Live Birth, DH Form 430, May 04, must be signed before a notarizing official by a registrant who is at least 18 years of age, or if disability of nonage has been removed and the registrant provides proof of such removal; or if under 18, by his or her parent(s) named on the certificate, or guardian or agency having legal custody of the registrant. When requesting any correction to the name of the registrant, both parents must sign the affidavit if both parents are named on the birth record.

(2) No change.

Specific Authority 382.003(10), (11), 382.015(6), 382.016, 382.0255(3) FS. Law Implemented 63.152, 382.003(7), (11), 382.015, 382.016, 382.017 FS. History—New 1-1-77, Formerly 10D-49.14, Amended 10-1-88, 4-18-96, 12-26-96, Formerly 10D-49.014, Amended 11-11-98, 7-18-00, 2-29-04, 10-19-04, _____.

64V-1.0031 Birth Certificate Amendments by Adoption.

(1) Any adoption entered by a court in this state shall be recorded on a Certified Statement of Final Decree of Adoption, DH Form 527, June 07 Jan. 03, hereby incorporated by reference and available from the Florida Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042 department. Upon receipt of a Certified Statement of Final Decree of Adoption, DH Form 527, completed and certified by the clerk of the circuit court entering the adoption, the department shall amend the birth certificate if the child was born in this state.

(2) The department shall, upon receipt of a Certified Statement of Final Decree of Adoption, DH Form 527, June 07 Jan. 03, incorporated by reference in subsection (1) of Rule 64V-1.0031, F.A.C., that has been granted pursuant to Section 382.017, F.S., and an Application for Certificate of Foreign Birth, DH Form 1178, June 07 Jan. 03, hereby incorporated by reference and available from the Florida Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042 department, electronically create prepare a Certificate of Foreign Birth, DH Form 1156, Nov. 07 July 97, hereby incorporated by reference and available from the Florida Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042 department.

Specific Authority 382.003(10), 382.015(6), 382.0255(3) FS. Law Implemented 63.152, 382.003(7), 382.015, 382.017 FS. History—New 11-11-98, Amended 7-18-00, 2-29-04, _____.

64V-1.0032 Birth Certificate Amendments by Paternity Establishment/Disestablishment; Judicial and Administrative Process.

(1) Any judgment establishing paternity entered by a Florida court pursuant to Section 742.10 or 382.015(2), F.S., or disestablishing paternity by a Florida court pursuant to Section 742.18, F.S., shall be recorded on a Certified Statement of Final Judgment of Paternity, DH Form 673, Aug. 06 July 04, hereby incorporated by reference and available from the Florida Department of Health, State Office of Vital Statistics,

P. O. Box 210, Jacksonville, Florida 32231-0042 department. Upon receipt of a Certified Statement of Final Judgment of Paternity, DH Form 673, completed and certified by the clerk of the circuit court entering the paternity judgment, the department shall amend the birth certificate if the child was born in this state.

(2) Upon receipt of a final order establishing paternity or a final order of paternity and child support rendered pursuant to Section 409.256, F.S., the department shall amend the birth certificate if the child was born in this state.

(3)(2) A request to amend a birth certificate upon written request of the parents pursuant to subsection (1)(b) of Section 382.016, F.S., shall be submitted on an Acknowledgment of Paternity a Consenting Affidavit Acknowledging Paternity, DH 432, Feb. 06 July 04, hereby incorporated by reference and available from the Florida Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042 department. The Acknowledgment of Paternity, DH 432, must be signed by both parents before a notarizing official or before two witnesses. The Consenting Affidavit Acknowledging Paternity, DH Form 432 must be signed by both parents and both signatures must be notarized.

(4)(3) An acknowledgment of paternity that was made at the hospital at the time of a child's birth or subsequently by acknowledging paternity pursuant to subsection (1)(b) of Section 382.016, F.S., may be rescinded by either party within 60 days of the date the acknowledgment was signed, by filing a Paternity Acknowledgment Rescission Affidavit, DH Form 2101, May 98, hereby incorporated by reference and available from the Florida Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042 department. Filing a rescission will not affect the parentage as recorded on the birth record and if the father's name is to be removed, an order from a court of competent jurisdiction directing that the birth record be amended to remove the father's name, is required.

(5)(4) Any judgment establishing paternity resulting from an affirmation of parental status for gestational surrogacy pursuant to Section 742.16, F.S., shall be recorded on a Certified Statement of Final Order of Affirmation of Parental Status, DH Form 1905, Oct. 02, hereby incorporated by reference and available from the Florida Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042 department.

Specific Authority 382.003(10), (11), 382.015(6), 382.016(1), 382.0255(3) FS. Law Implemented 382.003(7), (11), 382.015(2), (3), 382.016(1)(b), 742.10, 742.16, 742.18(8), 409.256(11)(d) FS. History—New 11-11-98, Amended 7-18-00, 2-29-04, 10-19-04, _____.

64V-1.006 Birth Registration; Evidence Required for Births Occurring Outside of a Facility.

(1) All birth records filed in this state pursuant to Section 382.013, F.S., shall be registered electronically on the department's electronic birth registration system or by means specified by the state registrar. A ~~on a~~ Certificate of Live Birth, DH Form 511, July 04, hereby incorporated by reference and available from the Florida Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042 shall be used until electronic birth registration system implemented ~~department.~~

(2) No change.

(3) If a written statement referenced in subsection (2) of Rule 64V-1.006, F.A.C., cannot be obtained, corroborating evidence or action as follows may be substituted:

(a) Presentation of the child for whom the certificate is being filed at the ~~DH~~ county health department, or a home visit by an official of a ~~DH~~ county health department to verify the birth; and

(b) through (c) No change.

Specific Authority 382.003 (7), (10), 382.013 FS. Law Implemented 382.003 (7), (10), ~~(11)~~, 382.013 FS. History--New 10-1-90, Formerly 10D-49.0194, Amended 11-11-98, 7-18-00, 2-29-04, 10-19-04, _____.

64V-1.0061 Death and Fetal Death Registration.

(1) All deaths except for fetal deaths filed pursuant to Section 382.008, F.S., shall be registered electronically on the department's electronic death registration system or by means specified by the state registrar. A Florida ~~on a~~ Certificate of Death, DH Form 512, July 04, hereby incorporated by reference and available from the Florida Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042 shall be used until an electronic death registration system is implemented ~~department.~~

(2) All fetal deaths occurring in this state shall be filed on a Florida Certificate of Fetal Death, DH Form 428, Jan. 06, ~~both~~ hereby incorporated by reference and available from the Florida Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042.

Specific Authority 382.003~~(7)~~, (10), 382.008 FS. Law Implemented 382.003(7), ~~(10)~~, (11), 382.008 FS. History--New 2-29-04, Amended 10-19-04, 11-17-05, _____.

64V-1.007 Death and Fetal Death Certificate Amendments; Who May Apply, Fees; Documentary Evidence Requirements.

(1) No change.

(2) Amendment of the medical certification of the cause of death section, the date of death, hour or time of death, or the place of death (other than street address) on a death certificate shall be confirmed in writing by the certifying physician or the attending physician as listed on the Florida Certificate of

Death, DH 512, or by the medical examiner with current jurisdiction of the district in which the death occurred. An Affidavit of Amendment to Medical Certification of Death, DH Form 434A ~~434~~, Jan. 05 ~~Feb-97~~, hereby incorporated by reference and available from the Florida Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042, department shall be completed and signed before a notarizing official by the certifying physician or the attending physician as listed on the Florida Certificate of Death, DH Form 512, or by the medical examiner with current jurisdiction of the district in which the death occurred. Such affidavit shall be attached to the original death certificate ~~becoming a permanent part of that record.~~ Amendment fees required pursuant to subsection (1)(c) of 382.0255, F.S., are waived in such cases.

(3) through (7) No change.

(8) Amendment of any item on a fetal death certificate shall be made on an Affidavit of Amendment to Certificate of Fetal Death, DH Form 433A, Dec. 06, Jan-06 hereby incorporated by reference and available from the Florida Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042. Such affidavit shall be signed before a notarizing official by a parent listed on the Florida Certificate of Fetal Death, DH Form 428, Jan. 06, previously incorporated in Rule 64V-1.0061, F.A.C., except in the case where a father's name is to be added to the Florida Certificate of Fetal Death. In this case, the notarized signatures of both mother and father shall be required.

(9) No change.

Specific Authority 382.003(10), (11), 382.016, 382.0255(3) FS. Law Implemented 382.003(7), (11), 382.011, 382.016 FS. History--New 1-1-77, Formerly 10D-49.22, Amended 10-1-88, 4-18-96, 12-26-96, Formerly 10D-49.022, Amended 11-11-98, 7-18-00, 2-29-04, 12-12-06, _____.

64V-1.008 Delayed Death or Delayed Fetal Death Registration.

To register a delayed death or fetal death certificate, the funeral director or person acting as such shall complete all parts of the Florida Certificate of Death, DH Form 512, July 04 Sept-96, or Florida Certificate of Fetal Death, DH Form 428, Jan. 06 Nov-97, both incorporated by reference in Rule 64V-1.0061, F.A.C., except for the medical certification of the cause of death section which shall be completed and certified by a physician or medical examiner with current jurisdiction of the district in which the death occurred. The funeral director or person acting as such shall then file the certificate with the State Office of Vital Statistics, furnishing a written explanation for the delay in filing on the back of the certificate. In addition, the funeral director or person acting as such shall include with the completed certificate an Application for a Presumptive or Delayed Death Record, DH Form 1565, Jun. 03, hereby incorporated by reference and available from the Florida Department of Health, State Office of Vital Statistics, P. O. Box

210, Jacksonville, Florida 32231-0042, department and payment of a delayed filing fee pursuant to subsection (2) of Rule 64V-1.014, F.A.C.

Specific Authority 382.003(7), (10), 382.019, 382.0255(1)(b) FS. Law Implemented 382.019 FS. History—New 10-1-88, Formerly 10D-49.0231, Amended 11-11-98, 2-29-04,_____.

64V-1.0081 Presumptive Death Registration.

A presumptive death certificate shall be recorded on a Florida Certificate of Death, DH Form 512, July 04 Sept. 06, which is incorporated by reference in Rule 64V-1.008, F.A.C., and shall be marked “Presumptive”. The certificate shall be completed with as much personal identifying information regarding the presumed decedent as is known, and shall include a date and a location of the presumed death. If the exact place of death is unknown, an entry identifying the geographical place such as “At Sea – Atlantic Ocean”, “In Air – Over Everglades” shall be entered for place of death. An application for a Presumptive or Delayed Death Record, DH Form 1565, Jun. 03, incorporated by reference in Rule 64V-1.008, F.A.C., and payment of presumptive death fee a delayed filing pursuant to subsection (2) of Rule 64V-1.014, F.A.C., shall accompany the request.

Specific Authority 382.003(7), (10), (11), 382.012 FS. Law Implemented 382.012 FS. History—New 11-11-98, Formerly 64V-1.018, Amended 2-29-04,_____.

64V-1.0131 Certifications of Vital Records; Information Required for Release; Applicant Identification Requirements.

(1) All certifications issued by the Office of Vital Statistics or by any of the ~~DH~~ county health departments shall be on safety security paper designed and approved by the department. Neither plain copy nor uncertified records will be issued except as an approved health study project by the department.

(2) All requests for certifications of birth records less than 100 years old must be accompanied with valid photo identification as prescribed in paragraph 64V-1.0131(2)(c), F.A.C. With the exception of a request to file a delayed birth registration, a birth amendment or a Certificate of Foreign Birth, each request shall be submitted in writing or, on a state office Application for Florida Birth Record, DH Form 726, Sept. 07 July 03, or county office Application for Florida Birth Record, DH Form 1960, July 03, both hereby incorporated by reference and available from the Florida Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042 department. A request to file a delayed birth registration, an amendment to a birth record, or a Certificate of Foreign Birth, must be requested on application forms previously incorporated in Rules 64V-1.001, 64V-1.002 and 64V-1.0031, F.A.C.

(a) through (e) No change.

(3) All requests for certifications of death records where cause of death information is requested and the death occurred less than 50 years prior to the request must be accompanied by valid with photo identification as prescribed in paragraph 64V-1.0131(4)(c), F.A.C. With the exception of ~~non-medical~~ death amendment requests, and delayed or presumptive death registration, all requests must be submitted in writing or on a state office Application for a Florida Death Record, DH Form 727, Nov. 04 July 03, or county office Application for a Florida Death Record, DH Form 1961, July 03, both hereby incorporated by reference and available from the Florida Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042 department. A request to file a ~~non-medical~~ death amendment request, a delayed death registration or a presumptive death must be requested on application forms previously incorporated by reference in Rules 64V-1.007, 64V-1.008 and 64V-1.0081, F.A.C.

(a) through (e) No change.

(4) Upon request of a parent listed on a Florida Certificate of Fetal Death, the department shall create a Certificate of Birth Resulting in Stillbirth, DH Form 728A, Aug. 06, hereby incorporated by reference and available from the Florida Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042. Information listed on the Certificate of Birth Resulting in Stillbirth shall originate from the Florida Certificate of Fetal Death, DH Form 428, Jan. 06, previously incorporated by reference in Rule 64V-1.0061, F.A.C. All requests for a Certificate of Birth Resulting in Stillbirth shall be submitted on an Application for Florida Certificate of Birth Resulting in Stillbirth, DH Form 728, Sept. 07 Aug 06, hereby incorporated by reference and available from the Florida Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042.

(5) All requests for a Department of Health certification of a marriage record must be submitted in writing or on a state office Application for a Marriage Record For Licenses Issued in Florida, DH Form 261, Sept. 07, hereby incorporated by reference and available from the Florida Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042. If the requestor is named on the marriage record and the Social Security field for that person is also requested, then valid photo identification must accompany the request.

(6) All requests for a Department of Health certification of a Florida divorce or annulment record must be submitted in writing or on a state office Application for Dissolution of Marriage Report (Divorce or Annulment) Granted in Florida, DH Form 260, Sept. 07, hereby incorporated by reference and available from the Florida Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042.

Specific Authority 382.003(7), (10), 382.025, 382.0255(1)(a), 382.0085 FS. Law Implemented 382.025, 382.0085 FS. History–New 11-11-98, Amended 2-29-04, 12-12-06,_____.

64V-1.014 Fees for Vital Statistics Services Provided by State Registrar.

The fees for services provided are as follows:

(1) Five dollars for the first calendar year of records searched or retrieved for a vital record and two dollars for each additional calendar year of records searched or retrieved, up to a maximum of fifty dollars. If the record is located, this fee entitles the applicant to one computer certification of the record. A certified photocopy will be issued in lieu of a computer certification ~~if computer certification is not available~~ at no additional cost ~~if computer certification is not available~~. An additional fee of five dollars is required if a certified photocopy is requested, ~~and is available~~, in place of a computer certification.

(2) through (10) No change.

Specific Authority 63.054(9), 382.003(10), 382.0255(3) FS. Law Implemented ~~63.054(9)~~ ~~62.054(9)~~, 382.0255(1) FS. History–New 10-1-88, Amended 11-11-90, 4-18-96, 12-26-96, Formerly 10D-49.034, Amended 11-11-98, 2-29-04,_____.

64V-1.016 Florida Putative Father Registry.

(1) A claim of paternity filed by an unmarried biological father as defined in subsection 63.032(19), F.S., shall be made on a Florida Putative Father Registry Claim of Paternity, DH Form 1965, Oct. 06 ~~Oct. 03~~, hereby incorporated by reference and available from the Florida Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042 ~~department~~. A request to update information or revoke a claim of paternity shall be made on a Florida Putative Father Registry ~~Claim of Paternity~~ – Update to Claim of Paternity Registration, DH Form 1964, Oct. 06 ~~Oct. 03~~, hereby incorporated by reference and available from the Florida Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042 ~~department~~. A request for search of the Florida Putative Father Registry shall be made on Florida Putative Father Registry – Application for Search, DH Form 1963, Oct. 06 ~~Oct. 03~~, hereby incorporated by reference and available from the Florida Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042 ~~department~~.

(2) No change.

Specific Authority 63.054(3), (10), (14), 382.003 (7) FS. Law Implemented ~~63.054~~, 63.062(1), 382.0255(1) FS. History–New 11-11-98, Amended 2-29-04,_____.

64V-1.020 Marriage Reporting.

Marriages occurring in Florida shall be recorded on a Marriage Record, DH Form 743, Apr. 98, hereby incorporated by reference and available from the Florida Department of Health,

State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042, or on an electronic system provided by the Department of Health ~~department~~.

Specific Authority 382.003(7), (10) FS. Law Implemented 382.023 FS. History–New 2-29-04, Amended _____.

64V-1.021 Dissolution of Marriage Reporting.

Dissolution of Marriages shall be recorded on a Report of Dissolution of Marriage – Annulment of Marriage, DH Form 513, Oct. 96, hereby incorporated by reference and available from the Florida Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042, or on an electronic system provided by the Department of Health ~~department~~.

Specific Authority 382.003(7), (10) FS. Law Implemented 382.023 FS. History–New 2-29-04, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kevin Wright, Operations Manager, State Office of Vital Statistics

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth T. Jones, Deputy State Registrar, State Office of Vital Statistics

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 2, 2008

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

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: Amendments to the rules clarify language for the Medically Needy Program, allowing medical expenses paid prior to the month for which eligibility is being requested, to be used to meet the share of cost. Technical and non-substantive changes in the rule language are included.

SUMMARY: Proposed amendments revise the language regarding the treatment of paid medical expenses in the Medically Needy Program.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.906, 409.918, 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: March 3, 2008, 1:30 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pat Whitford, Economic Self-Sufficiency Services, Telephone (850)410-3479

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.707 Family-Related Medicaid Income and Resource Criteria.

(1) No change.

(2) The department considers income in excess of the medically needy income level available to pay for medical care and services. Available income from a one month period is used to determine the amount of excess countable income available to meet medical care and services. To be allowable, a paid expense may not have been previously deducted from countable income during a period of eligibility. The department deducts allowable medical expenses which are not subject to third party payment while unpaid and still owed, or paid during the current month, or incurred and paid during the three previous calendar months to the month for which eligibility is being determined but no earlier than the three retroactive application months from countable income that exceeds the medically needy income level, as follows:

(a) Allowable health insurance costs such as medical premiums, other health insurance premiums, deductibles and co-insurance charges; and

(b) Allowable medical services such as the cost of public transportation to obtain allowable medical services; medical services provided or prescribed by a recognized member of the medical community; and personal care services in the home prescribed by a recognized member of the medical community.

Specific Authority 409.919 FS. Law Implemented 409.903, 409.918, 409.919 FS. History—New 10-8-97, Amended 2-15-01, 11-23-04, 2-20-07, _____.

65A-1.713 SSI-Related Medicaid Income Eligibility Criteria.

(1) Income limits. An individual's income must be within limits established by federal or state law and the Medicaid State Plan. The income limits are as follows:

(a) through (d) No change.

(e) For HCBS, gross income cannot exceed 300 percent of the SSI federal benefit rate after consideration of allowable deductions set forth in subsection 65A-1.713(2), F.A.C. Individuals with income over this limit may qualify for HCBS services by establishing a qualified income trust which meet criteria set forth in subsection 65A-1.702(15), F.A.C.

(f) For hospice services, income cannot exceed 300 percent of the SSI federal benefit rate or income must meet Medically Needy eligibility criteria, including the share of cost requirement. Effective October 1, 1998, institutionalized individuals with income over this limit may qualify for institutional hospice services by establishing an income trust which meets criteria set forth in subsection paragraph 65A-1.702(15)(14)(a), F.A.C.

(g) For SLMB, income must be greater than 100 percent of the federal poverty level but equal to or less than 120 percent of the federal poverty level.

(h) For Medically Needy, income must be less than or equal to the Medically Needy income standard after deduction of allowable medical expenses.

(i) For Protected Medicaid, income cannot exceed the limits established in accordance with 42 U.S.C. § 1383c (incorporated by reference).

(j) No change.

~~(k) For the Traumatic Brain Injury and Spinal Cord Injury Waiver Program an individual cannot have income that exceeds 300% of the federal benefit rate as defined in subsection 65A-1.701(13), F.A.C. An income trust may be established to qualify for this assistance.~~

(2) Included and Excluded Income. For all SSI-related coverage groups the department follows the SSI policy specified in 20 C.F.R. 416.1100 (incorporated by reference), et seq., including exclusionary policies regarding Veterans Administration benefits such as VA Aid and Attendance, unreimbursed Medical Expenses, and reduced VA Improved pensions, to determine what counts as income and what is excluded as income with the following exceptions:

(a) through (e) No change.

(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 (incorporated by reference), or another less restrictive option is elected by the state under 42 U.S.C. § 1396a(r)(2) (incorporated by reference). When averaging income, all income from the most recent consecutive four weeks shall 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) For MEDS-AD Demonstration Waiver, Protected Medicaid, Medically Needy, Qualified Working Disabled Individual, QMB, SLMB, QIL, and to compute the community

spouse income allocation for spouses of ICP individuals, the following less restrictive methodology for determining gross monthly income is followed:

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

(c) Medically Needy. The amount by which the individual's countable income exceeds the Medically Needy income level, called the "share of cost", shall be considered available for payment of medical care and services. The department computes available income for each month eligibility is requested to determine the amount of excess countable income available to meet medical costs. If countable income exceeds the Medically Needy income level the department shall deduct allowable medical expenses in chronological order, by day of service. Countable income is determined in accordance with subsection 65A-1.713(2), F.A.C. To be deducted the expenses must be unpaid, or if paid, must have been paid in the month for which eligibility is being determined or incurred and paid during the three previous calendar months to the month for which eligibility is being determined but no earlier than the three retroactive application months. The paid expense may not have been previously deducted from countable income during a period of eligibility. Medical expenses reimbursed by a state or local government not funded in full by federal funds, excluding Medicaid program payments, are allowable deductions. Any other expenses reimbursable by a third party are not allowable deductions. Examples of recognized medical expenses include:

1. Allowable health insurance costs such as medical premiums, other health insurance premiums, deductibles and co-insurance charges; and,
2. Allowable medical services such as the cost of public transportation to obtain allowable medical services; medical services provided or prescribed by a recognized member of the medical community; and personal care services in the home prescribed by a recognized member of the medical community.

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), 2-20-07, 10-16-07,_____.

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: January 22, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 29, 2007

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NO.: 65C-13.001
RULE TITLE: Definitions

PURPOSE AND EFFECT: To place all definitions in one section.

SUMMARY: The Department is repealing Rule 65C-13.001, which provides definitions of terms applicable to the Department of Children and Family Services substitute and foster care licensure. Chapter 65C-13, is under rule promulgation and provides a new section for definitions.

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: 39.012, 39.0121 FS.

LAW IMPLEMENTED: 39.012 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pat Badland, Director of Family Safety

THE FULL TEXT OF THE PROPOSED RULE IS:

65C-13.001 Definitions.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History—New 5-27-92, Amended 7-18-95, Formerly 10M-6.015, Amended 11-30-97, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Lee, Bureau Chief, Policy Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Pat Badland, Director of Family Safety

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 29, 2008

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 690-167.004
RULE TITLE: Required Preinsurance Inspection of Private Passenger Motor Vehicles

PURPOSE AND EFFECT: To adopt amendments to the rule to reflect legislative changes and update forms.

SUMMARY: Preinsurance Inspection of Private Passenger Motor Vehicles.

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), 627.744(5) FS.

LAW IMPLEMENTED: 624.307(1), 627.744 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: February 26, 2008, 9:30 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Brian Bogner, P&C Product Review, Office of Insurance Regulation, E-mail brian.bogner@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 RULE IS: Brian Bogner, P&C Product Review, Office of Insurance Regulation, E-mail brian.bogner@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

690-167.004 Required Preinsurance Inspection of Private Passenger Motor Vehicles.

(1) Private passenger motor vehicle insurers providing physical damage coverage, including collision or comprehensive coverage, shall comply with Section 627.744, Florida Statutes, regarding preinsurance inspection requirements. Certain preinsurance inspections are excluded as prescribed by Sections 627.744(2)(a)-~~(1)(h)~~, Florida Statutes.

(a) through (f) No change.

(2) through (3) No change.

(4) Suspension of insurance coverage applies only to the physical damage coverage and is defined as a discontinuance of physical damage coverage immediately following the ~~thirtieth~~ seventh calendar day if the inspection has not been completed and until the physical damage coverage is reinstated by completion of the inspection. During the period of suspension there is no physical damage coverage.

~~(5) The inspection shall be performed at no cost or charge to the applicant.~~

~~(5)(6)~~ The inspection shall be recorded on Form OIR-B1-507. An insurer may, however, use its own form(s) and any additional information deemed necessary by the

insurer as long as the form(s) used by each insurer has substantially the same information as that contained in Form OIR-B1-507. The insurer may also attach photographs of the inspected vehicle evidencing whether there is pre-existing damage to the vehicle.

~~(6)(7)~~ The preinsurance inspection form, or an electronically or photographically reproduced copy, shall be retained by the insurer with the insured's policy records at the insurer's home office, regional office, or district office for a period of three (3) years. When the insurer is a surplus lines company, these records shall be kept in the Florida office of the surplus lines agent for that insurer. The original signed preinsurance inspection form shall be maintained by the insurer/surplus lines agent and shall be made available to the Office upon request. A copy of the inspection form, without any optional accompanying photographs, shall be made available to the insured upon request.

~~(7)(8)~~ The preinsurance inspection form, or an electronically or photographically reproduced copy, shall be completed by a person or organization authorized by the insurer other than the applicant or insured. Such person or organization may be an employee of the insurer, the agent/producer or employee thereof, or an inspection service, including employees thereof. The competency and trustworthiness of the person or organization authorized by the insurer to conduct preinspections shall be the responsibility of the insurer.

~~(8)(9)~~ In addition to the inspection form, the preinsurance inspection shall include at least paragraph (a), (b), or (c) as follows, which will be for the purpose of positively identifying the vehicle to be insured:

(a) The taking of a physical imprint of the vehicle identification number (VIN) of the motor vehicle by a representative of the insurer other than the applicant or insured. A physical imprint is defined as a tracing or a mold of the actual VIN label (normally located on the dash of the motor vehicle and seen through the windshield from the outside looking into the vehicle).

(b) The taking of a close-up photograph of the VIN label (where the VIN label is usually located on the dash of the vehicle) or the photographing of the Environmental Protection Agency/Federal Certification (EPA) sticker (usually found on the operator's side door jamb). Such close-up photograph shall be taken by a representative of the insurer other than the applicant or insured. The photograph shall be of a sufficient clarity and quality that the information contained on the dash VIN label or the EPA sticker, including the VIN, is legible and easily readable. The VIN recorded on the preinsurance inspection form shall be obtained from a location on the vehicle other than the location being photographed.

(c) The attesting to the authenticity of the VIN by both the insured and the insurer's representative, who shall not be the insured. If this option is selected, each inspector shall

individually observe the VIN (usually imprinted on a label on the dash) of the vehicle and record same on Form OIR-B1-507, or a form which contains substantially the information on Form OIR-B1-507. Each inspector shall also individually observe and attest to the VIN as displayed on the EPA sticker (usually affixed to the operator side door jamb), and the VIN as recorded on the vehicle registration form. Such attestation shall be accomplished by signing the statement appearing on the space provided on the vehicle inspection form. If discrepancies are noted, such as a missing VIN, a defaced VIN, or an inconsistency in the VINs, such discrepancies shall be noted on the motor vehicle preinsurance inspection form.

~~(9)(10)~~ An insurer may defer an inspection for thirty (30) ~~seven (7)~~ calendar days following the effective date of coverage for a new policy or the actual notice to the insurer or its agent of additional or replacement vehicle(s) to an existing policy, if an inspection at the time of the request for coverage would create a serious inconvenience for the applicant. The insurance file shall contain information necessary to identify those circumstances resulting in serious inconvenience.

(a) through (g) No change.

~~(10)(11)~~(a) In addition to the notice requirements as set forth in subsection (10), the insurer or agent/producer shall furnish the applicant, at the time coverage is effected, with an up-to-date list of inspection sites where the inspection can be conducted, provided that inspection service is not available at the originating agent's place of business.

(b) The list shall include the names, addresses, and business phone numbers of persons or organizations authorized by the insurer that are reasonably convenient to the insurer.

(c) In the case of telephonic binders, the location of reasonably convenient inspection sites may be provided by telephone, provided documentation of verbal notice is contained in the applicant's policy record.

(d) The consequences of the applicant's failure to obtain a timely inspection shall be furnished promptly to the applicant by providing Form OIR-B1-506, or a form which contains substantially the information in Form OIR-B1-506. Documentation of such notice, including the name of the person giving the notice and the identity of the site(s) provided, shall be contained in the applicant's policy record.

(e) The insurer shall make a list of all persons or organizations authorized by the insurer available to the Office upon request.

~~(11)(12)~~ Inspections required or permitted pursuant to this regulation shall be made by a person or organization authorized by the insurer at a time and place reasonably convenient to the applicant and should not subject the insured/applicant to an unreasonable delay.

~~(12)(13)~~ Any preinsurance inspection forms issued by the insurer to the applicant for presentation to a person or organization authorized by the insurer shall not contain the Vehicle Identification Number (VIN) of the vehicle to be inspected.

~~(13)(14)~~ Any decision to defer or not to defer an inspection pursuant to this regulation shall not be based on the age, race, sex, or marital status of the applicant or the customary operators of the vehicle, the principal place of garaging, or the fact that a policy has been placed in the FJUA.

~~(14)(15)~~ The insurer or the insured's authorized representative who performs the inspection shall maintain a control system or office procedures reasonably designed to prevent the use of forms to fraudulently indicate the performance of inspections which have not in fact occurred, which may include the use of sequentially numbered reports.

~~(15)(16)~~(a) The inspection report, or the relevant data therefrom, shall be reviewed by the insurer to compare previous damage, prior condition, options, and mileage of the motor vehicle on physical damage claims which occur within three (3) years of the issuance of the policy whenever:

1. The appraisal indicates prior damage;
2. The vehicle is a total loss or unrecovered theft; or
3. The damage exceeds \$2,000 for all claims.

(b) A copy, which may be an electronically or photographically reproduced copy, of the inspection report, or the relevant data therefrom, shall be utilized in the settlement of all claims referenced in paragraph (16)(a) above.

~~(16)(17)~~ A person or organization authorized by the insurer shall not be deemed trustworthy if there exists any conflict of interest which may prevent him or her from conducting a thorough and accurate inspection. It shall be a conflict of interest for a person or organization authorized by the insurer to accept, in connection with an inspection, anything of value from any source other than the insurer.

~~(17)(18)~~ When a private passenger automobile insured for physical damage coverage has been in an accident or otherwise damaged, an insurer may require that the vehicle be made available for inspection prior to continuing physical damage coverage.

~~(18)(19)~~ Forms OIR-B1-505, "Notice of Mandatory Pre-insurance Inspection Requirement" ~~(07/00)~~ ~~(7/91)~~, OIR-B1-506, "Notice of Suspended Insurance Coverage" ~~(07/00)~~ ~~(7/91)~~, OIR-B1-507, "Florida Motor Vehicle Preinsurance Inspection Form" ~~(01/2008)~~ ~~(10/90)~~, and OIR-B1-508, "Acknowledgement of Preinsurance Inspection" ~~(07/00)~~ ~~(7/91)~~, are adopted and incorporated by reference ~~and shall become effective upon adoption of this rule.~~

~~(19)(20)~~ Form OIR-B1-505, Form OIR-B1-506, Form OIR-B1-507, and Form OIR-B1-508 may be obtained from:

(a) The Office's website located at <https://www.flor.com>; or

(b) ~~by writing the Bureau of Property and Casualty Product Review Forms and Market Conduct Review, Division of Insurer Services, 200 East Gaines Street, Tallahassee, Florida 32399-03300, (850)413-3146.~~

Specific Authority 624.308(1), 627.744(5) FS. Law Implemented 624.307(1), 627.744 FS. History—New 1-23-91, Formerly 4-28.006, Amended 4-28-92, Formerly 4-167.004, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Belinda Miller, Deputy Commissioner, Property & Casualty,
 Office of Insurance Regulation
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Richard Koon, Director, Product
 Review, Office of Insurance Regulation
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: January 15, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: November 2, 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 ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-814.100	Intent, Findings, Basis of Standards, and Research Needs
62-814.450	Electric and Magnetic Field Standards

Section III

Notices of Changes, Corrections and Withdrawals

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS
Southwest Florida Water Management District

RULE NO.:	RULE TITLE:
40D-8.624	Guidance and Minimum Levels for Lakes

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. 14, April 6, 2007 issue of the Florida Administrative Weekly. Crews Lake in Pasco County and all levels proposed to be adopted for Crews Lake, including the Ten Year Flood Guidance Level, the High Guidance Level, the High Minimum Lake Level, the Minimum Lake Level, and the Low Guidance Level, are omitted.

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. 52, December 28, 2007 issue of the Florida Administrative Weekly.

- 62-814.100 Intent, Findings, Basis of Standards, and Research Needs.
- (1) through (3) No change.
 - (4) Categories of Electrical Facilities. This chapter sets forth three categories of electrical facilities for regulation in regards to the electric and magnetic fields associated with these facilities.
 - (a) No change.
 - (b) ~~The second category of electrical facilities is for those which were certified pursuant to Chapter 403, Part Two, Florida Statutes, after April 15, 1988, but before March 21, 1989. These facilities will be subject to specific standards moderated by the individual circumstances of the facility.~~
 - (b)(e) No change.
 - (5) No change.

Specific Authority 403.061(7), 403.523(1) FS. Law Implemented 403.061(30), 403.523(14) FS. History--New 3-21-89, Amended 1-7-93; Formerly 17-274.100, Formerly 17-814.100, Amended _____.

- 62-814.450 Electric and Magnetic Field Standards.
- (1) through (2) No change.
- Table of New Transmission Line and Substation Standards

KV Rating	Property Boundary of new Substation	Edge of Transmission Line Right-of-Way	On the Transmission Line Right-of-Way
<=250 kV	2.00 kV/m & 150 milliGauss	2.00 kV/m & 150 milliGauss	8 kV/m
<=500 kV and > 230 kV	2.00 kV/m & 200 milliGauss ^[1]	2.00 kV/m & 200 milliGauss	10 kV/m
>500 kV	5.5 2.00 kV/m & 250 milliGauss	5.5 2.00 kV/m & 250 milliGauss	15 kV/m

Footnote 1: Except as provided in (2)(g) and (2)(i).

Specific Authority 403.061(7), 403.523(1) FS. Law Implemented 403.061(30), 403.523(44) FS. History—New 3-21-89, Amended 1-7-93; Formerly 17-274.450, Formerly 17-814.450, Amended

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-5.007
 RULE TITLE: Director; Limitations and Qualifications
 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. 51, December 21, 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. The changes are as follows:

1. Subsection (1) shall read as follows: “All applicants for a Director license must have the qualifications for a High Complexity Laboratory Director, listed in 42 CFR 493.1442 as published on October 1, 2007.”
2. The reference to Section 483.815, Florida Statutes, shall be deleted from the “Law Implemented” section.

THE PERSON TO BE CONTACTED REGARDING THE CHANGES IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-28.451
 RULE TITLE: Pharmacy Common Database
 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. 45, November 9, 2006 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

1. The introductory phrase to subsection (2) shall now read as follows:

(2) Prescription drug processing shall include the following:

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:	RULE TITLES:
64E-5.101	Definitions
64E-5.11072	Energy Compensation Source
64E-5.1501	Transportation of Radioactive Material
64E-5.1502	Transportation of Radioactive Material
64E-5.206	General Licenses – Radioactive Material Other Than Source Material
64E-5.210	Special Requirements for a Specific License to Manufacture, Assemble, Repair or Distribute Commodities, Products or Devices Which Contain Radioactive Material
64E-5.216	Reciprocal Recognition of Licenses for Byproduct, Source, Naturally Occurring and Accelerator Produced Radioactive Material, and Special Nuclear Material in Quantities Not Sufficient to Form a Critical Mass
64E-5.350	Reports of Transactions Involving Nationally Tracked Sources
64E-5.351	Nationally Tracked Source Thresholds
64E-5.430	Inspection and Maintenance
64E-5.440	Records
64E-5.441	Reporting Requirements

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 3, January 18, 2008 issue of the Florida Administrative Weekly.

The statement listing the rule development notice publication date as October 5, 2007 was incorrect. This rule is being noticed under Section 120.54(6), F.S. and does not require a development notice.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS.:	RULE TITLES:
65C-13.022	Definitions
65C-13.023	Background Screening Requirements
65C-13.024	Pre-service Training
65C-13.025	Initial Licensing Procedures
65C-13.026	In-Service Training
65C-13.027	Changes During the Licensed Year
65C-13.028	Re-Licensing
65C-13.029	Licensed Out-of-Home Team Member Roles

65C-13.030 Standards for Licensed Out-of-Home Caregivers
 65C-13.031 Terms of a License
 65C-13.032 Capacity, Placement and Over-Capacity Assessments
 65C-13.033 Babysitting, Respite and Other Supervision
 65C-13.034 Complaint Investigations and Foster Care Referrals
 65C-13.035 Administrative Actions, Appeals and Closures

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. 48, December 1, 2006 issue of the Florida Administrative Weekly.

65C-13.022 Definitions.

All definitions for this rule are located in Rule 65C-30.001, F.A.C.

Specific Authority 39.012, 39.0121 FS. Law Implemented 39.012 FS. History--New _____.

65C-13.023 Background Screening Requirements.

(1) The department shall conduct background screenings for all persons considered by the department for initial licensure or re-licensure as an out-of-home caregiver and all adult household members pursuant to Section 409.175, F.S. These screenings shall be completed before an applicant shall be licensed as an out-of-home caregiver and before any children are placed in the home. Exemptions from disqualification may be granted to potential licensed out-of-home caregivers for crimes or offenses covered by Sections 435.07(1) and (2), F.S., and according to the guidelines established under Sections 435.07(3) and (4), F.S. Failure to comply with any requirement for good moral character and background screening as described in this rule may be grounds for denial, suspension or revocation of an application or license. The supervising agency or the department has the discretion to request background screening for other individuals if there is reasonable belief that:

- (a) The person may be a household member; or
- (b) His or her presence in the foster home may adversely affect the health, safety and welfare of the children in the home; or
- (c) The person has or may have unsupervised contact with the children.

(2) These screenings shall, at a minimum, include fingerprinting; statewide criminal and juvenile records checks through the Florida Department of Law Enforcement; federal criminal records checks through the Federal Bureau of Investigation; local criminal record checks through local law enforcement agencies, and may include records of any

responses to the home by law enforcement that did not result in criminal charges. Records checks through the department's Statewide Automated Child Welfare Information System (SACWIS) regarding child abuse and neglect investigations and civil court records checks regarding domestic violence complaints and orders of protection must also be included. If the applicant or any other adult household member has resided in any other state over the past five years, requests for abuse and neglect histories must be made of those states, and the results of such requests included with the application packet. Only abuse and neglect reports in which the person being considered for licensure was named as the "caregiver responsible" for the abuse or neglect may be used for initial licensing decisions. If the person applying is or was a licensee of the department and was named in any capacity in three or more reports during a five year period, regardless of classification, those reports may be reviewed by the department for their relevancy as it relates to the licensing decision. All reports in which the person seeking licensure or re-licensure was named as the "caregiver responsible" must be considered for licensing purposes. For homes being considered for licensure for longer than one year under Section 409.175(6)(j), F.S., all abuse reports with any findings shall be considered.

(3) Each applicant and adult household member being screened shall sign an "Affidavit of Good Moral Character", CF 1649, May 2007, incorporated by reference and available at www.dcf.state.fl.us/publications/, and a "Release of Information", CF-FSP 5090, March 2007, incorporated by reference and available at www.dcf.state.fl.us/publications/. Failure to comply with any requirement for good moral character and background screening as described in this rule may be grounds for denial, suspension or revocation of an application or license.

(4) Each applicant and adult household member being screened under this section shall provide all the names, under which he or she has been known.

(5) For children between the ages of twelve and eighteen, the background screening shall be limited to statewide criminal and juvenile records name checks through the Florida Department of Law Enforcement and does not require fingerprinting. Screening of young adults age 18 through 22 who are receiving services through Chapter 65C-31, F.A.C., and who have had no break in service provision are not required to be screened. ~~A youth receiving services under Chapter 65C-31, F.A.C., may not baby-sit foster children.~~

(6) The background screenings under this section shall ensure that no out-of-home caregiver licensed by the department and no person residing in a family foster home has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to any offense prohibited under Section 435.04, F.S., or similar statutes of another jurisdiction at any time. When the individual who is being

screened is a former dependent child under 23 years of age and the security background screening reveals a disqualifying offense which was committed during or prior to the time that the child was dependent, that offense shall not automatically affect the licensure of the out-of-home caregivers. Exemptions for disqualifying offenses may be sought under Section 435.07, F.S.

(7) All records obtained, as a part of the background screening, shall be considered in the process of determining whether to issue a foster care license or if there is a current license, whether the license should be revoked. Such records shall include findings of delinquency; any misdemeanor or felony criminal arrests resulting in a plea of nolo contendere or conviction; any criminal traffic offenses resulting in a plea of nolo contendere or conviction, and any civil cases of domestic violence and orders for protection. Crimes perpetrated in other states that are misdemeanors in that state but would be felonies listed under Section 435.04, F.S., if committed in Florida shall be considered as disqualifying offenses by the department for licensing decisions.

(8) Persons who are currently licensed as out-of-home caregivers and any adult household members shall be re-screened at least annually as a part of the application for re-licensing. Annual screening for re-licensure shall be limited to a local criminal records check, an abuse and neglect record check clearance through the Statewide Automated Child Welfare Information System, and may include records of any responses to the home by law enforcement that did not result in criminal charges, and any 911 calls to the home. The state criminal records checks shall be completed every five years through the Florida Department of Law Enforcement. The background screening of a prospective out-of-home caregiver shall ensure that any previous licensing, registration or certification as an out-of-home caregiver in Florida or in any other state or country is considered. Abuse and neglect reports in which the applicant was named in any capacity in three institutional reports, regardless of classification over the past five years shall be reviewed for relevancy related to the licensing decision and may be used in determining whether to renew or revoke the person's license. All reports with any findings may be considered for the purposes of re-licensing a home for more than one year under Section 409.175(6)(j), F.S.

(9) The cost of all background screening activities shall be borne by the supervising or lead agency.

Specific Authority 39.012, 39.0121, ~~39.0138~~, 409.175 FS. Law Implemented 39.0121, 409.175(5)(a)5., 435.04 FS. History—New_____.

65C-13.024 Pre-service Training.

(1) All prospective out-of-home caregivers shall successfully complete a department approved parent preparation training as a condition of licensure.

(2) Pre-service training shall meet the requirements of Section 409.175(14)(b), F.S., and shall include training for out of home caregivers on decision-making related to the balance of normalcy for children in care and their safety. As a prerequisite to licensure, potential licensed out-of-home caregivers who have swimming pools or whose homes are adjacent to bodies of water unprotected by a barrier of at least four feet will be required to complete a basic water safety course administered by the American Red Cross, YMCA or a trainer certified in water safety training. This requirement does not apply to homes with wading pools, which are temporary and portable pools with a depth of less than two feet. Standing water shall not remain in wading pools when not in use.

(3) Each pre-service class shall be led by a certified child protection professional according to Section 402.40(7), F.S., who has a bachelor's degree or a master's degree from an accredited college or university, and should include a licensed out-of-home caregiver as a co-facilitator. In addition, a young adult formerly in foster care must be invited to participate in one or more sessions of the training to ensure that prospective out-of-home caregivers may benefit from the former foster youth perspective.

(4) The certified child protection professional trainer is responsible for ensuring that the pre-service curriculum is presented and discussed and that copies of all handouts and reading materials are provided to the participants.

(5) Individualized training may be completed with the approval of the lead agency. If individualized training is done, the certified trainer is responsible for complying with the requirements set forth for pre-service training in Section 409.175(14)(b), F.S.

(6) Prospective foster and adoptive parents may elect to attend pre-service training as defined in subsection (2) of this section, offered by any licensed child placing agency. Agencies are expected to work cooperatively with each other and prospective licensed out-of-home caregivers to ensure the ongoing availability of pre-service training for all prospective out-of-home caregivers.

(7) Exemptions to the pre-service training may be made for individuals who have successfully completed pre-service training equivalent to the pre-service training offered by the local supervising agency, provided the training was completed within the last five years and the individual(s) provide(s) proof of successful completion. If there have been changes or updates in the curriculum, the individual must take those portions of the course only. Supervising agencies may request any information regarding the curriculum completed for the purposes of making a recommendation to the department. The department shall review the curriculum content and consider the recommendation of the supervising agency in determining whether the individual may be exempt from attending the pre-service training offered by the supervising or child placing agency.

(8) When an individual successfully completes pre-service training but does not continue the licensing process, the supervising agency staff shall document the reason(s) the process was discontinued. Previously completed pre-service training may be accepted towards licensure for up to five years from the date of verified curriculum completion. Previously licensed out-of-home caregivers who have a break in service of less than one year, but who completed pre-service less than four years prior to requesting renewal may be licensed without completing pre-service.

Specific Authority 409.175, 402.40(10) FS. Law Implemented 409.175, 402.40(7) FS. History—New _____.

65C-13.025 Initial Licensing Procedures.

(1) General.

(a) Each applicant wishing to become a licensed out-of-home caregiver shall complete the "Application for License to Provide Out-of-Home Care for Dependent Children", CF-FSP 5007, March 2007, incorporated by reference and available at www.dcf.state.fl.us/publications/. Married persons living together shall both sign the application. After completing training and home study process, any person who requests an application either verbally or in writing shall be provided one.

(b) The supervising agency completing the home study shall, at a minimum, conduct two visits to the applicant's home, inspect the entire indoor and outdoor premises, document the conditions, and conduct face to face interviews with all household members. The dates, names of persons interviewed and summary of these interviews shall be documented in the home study.

(c) The supervising agency is responsible for advising the applicant of all rules, regulations, and standards that apply to the applicant if a license is issued.

(2) References.

(a) There shall be a minimum of three personal references that shall not be related to the applicant being screened and shall have known the applicant for at least two years. References inquiry responses may be obtained in writing from the individual(s) or documented by the supervising agency staff based on conversations with the person giving the reference.

(b) References shall be obtained from the adult children of each applicant. These references shall address the applicant's suitability to become a licensed out-of-home caregiver. All unsuccessful attempts to solicit information shall be documented and the overall impact of the missing information considered as a part of the recommendation to license or not to license.

(c) The agency shall obtain a current employment reference for each applicant. At a minimum, this reference shall include sufficient information to establish or corroborate the applicant's current employment status. If current

employment is less than two consecutive years in duration, secondary employment references shall be obtained. If the applicant is self-employed, a reference from a current customer or associate of the applicant shall meet this requirement. If an applicant is not currently employed a former employer or additional personal reference shall suffice.

(d) The agency shall obtain references from school personnel of each school age child residing in the home.

(e) References shall be obtained from the childcare provider of any preschool age child who is enrolled in a childcare program.

(f) References from two neighbors, or in the absence of neighbors, references from two community members shall also be obtained, including but not limited to the name and address of the neighbor or community member, how long he or she has known the applicant, and any concerns they may have about the applicant's suitability to become a licensed out-of-home caregiver.

(3) Verifications.

(a) The applicant shall provide the agency with proof of the following, if applicable; his or her current marriage license or most recent divorce decrees as applicable, documentation of legal residency, driver's licenses, auto insurance coverage, financial capability and income, child support verification, and pet vaccinations.

(b) The prospective out-of-home caregiver shall have read, completed and signed all documentation required for licensing as listed under paragraph (6)(b) of this section and shall be provided copies of all documents signed upon request.

(4) Employees, Relatives and Sub-Contractors as Licensed Out-Of-Home Caregivers. Region, County Sheriff's Offices and Lead Agencies may choose to license employees as out-of-home caregivers as long as the following conditions are met:-

(a) No conflict of interest exists that could result in preferential treatment concerning the placement and movement of children placed in the potential licensed family foster home;

(b) The licensing study is completed by a licensed child-placing agency outside of the lead agency's service delivery system and submitted to the department for approval;

(c) The lead agency has a procedure approved by the department, which requires the executive director or designee in upper level management of the lead agency to review and approve the submission of all such applications to the department.

(5) Initial Licensing Home Study. A staff person, certified pursuant to Section 402.40(7), F.S., from the supervising agency shall perform a thorough assessment of each prospective licensed out-of-home caregiver and document this assessment in a home study, which shall include, at a minimum:

(a) Demographics: Names, Dates of Birth, Address, and contact numbers;

(b) Pre-service Experience:

1. Dates of pre-service training and a description of the applicant's participation in the pre-service classes;

2. Applicant's motivation to foster and his or her commitment to the foster care experience including how other family members and extended family feel about the decision to foster.

(c) Chronology of events. Include dates of home visits and persons interviewed;

(d) Home and Neighborhood:

1. Physical description of the home, including the number of bedrooms and bathrooms, type and number of available beds and current sleeping arrangements, storage space for children's personal belongings, living area, dining area and other interior space. Interior and exterior photos must be included.

2. A description of how the home complies with safety requirements, including location and verification of operating fire extinguishers with current tag and smoke detectors, storage of medications, cleaning supplies and toxins. The description shall also include the storage of alcoholic beverages, weapons and ammunition, location of burglar bars, fireplaces, handrails on stairways and space heaters, if applicable;

3. Water Safety. A description of the outdoor area including swimming pools, canals, ponds, lakes, streams and other potential water hazards and documentation of the counselor's discussion with the applicant regarding the requirements for supervision and how the applicant will ensure safety and adequate supervision.

(e) Animals. Description of any household pets, exotic pets, or live stock including immunization verification as required according to Section 828.30, F.S., observations of their care, behavior and how they are maintained and secured. The applicant shall have measures in place to assure safety of foster children from any potentially dangerous animals and this information shall be documented in the home study, if applicable;

(f) Social History: A description of the following shall be included:

1. Background and Family History, including place(s) of birth, description of family relationships during childhood and current state of family relationships, education, types of discipline used in the family, family values, and any prior residences in or out of Florida;

2. Marital Status and Other Significant Relationships.

3. Medical History. Medical history including physical, mental health and other treatments for all household members shall be explored, including debilitating, communicable or progressive diseases or conditions. If there is a concern regarding the physical, mental or emotional health, such as debilitating or progressive diseases, of any member of the household and possible injurious effects on a child, the applicant must supply recent medical reports and evaluations

upon request of the supervising agency or Department. The staff person completing the home study shall explore and document in the home study any health concerns of the applicant and household members. This discussion should include the following:

a. Current smoking and alcohol use by household members;

b. Any history of alcohol or substance abuse.

4. Parenting experience of each applicant. All of the applicant's children shall be identified whether they reside in the home or not. This may also include their parenting experience with any child they may have provided care for, even if on a temporary basis. This section should also include a description of the experience, as opposed to just listing the identities of the applicant's children or the children they may have parented.

5. Discipline. A description of the methods used by the applicant's own family while growing up; discipline methods used by the applicant on his or her own children and the plan for disciplining foster care children in the home.

6. Family Life. Document observations of family members' personalities and their interpersonal relationships. Describe family activities, hobbies and interests and civic involvement. For each child living in the home, describe the child's school, grades, achievements and interests. Describe each child's relationship with the applicant and siblings in the home, as well as his or her feelings of having a foster child in the home;

7. Religion. Explore the family's attitudes regarding prohibitions against seeking medical treatment, celebrating holidays or birthdays, and discipline practices encouraged by their faith. Discuss the applicant's ability to meet the licensing standard for religious cooperation according to subparagraph 65C-13.029(1)(g)4., F.A.C.; and

8. Child Care. Describe day care arrangements, including transportation to and from day care provider, if applicable.

(g) Transportation. Describe the vehicles and who shall be the responsible drivers. A description of each vehicle shall include its physical condition, the seating capacity and the number of seat belts. Seat belts or age and size appropriate safety seats shall be used when transporting children and shall comply with Section 316.613, F.S. Children shall not be transported in the beds of pick-up trucks or on motorcycles.

(h) Employment. Describe current employment status for each parent, including occupation, current place of employment, work hours and flexibility of schedule in case of emergencies, medical or school appointments for foster children.

(i) Financial Capacity and Income. Discuss the applicant's ability to meet the licensing standard for financial capability as follows: The applicant shall demonstrate financial solvency by providing documentation of the household income and budget

sufficient to meet the needs of the family. The additional financial stresses of fostering and how applicants intend to address that stress should also be explored;

(j) Other Adult Household Members. The following information shall be obtained and documented for any other adult household members, whether or not they intend to supervise or assist with the care of the foster child:

1. Background Screening pursuant to Rule 65C-13.023, F.A.C.;

2. Medical History as set forth in subparagraph 65C-13.025(5)(f)3., F.A.C.;

3. What responsibilities they intend to have with the foster child, i.e. transportation, supervision, care giving, and other responsibilities;

(k) Background Screening. The results of all background screening made known to the supervising or lead agency shall be addressed for each individual in the home over twelve years of age. Any arrests, qualifying reports of abuse and findings of protective orders shall be explored and addressed in the study. Failure to comply with any requirements for good moral character and background screening by other adult household members as described in this rule may be grounds for denial, suspension or revocation of an application or license if the person does not leave the home or get an exemption. The supervising agency or the department has the discretion to request background screening for other individuals if there is reasonable belief that:

1. The person may be a household member; or
2. His or her presence in the foster home may adversely affect the health, safety and welfare of the children in the home; or
3. The person has or may have unsupervised contact with the children.

(l) Summary and Recommendations;

1. Characteristics of Applicant. The applicant shall have demonstrated all of the following characteristics to a degree that shall allow him or her to adequately provide licensed out-of-home services, as evidenced through interviews and observations with the family members, communication with references, and their participation in pre-service training and all information in the foster home study:

- a. A willingness to work with the supervising agency and all applicable parties to work toward permanence for the foster child as established in the child's permanency plan as established under Sections 39.01(52) and 39.6011(4), F.S.; and
- b. An understanding and respect for the importance of preserving a child's family connections and relationships.

2. Summarize reference responses and follow up contacts, if applicable, as they relate to the applicant's suitability and potential success as a licensed out-of-home caregiver. Itemize and state the family's strengths and needs, taking into consideration all factors affecting the health, safety and welfare

of children who might be placed in this home. A recommendation shall be made as to the appropriateness of licensure.

3. If recommending licensure, provide a description of the type of children the family appears most appropriate to foster, including number of children, age, gender(s), types of behaviors, and special needs. Explore and address any limitations or concerns and under what conditions the prospective family would be willing or able to accept the child.

4. If not recommending licensure, the summary shall indicate the specific reasons for the recommendation and identify and address the standards the applicant is unable to meet. The department must make the applicant aware of the appeal process.

(m) The home study summary shall be reviewed, and signed by the licensing counselor and the counselor's supervisor. A copy of the home study summary shall be provided to the applicant(s).

(6) Application Packet Submission and Approval Process.

(a) The complete application packet shall be submitted to the regional licensing authority. The regional licensing authority shall request any additional information needed within ten calendar days of receipt of the packet.

(b) The application packet shall consist of the following documentation and shall be provided to the licensing authority for review when requesting issuance of a family foster home license:

1. "Application for License to Provide Out-of-Home Care for Dependent Children", CF-FSP 5007, March 2007, incorporated by reference and available at www.dcf.state.fl.us/publications/;
2. "Release of Information", CF-FSP 5090, March 2007, incorporated by reference and available at www.dcf.state.fl.us/publications/;
3. "Authorization for Release of Health and Medical Information for Prospective Foster or Adoptive Parents", CF-FSP 5230, October 2005, incorporated by reference and available at www.dcf.state.fl.us/publications/ (as needed);
4. Licensing Home Study
5. Proof of Income
6. Signed bilateral service agreement as specified in subsection 65C-30.001(11), F.A.C., between the supervising agency, lead agency and the potential licensed out-of-home caregiver. If the home is being licensed by a non-contracted agency, the agreement will be between the supervising agency and the potential licensed out-of-home caregiver.
7. Pre-service training certificate;
8. Pre-service biographical profile;
9. Documentation of water safety training, if applicable;
10. "Confidentiality Agreement", CF-FSP 5087, March 2007, incorporated by reference and available at www.dcf.state.fl.us/publications/;

11. Verification of Criminal History Screening as specified in subsection 65C-13.023(2), F.A.C., including:

- a. Signed and notarized "Affidavit of Good Moral Character", CF 1649, May 2007, incorporated by reference and available at www.dcf.state.fl.us/publications/;
- b. Local Law Enforcement Check;
- c. Civil Court records check as described in Rule 65C-13.023, F.A.C.;
- d. Florida Department of Law Enforcement records check;
- e. Clearance letter from the department regarding Federal Bureau of Investigation records check;
- f. Record check through the department's Statewide Automated Child Welfare Information System.
- g. Abuse registry checks on applicants and adult household members from any previous state the prospective parent(s) or other adult has resided in for the previous five years.

12. References and inquiry responses, including:

- a. Three personal references;
- b. Neighbor/Community references;
- c. Employment reference;
- d. References from adult children;
- e. School references on all school age children;
- f. Childcare references for all preschool children in child care arrangements;
- g. References and documentation regarding any previous licensure as out-of-home caregivers.

13. Family Documents:

- a. Current marriage certificates;
- b. Copy of current divorce decree, if applicable.
- c. Custody orders affecting applicant's children or other children the applicant may have custody of;
- d. Documentation of legal residency for applicants not born in the United States;
- e. Driver's license(s) and driving records;
- f. Vehicle insurance.

14. Foster Home Safety Documentation:

- a. Satisfactory environmental health inspection report from the local health department;
- b. Radon testing results (when applicable and as per Section 402.056(4), F.S.);
- c. Fire inspection report (where required by local zoning laws);
- d. Floor plan;
- e. Evacuation and disaster preparedness plans;
- f. Pet vaccinations (if applicable).

(7) The regional licensing authority is responsible for ensuring that the licensing application packet is complete, that all licensing requirements are met and for the issuance of the license. The licensing packet shall contain documentation of a

review by the lead agency and the department's regional licensing staff and a recommendation for approval or denial by the regional licensing authority.

(8) If the family foster home is located in a region other than where the submitting supervising agency is located, the application packet shall be submitted to the regional licensing authority where the prospective family foster home is located. The Regional licensing authority shall provide written notification of the outcome of the application to the supervising agency and licensing authority in region where the supervising agency is licensed within fifteen working days of issuing the license or denial letter.

(9) If the application packet is approved, a license shall be issued to the applicant(s). The license shall include the name and address of the caregiver(s), the name of the supervising agency along with the licensed capacity and the dates for which the license is valid. The regional administrator or designee within upper level management shall sign the license. Any limitations shall be displayed on the license if the study indicates the necessity for such restrictions, such as specific ages or gender preference. An initial license is valid for one year from the date of issuance unless the license is revoked or voluntarily relinquished.

(10) A copy of the license shall be provided by the licensing authority to the supervising agency.

(11) When the department determines that the application shall be denied, the department shall promptly notify the applicant and supervising agency by certified mail, identifying the reasons for the denial of the license, the statutory authority for the denial of the license, and the applicant's right of appeal pursuant to Chapter 120, F.S.

(12) Unless the applicant voluntarily withdraws the application, the department shall proceed with formal actions pursuant to Rule 65C-13.035, F.A.C.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History–New_____.

65C-13.026 In-Service Training.

(1) Newly licensed out-of-home caregivers shall complete in-service training regarding the provision of psychotherapeutic medications within 120 days of initial licensure. A briefing regarding the provision and monitoring of psychotherapeutic medication shall be provided to the licensed out-of-home caregiver at the time of placement of any child in the home who requires the administration of psychotherapeutic medication. The briefing shall consist of a review of the proper dosage of the medication, the possible side effects and intended effects of the specific medications administered to the child being placed. All training shall be offered through curricula approved by the supervising agency. Licensed out-of-home caregivers already providing care for children prescribed psychotherapeutic medicines at the time of promulgation of

this rule shall be provided with the training or briefing within 90 days of promulgation, if the training or briefing has not already been provided and documented in the file.

(2) Prior to the renewal of a license each licensed out-of-home caregiver shall successfully complete at least eight hours of approved in-service training. Licensed out-of-home caregivers shall be offered in-service training opportunities by their supervising agency. Training opportunities shall be offered no less than quarterly and at times and places convenient to the licensed out-of-home caregiver. For those licensed out-of-home caregivers unable to attend, other methods shall be developed for satisfying this requirement. In-service training materials shall be approved by the supervising agency prior to use. Documentation of completed training shall be maintained in the licensure file.

(3) Licensed out-of-home caregivers participating in required in-service training shall be reimbursed for mileage expense at a rate not to exceed the rate paid per mile to supervising agency personnel.

(4) If the absence of the caregiver(s) during training would leave children without approved adult supervision, the supervising agency shall make provisions for childcare or shall reimburse the caregiver for childcare expenses if it is not provided.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History—New_____.

65C-13.027 Changes During the Licensed Year.

(1) General Requirements.

(a) The licensed out-of-home caregiver shall report law enforcement involvement with any household member; law enforcement involvement includes arrests, incidents of domestic violence, driving infractions and any local law enforcement response to the home over the course of the licensed year. A change in marital status; a change in household composition; a change of the physical address, changes in financial situation such as bankruptcy, repossessions and evictions, or a serious health issue such as a debilitating injury, or communicable disease regarding a household member, to the supervising agency within 48 hours. Failure to do so may be reason to suspend, deny or revoke a license if the non-reported situation threatens the safety of any child in care or results in the non-conformity with licensing requirements stated in this Rule.

(b) The following occurrences shall be reported by the licensed out-of-home caregiver to the supervising agency upon occurrence:

1. Change in marital status;
2. Change of home telephone number;
3. Change of mailing address;
4. Change of employment or significant change in work schedule prior to the event when possible;
5. Change in household composition

(c) The supervising agency shall assess the impact on the household immediately upon learning one of these events has occurred or is likely to occur. Changes in physical address require re-licensing as described in Rule 65C-13.028, F.A.C.

(d) All child protection investigators, case managers, and other service providers who frequent the household, are responsible for immediately notifying the supervising agency if during regular business hours or within 24 hours if after regular business hours of learning of law enforcement involvement with any household member; change in marital status; a change in household composition; a change of the physical address, changes in financial situation such as bankruptcy, repossessions and evictions, or a serious health issue such as a debilitating injury or communicable disease regarding a household member of a family foster home. The supervising agency shall notify the lead agency and licensing authority within 24 hours of learning of law enforcement involvement with any household member, ; a change in marital status; a change in household composition; a change of the physical address, changes in financial situation such as bankruptcy, repossessions and evictions or a serious health issue such as a debilitating injury or communicable disease regarding a household member of a family foster home.

(e) All new household members shall be fingerprinted within five days of residence and those fingerprints shall be submitted to the Florida Department of Law Enforcement within five days of the receipt of the fingerprints by the supervising agency. All household members shall meet the requirements for background screening as required in Rule 65C-13.023, F.A.C. and Sections 435.04 and 435.05, F.S.

(2) Marital Status. Reportable changes include marriage, separation, reconciliation, divorce or death of a spouse.

(a) If a licensed out-of-home caregiver marries or reconciles with an unlicensed spouse, the unlicensed spouse shall complete an “Application for License to Provide Out-of-Home Care for Dependent Children”, CF-FSP 5007, March 2007, incorporated by reference and available at www.dcf.state.fl.us/publications/, submit fingerprints within five calendar days of residence for background screening unless previously completed, attend pre-service training if not previously completed in the last five years, and meet all licensing requirements. The unlicensed spouse shall have six months from the date of marriage or reconciliation to complete pre-service training. Failure to meet the licensing and background screening provisions of this rule which may threaten the safety of any child in care, or place the home in violation of the licensing standards in this rule, are grounds for denial, suspension or revocation of an application or license. During this period, and based on the satisfactory completion of background screening requirements and the established good moral character of the unlicensed spouse, the home remains licensed and previously placed children may remain in the home, however no new children shall be placed in the home.

(b) The supervising agency will update the home study summary, including interviews with all children in the home, verification of satisfactory background screening, and verification of income and expenses, and notify the lead agency and the department within 30 days of any marriage or reconciliation. Once all licensing requirements have been met, the supervising agency shall update the home study summary and submit a request to the licensing authority for the issuance of a new license.

(c) In case of divorce or death of a spouse, the family foster home license shall be amended to remove the person who is no longer an out-of-home caregiver. A divorce decree shall be provided to the family foster home's supervising agency immediately upon the decree being entered by the court. The supervising agency shall provide a copy of the divorce decree to the licensing authority advising which caregiver has left the home and requesting that the license be amended. The licensing authority shall provide written notification to the individual and the supervising agency that the license is amended. The notification shall be made within fifteen days of the amendment.

(d) In cases of separation, divorce or death of a spouse, the supervising agency shall update the family home study summary and assess its impact upon the children placed in the home. The home study summary update shall include interviews with the children, if age appropriate, verification of income and expenses and the remaining caregiver's plan to meet all financial obligations. The updated home study shall be filed with the licensing authority within 30 calendar days of notice from the licensed out-of-home caregiver.

(3) Change in Household Composition.

(a) If the new household member lived outside the county of residence during the previous five years, local law enforcement checks shall also include all counties of prior residence in addition to the local records check completed in the current county of residence. For any new household member who resided in another state for any period of time during the last five years, abuse and neglect history checks shall be requested of the state(s) and the results documented.

(b) When new members join the household; the supervising agency shall update the home study summary and address the changes in sleeping arrangements within thirty days.

(c) The licensed out-of-home caregivers have the responsibility to notify the supervising agency of any individual expected to have unsupervised contact with the foster child except in situations where the child is participating in appropriate social and extracurricular activities according to their age and developmental level.

(4) Change of Location.

A license is issued for a specific location and is not transferable. A licensed out-of-home caregiver shall notify the supervising agency no less than thirty days prior to the

expected date of the relocation. The supervising agency shall complete a closure form indicating that the licensed out-of-home caregiver was in good standing at the time of the relocation.

(a) Within Region.

1. Changing location within the region shall require a supplemental "Application for License to Provide Out-of-Home Care for Dependent Children", CF-FSP 5007, March 2007, available at www.dcf.state.fl.us/publications/; an updated home study which contains a description of the home and neighborhood; school changes; sleeping arrangements; a satisfactory environmental health inspection of the new residence; the current floor plan; disaster plan; home emergency evacuation plan; fire inspection and radon testing, if applicable. A provisional license may be issued prior to the health inspection after the supervising agency licensing counselor conducts a safety assessment of the new location. This provisional license should expire within 90 days of issuance by the licensing authority. No new children shall be placed in a home that is provisionally licensed.

2. The licensing counselor shall obtain all required documentation and submit it to the licensing authority in order for a regular license to be issued.

3. Once notification of the move is received, no additional children shall be placed in the home until a regular license for that address is issued.

4. The home study summary shall be updated to reflect all changes that occurred as a result of the move within 30 calendar days of occupancy by the licensed out-of-home caregiver.

5. At least one home visit shall be made as part of the updated licensing home study.

6. If approved, an amended license shall be issued with an effective date of the previous home's date of closure and shall expire on the same date as the previous license.

7. There may be circumstances in which the conditions of the new home do not allow recommendation for licensure. If this occurs, and there are dependent children placed in the home, the primary worker shall immediately begin the process of alternative placement options.

(b) Between Regions.

1. A licensed out-of-home caregiver who plans to move from one region to another and wishes to continue being licensed, shall notify their current supervising agency at least 30 calendar days prior to the planned move. Coordination and responsibility for ensuring the transition of the home shall be provided as follows:

a. The supervising agency shall assist the licensed out-of-home caregiver in finding a supervising agency in the region where he or she plans to relocate.

b. The lead agency will work with the current supervising agency in identifying and securing a commitment from the receiving supervising agency in the new region to complete the requirements for re-licensing in the new region.

c. The supervising agency, lead agency, licensed out-of-home caregiver, contracted provider, services worker and child welfare legal services must determine whether permanency planning will be affected and whether any children currently placed in the home should be placed elsewhere or move with their current licensed out-of-home caregivers.

d. If the plan is to allow the child(ren) to move with the current licensed out-of-home caregiver(s), it is the responsibility of the children's primary services worker to secure written agreement of the receiving services worker to provide courtesy supervision and to arrange for a safety assessment of the home within seventy-two hours of occupancy.

2. The current supervising agency shall inform the current region licensing authority in writing of the impending move and request that the complete licensing file be sent to the new region's licensing authority.

3. The supervising agency accepting responsibility for licensing the foster family home will provide a contact name and telephone number to the licensed out-of-home caregivers immediately upon acceptance of responsibility for the licensing process in the new region. The home study and complete application packet should be sent to the new licensing authority within sixty days of commencement. Prior to submission of the home study and application packet, the home remains unlicensed but a provisional may be issued after the safety assessment is completed and received by the new licensing authority and prior to the inspection by the county health department.

4. The new region licensing authority shall request any additional documentation legally required to ensure that all minimum standards and out-of-home caregiver expectations are met within ten working days of receipt of the application packet. If no additional information is legally required, the new license shall be issued within ten working days of receipt of the complete application packet. No additional children will be placed in the home until the new licensing authority signs the new license.

5. The new licensing authority shall send a copy of the new license to the former region. The former region will then close the licensing file.

6. If the decision is made to deny the new application, the licensing authority will notify the applicant and supervising agency by certified mail within five working days of the decision to deny, identifying the reasons for the denial of the license, the statutory authority for the denial of the license, and the applicant's right of appeal pursuant to Chapter 120, F.S. If there are any dependent children that moved with the caregiver

from the former region the licensing authority will notify the new supervising agency within twenty-four hours of the decision to deny the application. The new supervising agency shall notify the former supervising agency and the contracted service provider responsible for courtesy supervision within twenty-four hours of receiving the notice and all possible placement options, the possible risk to the children and their best interest shall be considered and a decision made regarding their placement within twenty-four hours of receipt of the notification. The removal and placement of the children is the responsibility of the former supervising agency and the contracted service provider with primary responsibility for supervision of the children.

(c) Out of State. The same process as outlined for a change in region is to be followed. However, if the children are to move out of state with the licensed out-of-home caregiver, the primary services worker is required to initiate an Interstate Compact for the Placement of Children request pursuant to Section 409.401, F.S., no less than 45 days prior to the move unless extenuating circumstances exist. If extenuating circumstances exist, the services worker shall provide an explanation and documentation of the circumstances surrounding the move for consideration and processing by the Florida Interstate Compact for the Placement of Children Office.

(d) Between supervising agencies.

1. A currently licensed out-of-home caregiver wishing to change providers shall file a supplemental "Application for License to Provide Out-of-Home Care for Dependent Children" CF-FSP 5007, March 2007, incorporated by reference and available at www.dcf.state.fl.us/publications/, with the desired supervising agency.

2. The desired supervising agency shall:

a. Request all information concerning the performance of the respective licensed out-of-home caregiver from the current supervising agency, including their recommendation for licensure;

b. Consider the application and advise the applicant in writing of whether it does or does not find the family appropriate for transfer to their agency within 30 days of receipt of the application; and

c. Notify the sending agency and the department of the determination.

d. If the family is found to be inappropriate, the department shall make the family aware of the appeal process.

3. Supervising agencies shall share all information concerning the performance of the respective licensed out-of-home caregiver, along with their recommendations, upon request.

4. If the licensed out-of-home caregiver is accepted, the new supervising agency shall submit a new application packet to the regional licensing authority for issuance of the new license.

5. If the request to change providers occurs during the licensure year, the new supervising agency need only submit an "Application for License to Provide Out-of-Home Care for Dependent Children" CF-FSP 5007, March 2007, incorporated by reference and available at www.dcf.state.fl.us/publications/, and letter of acceptance to the licensing authority. The licensing authority will issue an amended license to reflect the new supervising agency for the remainder of the established licensure year. The new supervising agency assumes all responsibility for the annual re-licensure activities.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History--New _____.

65C-13.028 Re-Licensing.

(1) General.

(a) Re-licensing procedures shall be initiated by the supervising agency in a timely manner and the re-licensing packet submitted for consideration at least 30 days prior to expiration of the current license. The re-licensing process shall not be initiated not more than 90 days prior to the expiration of the current license.

(b) Individuals wishing to re-license as out-of-home caregivers shall complete the "Application for License to Provide Out-of-Home Care for Dependent Children", CF-FSP 5007, March 2007, incorporated by reference and available at www.dcf.state.fl.us/publications/. Married persons living together shall both sign the application. Any licensed out-of-home caregiver that requests an application either verbally or in writing for re-licensure shall be provided one.

(c) If the supervising agency has reason to believe that the licensed out-of-home caregiver's past performance indicates that he or she would not be a successful candidate for continued licensure, the applicant shall be advised prior to completion of the application renewal process. If the applicant wishes to proceed with the re-licensure process they may do so.

(d) An applicant shall sign all required re-licensing documentation as requested.

(e) The supervising agency shall ensure the completion of the application process by doing the following:

1. Request an environmental inspection from the local health department. The request shall be made 60 days in advance of the home's re-licensing due date to facilitate the receipt of a satisfactory environmental health inspection report prior to the expiration of the license.

2. Direct the licensed out-of-home caregivers to obtain a random test pursuant to Section 404.056, F.S., if applicable.

(f) The supervising agency shall ensure that all background screening described in Rule 65C-13.023, F.A.C., has been completed.

(g) References.

1. The supervising agency responsible for completing the re-licensing home study shall obtain and review the "Services Worker's Review of the Licensed Out-of-Home Caregiver's Performance", CF-FSP 5223, March 2007, incorporated by reference and available at www.dcf.state.fl.us/publications/, for the services workers who have supervised children in the home during the year.

2. The supervising agency shall also obtain and review two community reference checks using the "Quality of Licensed Caregiver's Home: Community Input" form CF-FSP 5225, March 2007, incorporated by reference and available at www.dcf.state.fl.us/publications/. These references shall be from professionals in the community who are familiar with the licensee's performance during the year. These may include Guardians Ad Litem, school personnel, child care providers, medical professionals, social service providers, or mental health therapists.

(h) The supervising agency shall obtain and review exit interviews from children over the age of five who exit the home following a placement of thirty days or more, as described in Rule 65C-28.017, F.A.C. The re-licensing packet must contain exit interviews. If exit interviews are not provided with the re-licensing packet, the proper administrator of the lead agency shall be notified. The "Re-licensing Summary" must address issues raised in the exit interviews or efforts made to obtain the exit interviews.

(i) Applicants for renewal shall provide the agency with:

1. A Completed "Re-licensing Summary for Licensed Homes for Dependent Children", CF-FSP 5027, section B, March 2007, incorporated by reference and available at www.dcf.state.fl.us/publications/;

2. Documentation of at least eight hours of in-service training;

3. Updated driver's license, driving record, and auto insurance coverage information as applicable.

(2) Re-licensing Procedures.

(a) The supervising agency shall conduct a minimum of one face-to-face visit in the home and interview all household members prior to re-licensure.

(b) The supervising agency shall review and discuss the bilateral service agreement with the applicants and obtain their signatures, indicating their agreement to abide by the agreement.

(c) The licensing counselor shall inspect the entire premises of the home, including all interior and exterior areas, for compliance with the licensing standards pursuant to Rule 65C-13.025, F.A.C. Safety requirements as listed in paragraph 65C-13.030(6)(h), F.A.C., for storage of guns and other weapons, cleaning supplies, toxins and alcoholic beverages shall be observed and any concerns addressed in a corrective action plan prior to re-licensure.

(d) Vehicles used for transporting foster children shall be observed for seatbelt compliance and any obvious safety hazards documented and addressed in a corrective action plan, if necessary.

(e) Fire drill logs shall be reviewed and discussed to ensure compliance with licensing standards as detailed in subparagraph 65C-13.030(5)(i)5., F.A.C. The evacuation plan and disaster preparedness plan shall be reviewed and discussed.

(3) Re-licensing Home Study. As a part of the re-licensing application packet, the supervising agency shall make a thorough evaluation of each licensed out-of-home caregiver and document this evaluation in a re-licensing home study, which shall include, at a minimum:

(a) Demographics: Names, Dates of Birth, Address, and contact numbers;

(b) In-Service Training. List all applicable training, including dates, number of hours and topics. Identify expiration date for water safety training as applicable;

(c) Chronology. Dates of home visits and persons interviewed;

(d) Family Composition and Description. Note any changes in household composition, employment, family members, arrests, divorce or separations, serious illness or medical conditions in detail. Any new household member shall be interviewed and a written summary provided;

(e) Home and Neighborhood. Any changes to the physical environment, addition of a pool or remodeling, fencing, physical surroundings, and sleeping arrangements, maintenance of both interior and exterior conditions of home, surrounding outdoor area and continued availability of safe play areas for children, shall be documented;

(f) Animals. Any new animals such as dogs, cats or exotic pets that could potentially cause harm to a child should be discussed as in the initial licensing home study. Animals requiring rabies vaccination under Section 828.30, F.S., must be vaccinated for rabies and their vaccinations current at the time of re-licensure;

(g) Licensed out-of-home caregiver's fostering experience. Documentation of the licensed out-of-home caregiver's experiences with staff and providers and his or her statements regarding services received by the child shall be completed. Issues shall be addressed concerning the licensed out-of-home caregiver's experience with licensed out-of-home care over the last year and the family's feelings of how fostering has affected their relationships or lifestyle;

(h) Discipline. Description of how the licensed out-of-home caregiver has handled any behavioral problems with children placed in the home. Discipline practices used by the applicant with all children in the home;

(i) Family life:

1. Documentation of the licensed out-of-home caregiver's support and integration of foster children into the family such as attendance at and involvement with children's activities; transportation to school and social events; medical appointments and other family activities, hobbies, or extracurricular interests each foster child has been involved in;

2. Documentation of the level of cooperation of licensed out-of-home caregivers with legal families, visitation and the case plans for any children placed in the home over the past licensed year. A description of how the family has worked with the supervising agency in terms of partnership and case plan goals. A description of the licensed out-of-home caregiver's attentiveness to the provision of clothing and allowances to the children in his or her care.

3. Documentation of the licensed out-of-home caregiver's compliance with proper administration and monitoring of medication, cooperation with medical directives and appointments;

4. Documentation of the maintenance of school and resource records for each child in placement.

(j) Childcare. The supervising agency shall ensure that childcare providers are licensed and all babysitters have been screened in accordance with Rule 65C-13.033, F.A.C., and approved by the supervising agency. Document the current arrangements for day care needs or after school care. If both parents work, the level and amount of supervision being provided by the applicant shall be explored;

(k) Transportation Safety.

1. The licensed out-of-home caregiver shall have transportation available twenty-four hours a day. All vehicles used to transport children shall be in safe condition, in compliance with applicable motor vehicle laws of the state, and equipped with seat belts and approved car seats for children under the age of four years. Vehicles shall be smoke free when foster children are being transported. The licensed out-of-home caregiver shall have the ability to safely transport the number of children in his or her own care. Children in care shall use seat belts or age and size appropriate safety seats when being transported in motor vehicles.

2. The licensed out-of-home caregiver shall have all vehicles insured. The licensed out-of-home caregiver shall not allow foster children to be transported by any person not possessing a valid driver's licensed or auto insurance.

(l) Employment. The current employment status of each parent, including occupation, current place of employment, work hours and flexibility of schedule if changes have occurred over the licensed year;

(m) Financial Capacity and Income. Any change in financial status or employment shall be addressed;

(n) Safety. Documentation of compliance with licensing standards as they relate to the safety of the home. Discussions with applicants regarding disaster preparedness plan, evacuation plans, the Bilateral service agreement, medication logs, and fire drills shall be held and documented;

(o) Other Adult Household Members. The following information shall be obtained and documented for any other adult household members whether or not they intend to supervise or provide care to the foster child:

1. Background Screening pursuant to Rule 65C-13.023, F.A.C.;

2. Medical History as set forth in subparagraph 65C-13.025(5)(f)3., F.A.C.;

3. What responsibilities they intend to have with the foster child such as transportation, supervision [and care giving;

(p) Background Screening. The results of all background screening information shall be reviewed for each individual in the home who is older than twelve years of age. Local law enforcement checks shall be completed prior to the one year expiration date of the existing results. Any arrests, qualifying abuse reports under Section 39.302(7), F.S., or findings of protective orders shall be addressed in the study completed by the supervising agency. The supervising agency or the department has the discretion to request background screening for any individual if there is a reasonable belief that:

1. The individual may be a household member; or

2. The individual's presence in the foster home may adversely affect the health, safety and welfare of the children in the home; or

3. The individual has or may have unsupervised contact with the children.

(q) History of Placements. Placements for the last year shall be identified and discussed. The licensed out-of-home caregiver's compliance with Rule 65C-28.010, F.A.C., shall be verified for children placed in the home governed by this section. If the family requested that a child be moved, the reasons and circumstances should be addressed. The narrative should discuss each child who has left the home. The report should address how the family has worked with each child;

(r) Youth Exit Interviews. An exit interview with every child ages five through eighteen, according to Rule 65C-28.017, F.A.C.;

(s) Staff and Community Feedback. A summary of feedback from staff and community members as it relates to the family's continued suitability and performance as a licensed out-of-home caregiver;

(t) Foster Home Referrals, Concerns or Complaints. A summary of foster care referrals, unusual incidents, accidents and complaints received during the licensure year and any concerns received from staff or others;

(u) Summary. The licensing counselor shall summarize all information obtained from the "Services Worker's Review of Licensed Out-of-Home Caregiver's Performance" forms,

CF-FSP 5223, March 2007, incorporated by reference and available at www.dcf.state.fl.us/publications/, exit interviews of children, licensing complaints, foster care referrals or abuse reports, the "Quality of Licensed Caregiver's Home: Community Input" form, CF-FSP 5225, March 2007, incorporated by reference and available at www.dcf.state.fl.us/publications/, and any unusual incidents, accidents, arrests or involvement with law enforcement and their impact on the ability of the licensed out-of-home caregivers to provide a safe and nurturing environment for children placed in their care. The narrative should include the type of children for whom the family is most appropriate, including number of children, age, gender, special needs and behaviors. A summary of the family's ability to continue the provision of foster care services shall be completed and encompass the following:

1. A recommendation shall be made concerning the appropriateness of continued licensure; and a written summary of on-going training needs including a professional development plan.

2. If continued licensure is recommended the licensing counselor shall provide a description of the type of children for whom the family appears most appropriate including number of children, age, gender, behaviors and special needs;

3. If continued licensure is not recommended, the summary shall address the specific statutory reasons for the recommendation and identify the standards the applicant is unable to meet. The applicant must be made aware of the appeal process by the department.

4. The home study shall be reviewed, signed and dated by each licensed out-of-home caregiver, the counselor responsible for completing the study and the counselor's supervisor.

(4) Re-licensing Application Packet. The following documentation shall be provided to the licensing authority when requesting re-licensure of a family foster home:

(a) "Application for License to Provide Out-of-Home Care for Dependent Children", CF-FSP 5007 March 2007, incorporated by reference and available at www.dcf.state.fl.us/publications/;

(b) Re-licensing Standards Checklist;

(c) Re-licensing Home Study;

(d) "Re-licensing Summary for Licensed Homes for Dependent Children" CF-FSP 5027, sections A and B, March 2007, incorporated by reference and available at www.dcf.state.fl.us/publications/;

(e) Signed bilateral service agreement;

(f) Verification of at least eight hours of in-service training, including and verification of Psychotherapeutic Medication training if appropriate;

(g) "Quality of Licensed Caregiver's Home: Community Input" forms, CF-FSP 5225, March 2007, incorporated by reference and available at www.dcf.state.fl.us/publications/;

(h) "Services Worker's Review of Licensed Out-of-Home Caregiver's Performance", CF-FSP 5223, March 2007, incorporated by reference and available at www.dcf.state.fl.us/publications/;

(i) Youth exit interview forms;

(j) Copies of driver's license and validation of vehicle insurance;

(k) Satisfactory environmental health inspection report from the local health department;

(l) Radon testing results (if applicable);

(m) Evacuation and disaster preparedness plans;

(n) Pet vaccinations (if applicable).

(o) Criminal and Abuse/Neglect History Screening:

1. Record check through the department's Florida Abuse Hotline and Statewide Automated Child Welfare Information System;

2. Local law enforcement records checks as specified in subsection 65C-13.023(2), F.A.C.;

3. FDLE records checks (if applicable);

4. Civil Court Record Checks as described in Rule 65C-13.023, F.A.C.;

(p) Any licensing deficiencies shall be corrected prior to recommending re-licensure.

(5) Re-Licensing Process.

(a) The completed application packet, as described in subsection 65C-13.023(4), F.A.C., shall be submitted by the supervising agency to the licensing authority no less than thirty days prior to expiration of the current license.

(b) Within ten working days of receipt of the complete re-licensing packet, the licensing authority shall determine if the re-licensing application packet is complete and notify the supervising agency in writing of the need for any additional materials or information. The supervising agency must submit the necessary materials or information to the licensing authority within ten working days of receipt of the written notice. A license cannot be issued until all information has been received in order to ensure the safety and well-being of children.

(c) Once a complete re-licensing application packet is received and the licensing authority determines that the applicant can ensure the safety and well-being of children, a license shall be issued to the applicant no later than ten working days from receipt of the complete packet.

(d) If the completed packet of materials was received prior to the expiration of the existing license then, upon approval, the renewal date of licensure shall begin on the day the current license expires.

(e) If the submitted application packet is not complete at the time the existing license expires, the renewal date of licensure shall be the actual date of approval by the licensing authority. No child shall be placed in an unlicensed setting.

(f) A copy of the license shall be provided by the licensing authority to the supervising agency.

(g) If the supervising agency or department determines that the out-of-home caregivers have not satisfactorily met the standards for continued licensure, the department shall consult with the ~~Regional District~~ Legal Counsel, lead agency and supervising agency, concerning the appropriate course of action.

(h) Unless the applicant voluntarily withdraws the application, the department shall proceed with formal actions pursuant to Rule 65C-13.035, F.A.C.

(i) Licensed out-of-home caregivers meeting the criteria of Section 409.175(6)(j), F.S., may be issued a license for longer than one year, but no longer than a three year period of time. During the three-year period the licensing counselor shall conduct a minimum of one face to face visit in the home on an annual basis, obtain the information and documentation outlined in this section and submit it to the licensing authority with a statement certifying that the family continues to meet all licensing requirements. A review of all required re-licensing information shall be conducted at the end of every three year licensing period. The annual review of a three-year license shall include:

1. A "Re-licensing Summary for Licensed Homes for Dependent Children", CF-FSP 5027, Sections A and B, March 2007, incorporated by reference and available at www.dcf.state.fl.us/publications/;

2. Documentation of at least eight hours of in-service training;

3. Updated verification of water safety training if appropriate;

4. Background screening which includes local law enforcement records checks completed prior to the one year expiration date on the existing checks, an abuse history check, and FDLE re-screening if applicable;

5. "Affidavit of Compliance: Background Screening Requirements", CF-FSP 5218, March 2007, incorporated by reference and available at www.dcf.state.fl.us/publications/, and according to Section 409.175(6)(c), F.S.;

6. "Services Worker's Review of Licensed Out-Of-Home Caregiver's Performance", CF-FSP 5223, March 2007, incorporated by reference and available at www.dcf.state.fl.us/publications/;

7. Youth exit interviews as set forth in subsection 65C-28.017, F.A.C.;

8. Updated documentation of driver's license(s) and vehicle insurance if applicable;

9. Updated evacuation and disaster preparedness plan if changes in layout of the home or means of egress have occurred.

10. Pet vaccinations (if applicable); and

11. An "Application for License to Provide Out-of-Home Care for Dependent Children" CF-FSP 5007, March 2007, incorporated by reference and available at www.dcf.state.fl.us/publications/.

(6) Applicants Previously Licensed or Approved in another State, or Region.

(a) If the applicants were licensed previously in another state or outside the region in which they are seeking licensure, the supervising agency shall make a written request to the previous licensing agency for a reference, copies of the initial and last licensing studies, closing summaries, information about any complaints, foster care referrals, or concerns expressed regarding the prospective family's parenting ability, reason for closure, and the results of their background screening and abuse history check.

(b) The written request and all information received from the originating state, or region shall be included in the application packet.

(c) Applicants who have previously completed a departmentally approved pre-service training curriculum in the past five years, and who can provide proof of completion, shall not be required to complete pre-service training. Applicants who completed pre-service training in another state may be exempt from pre-service training if the curriculum is the same as an approved version of pre-service training offered in Florida. Supervising agencies may submit a copy of the curriculum to the department for review and approval if the pre-service training previously completed is not an approved curriculum in Florida.

(7) Re-opening of Previously Licensed Out-of-Home Caregivers within the Region.

(a) If the applicants were licensed previously in the same region where they are currently seeking licensure, the supervising agency shall seek information from the previous supervising agency which describes the applicants' performance and history as licensed out-of-home caregivers. All attempts shall be documented.

(b) Applicants shall complete all initial licensing requirements with the exception of pre-service training, if previously completed within five years.

(c) All information received from the originating supervising agency shall be included in the application packet.

(d) For previously licensed out-of-home caregivers that wish to reopen and submit an application within ninety days from closure, the supervising agency is allowed to utilize the prior background screening results. In addition, the re-licensing procedures shall be followed in accordance with the Re-licensing Procedures in Rule 65C-13.028, F.A.C.

(e) If the application packet is approved, a license is issued to the applicant(s). The license shall include the name and address of the caregiver(s), the name of the supervising agency along with the licensed capacity and the dates for which the license is valid. The regional administrator or designee in

upper level management shall sign the license. Any limitations shall be displayed on the license if the study indicates the necessity for such restrictions, such as specific ages or gender preference.

(f) A copy of the license shall be provided by the licensing authority to the supervising agency.

(g) When the department determines that the application shall be denied, the department shall consult with child welfare legal services to determine the appropriate course of action. If the decision is made to deny the application, the applicant and supervising agency must be notified by certified mail within five working days of the decision to deny, identifying the reasons for the denial of the license, the statutory authority for the denial of the license, and the applicant's right of appeal pursuant to Chapter 120, F.S.

(h) Unless the applicant voluntarily withdraws the application, the department shall proceed with formal actions pursuant to Rule 65C-13.035, F.A.C.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History--New_____.

65C-13.029 Licensed Out-of-Home Team Member Roles.

(1) Responsibilities of the Licensed Out-of-Home Caregiver to the Child.

(a) All children in the home shall be protected from exploitation, neglect, and abuse. Suspected child abuse or neglect including incidents of child-on-child sexual abuse shall be reported immediately to the Florida Abuse Hotline.

(b) The child must be assisted in understanding and accepting who he or she is, and helped to deal with any feelings about his or her legal parents and the circumstances which brought him or her into out-of-home care.

(c) Licensed out-of-home caregivers shall provide a loving environment, acceptance, and care to a child without expecting a demonstration of appreciation from the child.

(d) Licensed out-of-home caregivers shall provide the child with opportunities for normal growth and development.

(e) Licensed out-of-home caregivers shall accept the direction and supervision given by the department or supervising agency in caring for the children.

(f) Licensed out-of-home caregivers shall promote the following conditions for the child in the home:

1. Opportunities and encouragement to communicate and have contact with family members, friends, and other people important to the child. The only exception is when the court specifically bars contact with an individual;

2. Respect for the child's body, person, possessions, bed and personal space;

3. Opportunities to develop interests and skills through participation in school and community activities;

4. Encourage and support the child in making new friends and maintaining past friends who have had a positive relationship with the child;

5. Licensed out-of-home caregivers shall keep records of school reports.

6. Licensed out-of-home caregivers shall never make negative statements about a child's family and shall work to preserve the child's cultural history and family connections.

7. Licensed out-of-home caregivers should work in partnership with the child's services worker in maintaining awards, special recognitions, family photos, and other items that will help the child maintain a sense of his or her identity and connections.

(g) Family Care Activities.

1. Daily living tasks.

a. Licensed out-of-home care providers are expected to provide supervision, structure and daily activities designed to promote the individual physical, social, intellectual, spiritual, and emotional development of the children in their home according to each child's age and developmental level.

b. Licensed out-of-home care providers shall assist the children in performing tasks and developing skills, which will promote their independence and the ability to care for themselves.

c. Licensed out-of-home caregivers will help children in their care maintain a sense of their past and a record of their present.

d. Licensed out-of-home care providers may expect children in care to assume household chores reasonable for their age and ability but not to exceed those expected of their own children.

e. Children in out-of-home care shall be provided information as appropriate to their age and maturity level, concerning drug and alcohol use and abuse, teen sexuality issues, runaway prevention, health services, community involvement, knowledge of available resources, and in identifying legal issues. These opportunities shall not be withheld as a form of discipline.

f. Children in licensed out-of-home care shall be encouraged and assisted in participating in activities such as having his or her picture taken for publication in a newspaper or yearbook; receiving public recognition for accomplishments; participating in school or after-school organizations or clubs; and participating in community events. Children shall be able to participate in activities that promote personal and social growth, self-esteem and independence as long as they are not identified as foster children. Confidentiality requirements for department records shall not restrict the children's participation in customary activities appropriate for the child's age and developmental level.

g. Children in licensed out-of-home care shall be afforded every opportunity for social development, recreation, and normalization of their lives. Children in licensed out-of-home care may attend overnight or planned outings if such activities

are determined to be safe and appropriate by the licensed out-of-home caregiver. The services worker shall be available for consultation and must be notified of the activity.

h. Licensed out-of-home caregivers shall be as diligent in determining approval for such events as he or she would for his or her own children. Licensed out-of-home caregivers shall use their parenting skills to familiarize themselves with the individual or group that the child wishes to spend time with and evaluate the child's maturity level and ability to participate in the activity safely and appropriately.

i. The licensed out-of-home caregiver may allow foster children to experience circumstances without adult supervision depending on the child's age, maturity, and ability to make appropriate decisions. The licensed out-of-home caregiver's familiarity with the child and the circumstances in which the child shall be unsupervised shall be the primary factors in the decision-making. The licensed out-of-home caregiver is ultimately responsible for the supervision of the child. Therefore the licensed out-of-home caregiver shall be prudent and conscientious about circumstances where the child is granted independence, including trips to the movies, mall, athletic events and work.

j. The licensed out-of-home caregiver shall have knowledge of where and with whom the child is staying and the type of supervision and care the child shall be receiving before approving an outing or overnight activity. The licensed out-of-home caregivers should meet the adult who will be supervising prior to allowing the child to spend the night away from their licensed placement or exercise the same reasonable and prudent decision-making they would use in making this decision for their own children. Overnight trips exceeding one night must be approved by the child's services worker and must not interfere with visitation schedules.

k. For children who are not legally free for adoption, legal parents input should be included in the decision-making process.

1. Background checks for dating and outings, such as school field trips, Cub Scout campouts, and activities with friends, families, school and church groups, are not necessary for participation in normal school or community activities.

2. Food and Nutrition.

a. The licensed out-of-home caregiver shall provide nutritionally balanced meals and age appropriate snacks.

b. Licensed out-of-home caregivers are expected to provide for any special dietary needs of foster children placed in their home.

c. Licensed out-of-home caregivers shall not withhold food as a means of discipline or punishment.

3. Clothing and Personal Belongings.

a. All children should be provided with their own clean, well-fitting, attractive clothing appropriate to their age, sex and individual needs, in keeping with community standards and appropriate to the season.

b. Each child must be provided towels, washcloths, and toiletry items such as toothbrushes, combs, and hairbrushes.

c. All children must be allowed to bring, retain and acquire personal belongings while in care. Licensed out-of-home caregivers must help each child protect and preserve possessions, which are important to the child.

d. Licensed out-of-home caregivers shall keep an inventory of all belongings the child brought to the home as well as those purchased or subsequently obtained for the child. When the child leaves the family home the licensed out-of-home caregiver must send along with him all serviceable clothing and personal belongings bought for, earned or given to the child. This includes any toys, bicycles, radios, or other things that are the child's personal belongings.

4. Religion and ethnic heritage. A licensed out-of-home caregiver shall cooperate with the child's services worker in arranging opportunities for a child to participate in the faith of his or her choice or that requested by the child's family. The child's services worker shall coordinate appropriate arrangements for the child's attendance at religious activities in partnership with the licensed out-of-home caregiver. An applicant whose religious belief precludes the use of a licensed medical professional shall not be licensed.

V. Discipline.

a. Licensed out-of-home caregivers shall discipline children with kindness, consistency, and understanding, and with the purpose of helping the child develop responsibility and self-control.

b. Licensed out-of-home caregivers shall use positive methods of discipline. Acceptable methods of discipline are reinforcing acceptable behavior, expressing verbal disappointment of the child's behavior, loss of privileges, grounding, restricting the child to the house or yard, or sending the child out of the room and away from the family activity; and redirecting the child's activity.

c. Licensed out-of-home caregivers shall not subject children to cruel, severe, or unusual forms of discipline.

d. Licensed out-of-home caregivers shall not use corporal punishments of any kind.

e. Licensed out-of-home caregivers shall not delegate discipline or permit punishment of a child by another child or by an adult not in a caregiver role.

f. Licensed out-of-home caregivers shall not withhold meals, clothing, allowance or shelter as a form of discipline.

g. Licensed out-of-home caregivers shall not ridicule or punish a child for bed-wetting or other lapses in toileting.

h. No child shall be mechanically restrained or locked in any enclosure, room, closet, bathroom or area of the house or premises, for any reason.

i. Licensed out-of-home caregivers shall not threaten a child with removal from the home or with a report to authorities as consequences for unacceptable behavior and shall not prohibit visitation with family and significant others as punishment.

j. Licensed out-of-home caregivers will seek the assistance of the child's primary services worker or therapist for behavior problems.

6. Health Care.

a. Licensed out-of-home caregivers are responsible for ensuring the child has routine medical, vision and dental care. The services worker shall promptly provide licensed out-of-home caregivers with the child's prescription medication and information regarding any medical, vision and dental interventions necessary for the child's health and well-being. Licensed out-of-home caregivers shall keep accurate records of the administering of all medications and of medical treatment and interventions.

b. Maintaining and keeping the medical history current is the responsibility of the licensed out-of-home caregivers.

c. Licensed out-of-home caregivers shall transport and accompany children for necessary medical, dental or other appointments. If transportation cannot be provided by the licensed out-of-home caregiver, he or she shall contact the child's services worker who shall be responsible for arranging transportation.

d. Licensed out-of-home caregivers shall ensure that each child who needs medical attention receives appropriate and adequate medical services promptly.

e. Licensed out-of-home caregivers shall notify the services worker or supervising agency of any serious illness or any injury that requires medical treatment for a child. Licensed out-of-home caregivers shall notify the supervising agency immediately, if the following occur; a child requires hospitalization or emergency medical treatment; or a child dies; or any other life-threatening situation occurs.

7. Medicine.

a. Licensed out-of-home caregivers are responsible for giving medication as prescribed and for recording the exact amount of any medication prescribed.

b. No child shall be given prescription medication without a physician's prescription.

8. Resource Records. The child's resource record shall be maintained as set forth in paragraph 65C-30.011(5)(a), F.A.C.

IX. Education. Licensed out-of-home caregivers shall work in partnership with the child's services worker to address the child's educational needs and to allow for the continuation of school attendance as per subsection 65C-30.011(7), F.A.C. To further promote visibility within the community, children in care may not be home schooled.

X. Allowances. Children in licensed out-of-home care shall receive an allowance in accordance with the bilateral service agreement. The licensed out-of-home caregiver shall

not expect the child to use this allowance for purchasing personal hygiene items, school supplies, clothing or other necessities. Allowances are not to be withheld as a form of discipline. The services worker shall check with the child during each home visit to verify that the child received the allowance, and the information shall be noted in the visitation report.

(2) Licensed Out-of-Home Caregiver Responsibilities to the Supervising Agency.

(a) Licensed out-of-home caregivers must work cooperatively with the services worker as a member of a treatment team in seeking counseling, other professional services and in preparing and implementing the case plan for each child.

(b) Licensed out-of-home caregivers must provide pertinent information for judicial review hearings and administrative review conferences for children placed in their home.

(c) Licensed out-of-home caregivers shall work in partnership with the services worker to maintain child resource records as defined paragraph 65C-30.011(4)(a), F.A.C., and in conjunction with the child's services worker.

(d) Licensed out-of-home caregivers must maintain the children's resource records in a secure manner, which insures confidentiality for the child and the child's legal parents.

(e) Licensed out-of-home caregivers must accept the child as a member of their family, and accord the child the rights and responsibilities appropriate to his age and level of maturity.

(f) Licensed out-of-home caregivers must work in partnership with the child's services worker in preparing the child to leave their family in accordance with the case plan goal, and must participate in and support the placement process.

(g) Licensed out-of-home caregivers shall only allow the child to be moved from the home by a child protective investigator or department, lead agency or supervising agency staff member, after seeing proof of identification.

(h) Licensed out-of-home caregivers shall obtain prior approval for the movement of the child to another home for purposes of respite.

(i) Licensed out-of-home caregivers shall notify the child's service worker at least two weeks in advance of vacations in which the child shall be participating.

(j) Licensed out-of-home caregivers shall assist in preparing the child to develop living skills that assist him or her as he or she grows toward adulthood.

(k) Licensed out-of-home caregivers shall notify the child's counselor of any sexually inappropriate action or behavior by the child.

(l) Licensed out-of-home caregivers shall comply with court orders, visitation plans and the case plan for any children placed in their care.

(m) Licensed out-of-home caregivers shall allow children and their legal family, including siblings, to communicate by mail and by telephone in accordance with the child's case plan and in keeping with the directions of the court.

(n) Licensed out-of-home caregivers shall not open the child's mail, monitor telephone conversations or otherwise interfere with free communication with the legal family, except as necessary to comply with the directions of the court.

(o) Licensed out-of-home caregivers shall promote social development by permitting children to engage in age appropriate social, school and employment related activities as detailed in the child's written plan for age appropriate activities according to Section 409.1451(3)(a)3., F.S.

(p) Licensed out-of-home caregivers shall support school attendance and participation and will support educational planning, i.e., college and vocational or technical programs.

(q) The licensed out-of-home caregiver shall provide children opportunities in the home and through life skills classes and other organized activities to learn and practice skills needed for independent living, such as food preparation, money management, consumer awareness, personal hygiene and appearance, housekeeping and care of personal belongings, accessing health care services, transportation, job seeking, education, study skills and interpersonal relationship building or other skills provided for in the child's independent living skills plan.

(r) The licensed out-of-home caregiver shall permit and encourage children, dependent on their age and maturity level, to engage in appropriate social and extracurricular activities in order to promote social development, obtain employment, have contact with family members, have access to phone usage, have reasonable curfews, and travel with other youth or adults.

(s) The licensed out-of-home caregiver shall support the child's efforts to learn to drive a car, obtain a learner's permit and driver's license as appropriate for their age, maturity level, and availability of insurance. If opportunities for driver's education are not available through the school district, the licensed out-of-home caregiver, services worker and legal parents should work in partnership to assist the youth in finding a driver's education program and in obtaining automobile insurance for children who are allowed to drive. Nothing in this section is meant to imply that the licensed out-of-home caregiver must pay for a car, or insurance on behalf of the youth in their care.

(3) Responsibilities of the Licensed Out-of-Home Caregivers to the Child's Family.

(a) Licensed out-of-home caregivers must present a positive image of and demonstrate respect for the child's own family and must agree to maintain a working relationship with the child's family members as indicated in the child's case plan.

(b) Licensed out-of-home caregivers must participate in planning and facilitating visits for the child with his parents and family members as indicated in the case plan.

(c) Licensed out-of-home caregivers must allow children and their family members to communicate by mail and telephone in accordance with the child's case plan.

(d) Licensed out-of-home caregivers must share as many parenting experiences as possible with the child's legal family, i.e.; participating in school conferences and activities, transporting the child to medical appointments, buying clothing, and attending birthday parties.

(e) Licensed out-of-home caregivers must never be openly critical of the child's legal family to the child or to others. Negative experiences and feelings should be shared with the services worker in a private setting and any indication of abuse and or neglect shall be reported to the Florida Abuse Hotline.

(f) Licensed out-of-home caregivers must willingly share information about the child, his development, school progress, behavior, and any significant happenings with the services worker and with the legal family.

(4) Responsibilities of the Licensed Out-of-Home Caregivers to Their Own Family.

(a) Licensed out-of-home caregivers must involve their entire family in the decision to become a shelter or licensed out-of-home caregiver.

(b) Licensed out-of-home caregivers must prepare their own family for potential problems involved in providing family shelter or foster care.

(c) Licensed out-of-home caregivers must involve their entire family in each placement decision.

(d) Licensed out-of-home caregivers must discuss their decision to open their home to children with significant extended family.

(e) At the time of re-licensure the licensed out-of-home caregivers must include the entire family in evaluating the impact that licensed out-of-home care has had on their family. This joint evaluation will result in a decision to either continue providing foster care, emergency shelter care or group care or a decision that the family will not continue to provide care.

(5) Responsibilities of the Licensed Out-of-Home Caregivers to the Department and Supervising Agency.

(a) Licensed out-of-home caregivers are required to participate in at least eight hours of in-service training annually in order to develop and enhance their skills.

(b) The licensed out-of-home caregivers are required to participate in re-licensing studies and in ongoing monitoring of their home, and must provide sufficient information for the department to verify compliance with all rules and regulations.

(c) The licensed out-of-home caregivers must hold a license which is issued by the department.

(d) Licensed out-of-home caregivers shall only take for placement the children placed in their care by the lead agency or supervising agency. No plans for allowing other children or adults to reside in the home shall be made without prior approval of the supervising agency and the licensing authority.

(e) Licensed out-of-home caregivers must sign a "Child Service Agreement", CF-FSP 5227, October incorporated by reference and available at www.dcf.state.fl.us/publications/, for each child placed in their home.

(f) If the licensed out-of-home caregivers provide emergency shelter care, they must sign the "Civil Rights Certificate", CF 707, October 2005 incorporated by reference and available at www.dcf.state.fl.us/publications/. These homes are generally paid a monthly subsidy for remaining open on a 24-hour basis. The amount of the subsidy payment should be included in the agreement to provide shelter care.

(g) The licensed out-of-home caregivers must notify the supervising agency regarding changes which affect the life and circumstances of the shelter or licensed out-of-home caregiver.

(h) The licensed out-of-home caregivers must notify the supervising agency at least two weeks in advance of vacations in which the child will be participating.

(i) The licensed out-of-home caregivers must be able to accept supervision by agency staff and participate in and support case plans for children in their homes. Specifically, licensed out-of-home caregivers must be included in the development of case plans, and in carrying out these plans.

(j) The licensed out-of-home caregivers must notify the supervising agency immediately of illness or accidents involving the child.

(k) The licensed out-of-home caregivers shall notify the supervising agency immediately, day or night, if any of the following situations occur:

1. A child requires hospitalization or emergency medical treatment;
2. A child dies;
3. A child has run away, is abducted, or is absent from the home beyond reasonable expectations; or
4. Any other life-threatening situation occurs.

(l) When a foster child is believed to be missing, the licensed out-of-home caregiver shall also notify law enforcement and request that a missing child report be opened and obtain the case number, inspect the child's belongings to determine what items are missing and assist the child's services worker in efforts to locate the child.

(m) Licensed out-of-home caregivers shall notify the department and supervising agency if any child's services worker does not make a visit every thirty days. Notification of the department shall be made by calling 1-800 FLA-FIND.

(n) Licensed out-of-home caregivers shall be knowledgeable of the provisions of the federal Multiethnic Placement Act, which prohibits delay in the placement of a child on the basis of race, culture or ethnicity and the Americans with Disabilities Act.

(o) Licensed out-of-home caregivers shall provide a home environment free of drug and alcohol abuse.

(p) Licensed out-of-home caregivers shall never sign blank forms or falsify records. Falsification of any records or signatures on blank forms shall result in a revocation or denial of the foster care license.

(q) Licensed out-of-home caregivers must treat department, supervising agency and lead agency staff, a child's family, the Guardian Ad Litem, and other professionals with respect and courtesy.

(r) Licensed out-of-home caregivers must complete the "Licensed Out-of-Home Caregiver's Review of Services Worker's Performance", CF-FSP 5224, March 2007, incorporated by reference and available at www.dcf.state.fl.us/publications/, regarding children's services workers who have supervised children in the home 30 days or more.

(s) Licensed out-of-home caregivers shall obtain authorization from the department or supervising agency before spending any funds that involve a request for repayment.

(t) Licensed out-of-home caregivers shall keep confidential all information about the child and the child's family. Discussing this information shall be limited to a departmental or agency staff member, Guardian Ad Litem, or other authorized professional working with the child.

(u) Licensed out-of-home caregivers shall be knowledgeable of the Americans with Disabilities Act and shall treat foster children with disabilities with respect and include them in activities to the extent that they are able.

(v) Licensed out-of-home caregivers are responsible for complying with all applicable laws, rules, regulations or ordinances of each governmental unit in which the home is located, including but not limited to those relating to Medicaid eligibility, fire safety, sanitation, health, safety, zoning, civil rights, employment and board rate eligibility.

(6) Responsibilities of the Lead Agency and the Department to the Licensed Out-of-Home Caregiver and Children in Care.

(a) The lead agency or supervising agency will provide and coordinate training opportunities for licensed out-of-home caregivers. Licensed out-of-home caregivers shall be provided with information concerning the Multiethnic Placement Act and the Americans with Disabilities Act.

(b) The lead agency or supervising agency must share all available information on each child placed with the licensed out-of-home caregiver since they have to:

1. Make an informed decision about whether the child should be placed in their home; and
2. Provide appropriate care for the child.

(c) The child resource record, as defined in paragraph 65C-30.011(4)(a), F.A.C., must be compiled into a packet of information on each child and be given to the licensed out-of-home caregiver at the time of placement or within 72 hours.

(d) The lead agency or supervising agency must consider the licensed out-of-home caregiver's opinion in all major decisions for children in their care, including reunification, adoption or other permanency options. The supervising agency and lead agency are responsible for supporting licensed out-of-home caregivers in their decision-making and for ensuring that children in licensed out-of-home care are provided with opportunities to engage in age appropriate activities, including the development of a written plan for age appropriate activities for children age thirteen and over, according to Section 409.1451(3)(a)3., F.S. This plan shall be developed in partnership with the child's licensed out-of-home caregivers.

(e) The lead agency or supervising agency must provide licensed out-of-home caregivers notice of judicial and administrative review conferences regarding children in their care, and must encourage their attendance and participation in these reviews.

(f) The services worker will visit with the licensed out-of-home caregivers in accordance with paragraph 65C-13.028(2)(a), F.A.C., and the children in their care at least every thirty days in accordance with subsection 65C-30.007(5), F.A.C.

(g) The services worker must involve the licensed out-of-home caregivers in the development of the case plan, and the visitation plan and shall provide the licensed out-of-home caregivers with a copy.

(h) The lead agency or supervising agency must give a minimum of two weeks notice prior to moving a child unless doing so would not be in the child's best interest or upon an order by the court.

(i) Protective investigation staff must immediately investigate abuse or neglect reports against licensed out-of-home caregivers, and will notify the state attorney's office, in accordance with Section 39.202, F.S. Whenever possible a staff member from the supervising agency will accompany the protective investigator. Supervising agency staff must respond to and assess foster care referrals that involve licensed out-of-home caregivers. These policies and procedures must be discussed with all licensed out-of-home caregivers prior to licensing and again at every re-licensing.

(j) The services worker must provide the licensed out-of-home caregiver with a court order which authorizes the licensed out-of-home caregiver to obtain emergency medical

treatment prior to giving approval for a child to travel outside the state with the licensed out-of-home caregiver for an extended period of time.

(k) The supervising agency will provide the licensed out-of-home caregivers with an emergency Medicaid card for the child when necessary.

(l) The community-based care provider will be responsible for securing and paying for medical, vision and dental care for children who are not eligible for Medicaid, or who need services not covered by that program.

(m) The services worker will coordinate with the licensed out-of-home caregiver in making an appointment for the initial Child Health Check Up as defined in subsection 65C-30.001(17), F.A.C., if not previously accomplished. When a child is placed in any setting in shelter status, the screening must be completed within seventy-two hours of entering shelter. The services worker will make appointments for follow-up treatment if the need for this is identified during screening and will coordinate with the licensed out-of-home caregiver in arranging transportation.

(o) The department or supervising agency may provide licensed out-of-home caregivers with identification cards at the time of licensing and re-licensing.

(p) The community-based care provider or supervising agency shall provide licensed out-of-home caregivers with the names and phone numbers of persons who should be contacted in emergencies.

(q) The services worker will provide consistent feedback to the licensed out-of-home caregivers on their work with the child in their care.

(r) The services worker will provide ongoing information on case plan progress for the child and the legal family, and will inform the licensed out-of-home caregivers of any changes in the plan.

(s) The services worker will review the child's case plan with the licensed out-of-home caregivers on each visit to the home.

(t) Agency staff shall treat licensed out-of-home caregivers with courtesy, respect and as an important team member.

(u) Education. When children are placed in licensed out-of-home care as a result of abuse or neglect, they must receive the services needed to meet their assessed academic needs, provide for educational continuity, and support their continued attachment to their legal parents and identified community. The following conditions must be met in order to ensure that children receive appropriate services to meet their educational needs and preserve their principle attachments:

1. Children must be placed in a licensed care setting that allows continued enrollment in the same school whenever possible. A placement that would require a change in school

could be a reason for placement elsewhere, if that is in the best interest of the child and is documented in the case file and reported to the court.

2. All children placed in licensed out-of-home care are to receive a comprehensive health, behavioral and mental health assessment as per Rule 65C-28.014, F.A.C., and their educational needs addressed as per paragraph 65C-30.006(5)(h), F.A.C.

3. If children must be temporarily placed in a setting that requires a change in school enrollment, there must be documentation in the case record that efforts have been made to provide transportation for the child to his or her previous school.

4. If transportation is not feasible, there must be documentation in the case record regarding identification of a licensed out-of-home setting that will allow re-enrollment at the earliest opportunity, or why continued placement elsewhere is in the child's best interest.

5. The case record shall show documented efforts made to keep children's legal parents involved in the child's educational progress unless parental rights have been terminated.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History—New_____.

65C-13.030 Standards for Licensed Out-of-Home Caregivers.

(1) General Requirements.

(a) Generally, there should be no more than five children in a licensed home, including the family's own children.

(b) There shall be no more than two children under the age of two years in a home, including the licensed out-of-home caregiver's children.

(c) Therapeutic foster homes are limited to the placement of two children.

(d) Serving as a licensed out-of-home caregiver is a privilege and public trust. Applicants do not have an inherent right to a license as an out-of-home caregiver.

(e) Each licensed out-of-home caregiver applicant shall sign a Bilateral Service Agreement as defined in subsection 65C-30.001(11), F.A.C. The agreement shall be reviewed, and discussed with a licensing counselor prior to initial licensure and again at each re-licensure. The document must be signed by a representative from the supervising agency and the potential or licensed out-of-home caregiver.

(2) Utilization of Foster Home.

(a) Placement of a child in a home licensed by the Agency for Persons with Disabilities shall be approved by the Agency for Persons with Disabilities prior to placement. A home licensed by the Agency for Persons with Disabilities may be utilized for placement of children eligible for both programs without obtaining a separate license if the child is receiving Supplemental Security Income (SSI).

(b) Licensed Out-of-Home Caregivers Wishing To Offer Child Care.

1. Licensed out-of-home caregivers that have contracted with a lead agency are authorized by Section 409.1671(5)(b), F.S., to provide child care as a Licensed Family Day Care Home, as defined in Section 402.302(7), F.S., if they choose to do so and meet the requirements for licensing. A dually licensed foster home cannot provide care for more than five children, including biological, foster, and adopted children. Therapeutic or Medical Foster Homes can not be dually licensed.

2. All licensing standards and requirements for family foster homes and family day care homes shall be met and maintained.

3. Licensed out-of-home caregivers shall limit their operation as a Family Day Care Home as follows:

a. Hours of operation shall only occur between 6:00 a.m. and 7:00 p.m.;

b. Based on the premise that the foster care maintenance assistance is for the care of a foster child for a twenty-four hour period and includes the provision of daily supervision for the foster child, the out-of-home caregiver shall not be paid both the foster care board rate and child care subsidy for the same child;

c. A foster home providing child care under this section shall be inspected a minimum of twice per year, once by daycare licensing staff and once by the supervising agency's licensing specialist. The inspection is to assess the impact of the child care operation on the fostering experience;

d. Where foster homes are also licensed as a Family Day Care Home, the department shall make every effort to coordinate inspections with a licensing counselor from the child-care licensing program; and

e. Complaint investigations shall be conducted in conjunction with a representative from child care licensing.

(3) Emergency Shelter Family Foster Homes.

(a) Emergency shelter care providers shall have the ability to receive and supervise children twenty-four hours per day.

(b) Emergency shelter care providers shall maintain a shelter log for the child that documents the child's name, date of birth, and prescribed medications ~~prescribed~~; the name of the child's services worker; and the dates the child entered and exited provider's care.

(c) A family foster home may designate a certain number of beds for the purpose of shelter care as well as foster care.

(d) Emergency shelter parents shall familiarize each child with the evacuation plan.

(4) Personal Standards.

(a) A licensed out-of-home caregiver shall be a stable, responsible, and mature individual who is at least twenty-one years of age.

(b) At least one licensed out-of-home caregiver in the home shall be able to read, write and speak English and be able to effectively communicate with both any children placed in the home and with the supervising agency.

(c) A licensed out-of-home caregiver shall not operate the home as an adult boarding or rooming home or an adult daycare facility.

(d) The licensed out-of-home caregiver shall obtain written approval from the supervising agency prior to conducting any childcare or business in the home.

(e) A licensed out-of-home caregiver shall have a stable income sufficient to make timely payment for current shelter, food, utility costs, and other debts without relying on board payments unless the licensed out-of-home caregiver enters into an agreement with a lead agency to provide specialized care. Applicants shall have a source of income independent of child support or alimony.

(f) Childcare. Childcare for children in the custody of the department shall be with a licensed or registered child care provider. The cost of child care shall be assumed by the licensed out-of-home caregiver to the extent that subsidized child care is unavailable.

(g) Health History. A licensed out-of-home caregiver and any household members shall provide written statements from a physician regarding their general health, and whether they have any specific illness, disability, alcohol or other drug dependence, infectious diseases and other relevant health conditions that could threaten the safety of children in the home upon request by the department or supervising agency.

(h) Screening. Screening of licensed out-of-home caregivers and other household members shall meet the screening requirements set forth in Rule 65C-13.023, F.A.C.

(5) Physical Environment.

(a) The home shall be inspected by a representative of the environmental health office of the local public health department and receive a satisfactory inspection result for water supply, food holding temperature, plumbing, vermin control, sewage, and garbage and rubbish disposal, prior to initial licensing and annually prior to re-licensing.

(b) Family foster homes located in counties designated by the Department of Community Affairs Florida Radon Protection Map Categories as "intermediate" or "Elevated Radon Potential" areas shall be tested to determine the level of indoor radon as required in Section 404.056, F.S. Radon levels shall be at a level which does not affect the safety and well-being of children in the homes. Re-testing of licensed family foster homes for radon gas shall take place as required in Section 404.056, F.S.

(c) Outdoor Area.

1. The exterior of the home and premises shall be free from objects, materials, and conditions which constitute a danger to children. All garbage and trash shall be covered and removed regularly. There shall not be large, potentially

dangerous items stored in the safe outdoor play area such as old refrigerators, stacks of lumber and unregistered vehicles or boats.

2. The home shall have a safe outdoor play area on the property or within reasonable walking distance. All outdoor play equipment shall be kept in good repair. If the home is located on a busy street, there shall be a safety plan for supervision.

(d) Water Safety and Supervision.

1. Children shall be supervised visually at all times when they are in close proximity to any body of water. Access to swimming pools and bodies of water shall be restricted when supervision is not available and children shall never be left to swim alone.

2. Children who are placed in family foster homes which are adjacent to any body of water or that have swimming pools shall be instructed in water safety as appropriate for their age.

3. Wading pools shall be set up and maintained according to the manufacturer's instructions. Wading pools shall be emptied and stored when not in use and shall be filled with clean water before each use.

(e) Swimming Pools.

1. Swimming pools shall have a barrier on all sides at least four feet high. The barrier shall consist of a house plus a fence on the remaining three sides or a four-sided fence.

2. All access through the barrier shall have one of the following safety features: alarm, key lock, self-locking doors, bolt lock or other lock that is not accessible to children.

3. When the swimming pool is not in use all entry points shall be locked.

4. Above ground pools with steps or ladders shall have them secured, locked, or removed when the pool is not in use.

5. If the pool cannot be emptied after each use, the pool shall have a working pump and filtering system.

6. Hot tubs and spas shall be required to have a safety cover that is locked when not in use.

7. Swimming pools shall be equipped with one of the following life saving devices: ring buoy; rescue tube; flotation device with a rope; or a shepherd's hook of sufficient length to cover the area.

(f) Interior Environment.

1. The home shall have sufficient space and furnishings and be accessible to all members of the family.

2. Each child shall be provided with adequate storage space for personal belongings and a designated space for hanging clothes in or near the bedroom occupied by the child.

3. Bath and toilet facilities shall be clean and in good working order with a door for privacy.

4. The door of each bathroom shall have a lock that may be opened from the outside in an emergency.

5. The home shall be clean and free of hazards to the health and physical well-being of the family.

6. The home shall have a continuous supply of clean drinking water tested and approved by the local health department if the source of water is not from a municipal water supply. If the water is not approved, the licensed out-of-home caregiver shall agree to use bottled water for cooking and drinking until a satisfactory water report is obtained.

7. The home shall have an adequate supply of hot water. Hot water accessible to children shall not exceed 120 degrees Fahrenheit.

8. Each foster home shall have a working telephone in the home and accessible at all times. Emergency telephone numbers shall be posted by the telephone. Licensed out-of-home caregivers shall immediately notify the supervising agency if their telephone number changes.

9. All toys and equipment shall be in safe condition and kept clean and sanitary.

10. All rooms used by children shall be at a comfortable temperature. Rooms shall be dry and well ventilated.

11. All doors and windows used for ventilation shall be screened.

12. Rooms used by children shall be clean and well lit for activities such as homework, board games, and other educational or recreational opportunities.

13. When children are present, rooms shall be free of tobacco smoke.

(g) Sleeping Arrangements.

1. Bedrooms shall have adequate space for the number of children sleeping in the room. A minimum of forty square feet per child is required. Homes that are licensed prior to the promulgation of this rule shall be exempt from this requirement.

2. An adult shall be within hearing distance and accessible to the rooms where children under six years of age are sleeping.

3. Each child shall be provided with a clean, comfortable, permanent bed and mattress of his or her own. The bed shall be of sufficient size to comfortably accommodate the child.

4. Infants shall have their own crib which shall be maintained in good and safe condition and have a clean and comfortable mattress that fits snugly in the crib frame. Cribs shall not be placed close to windows with curtains or cords in which the child might become entangled.

5. Bunk beds shall be safe and sturdy. Bunk beds shall be equipped with safety rails on the upper tier for a child under the age of ten or for any child whose physical, mental, or emotional condition indicates the need for such protection. Beds shall not be bunked higher than two tiers.

6. A licensed out-of-home caregiver shall provide each foster child with clean linens. A foster child shall not be required to sleep on linens soiled by urine or excrement. Waterproof mattress covers should be provided for all beds and cribs of children experiencing enuresis or encopresis. Plastic garbage bags must not be used as mattress covers.

7. Children of any age shall not sleep on a living room sofa, cot or foldaway bed except in extenuating circumstances.

8. The entry to the foster child's bedroom shall not be located so as to require the foster child to pass through another bedroom or bathroom in order to enter his or her bedroom.

9. Children may never share a bed with an adult, regardless of age.

10. Children may not share a bed.

11. Children over 36 months of age may not share a bedroom with a child of the opposite sex.

12. Children over the age of twelve months shall not share a bedroom with an adult. The only exception to this would be if one of the children sharing a bedroom reaches his or her eighteenth birthday and the out-of-home caregiver and the supervising agency approve this sleeping arrangement. This exception applies only to the circumstances described above and not to any new placements in the home.

13. Infants twelve months of age or younger may share a bedroom with an adult provided the infant sleeps in his or her own crib.

14. Children over the age of twelve months may share a bedroom with an adult when it is deemed to be medically necessary. A doctor's note shall be placed in the licensing file of the department and the supervising agency.

(h) Foster Home Safety.

1. The licensed out-of-home caregiver shall make every effort to identify and immediately correct any hazard to the safety of foster children while in the home or while being transported.

2. All poisonous chemicals shall be in a locked location. Hooks, child safety latches and other baby proof devices do not qualify as locked storage for poisonous chemicals. Cleaning materials shall be made inaccessible to children.

3. Each foster family home shall have a first aid kit available and accessible to all caregivers.

4. All medications shall be stored in a location that is locked and inaccessible to children. Hooks, child safety latches and other baby proof devices do not qualify as locked storage for medications.

5. Alcoholic beverages shall be stored in a location out of reach to children.

6. Dangerous weapons shall be secured in a location inaccessible to children. Storage of guns shall comply with the requirements in Section 790.174, F.S. Weapons and ammunition shall be locked and stored separately, and in a place inaccessible to children.

7. Animals requiring vaccinations shall be current in all vaccinations. All animals shall be well cared for and maintained. The foster family home shall have a secure method to restrict children's access to potentially dangerous animals.

(i) Fire Safety.

1. The home shall be safe from fire hazards. All combustible items shall be stored away from sources of heat. Exits, stairways and hallways shall be free of obstacles that would hamper an emergency evacuation. The home shall have at least two exits. All doors with locks shall be capable of being opened from the inside.

2. All equipment such as heating and cooling units, washers, dryers, refrigeration systems, stoves and hoods shall be properly installed, vented and maintained.

3. Each bedroom shall have two means of exit in case of emergency. Bedrooms above ground level must have a means of escape that will allow for safe exit. If the home is equipped with burglar bars, the caregiver shall demonstrate that the burglar bars can be released to allow exit. A key placed near a window does not qualify as an approved emergency release method. Age appropriate training on opening of the burglar bars shall be provided to each child upon placement.

4. The licensed out-of-home caregiver shall have an evacuation plan posted in a conspicuous place in the home. The plan shall specifically provide for the safe exit of children who are incapable of understanding the plan or participating in drills. This plan should be shared with all children as appropriate to their age and level of understanding upon placement in the home.

5. Fire drills shall be conducted a minimum of two times a year. The licensed out-of-home caregiver shall maintain a log of fire drills conducted, including the date, beginning and ending time, specific location and participants' names.

6. Each floor in the home shall have a fully charged, unexpired 2A10BC fire extinguisher. One of the fire extinguishers shall be adjacent to the kitchen. There shall also be at least one operating smoke alarm on each floor. There shall be a smoke alarm in each bedroom area.

7. The home shall not be heated by un-vented gas fired space heaters or oil heaters unless they are equipped with an oxygen depletion sensor and the home has a carbon monoxide alarm. All gas-fired devices shall be equipped with an automatic pilot gas shut-off control. All electrical wiring shall meet required building codes.

8. All fireplaces, space heaters, steam radiators, and hot surfaces shall be shielded against accidental contact. Access by children under six years of age shall be restricted by a barrier.

9. Extension cords shall not extend from one room to another with the exception of situations involving emergency loss of power due to a natural or manmade disaster. Multiple electric outlet adapters shall not be used for more than two extensions at one time.

10. Volatile materials shall not be stored where water heaters are located or near other sources of heat. Attic space shall not be used for the storage of volatile materials.

(j) Transportation Safety.

1. The licensed out-of-home caregiver shall have transportation available twenty-four hours a day. All vehicles used to transport children shall be in safe condition, in compliance with applicable motor vehicle laws of the state, and equipped with seat belts and approved car seats for children as required under Section 316.613(1)(a), F.S. Vehicles shall be smoke-free when foster children are being transported. The licensed out-of-home caregiver shall have the ability to safely transport the number of children in his or her care.

2. The licensed out-of-home caregiver shall have all vehicles insured. The licensed out-of-home caregiver shall not allow foster children to be transported by any person not possessing a valid driver's license or auto insurance.

3. The licensed out-of-home caregiver shall not have driving violations less than five years old on file with the Department of Motor Vehicles, which relate to driving under the influence of alcohol, or drugs. A copy of the licensed out-of-home caregiver's driving record shall be provided to the licensing authority at the time of initial licensure and at each re-licensure.

4. The licensed out-of-home caregiver shall not transport foster children in vehicles such as truck beds, motorcycles, or any other high-risk method of transportation. The licensed out-of-home caregiver shall not transport children on his or her lap.

(k) Disaster Plans.

1. Each licensed out-of-home caregiver shall make a written plan for evacuation in the event of a natural or man made disaster. The plan shall be kept up to date.

2. The plan shall include where the family intends to go and information as to how the family may be reached and must be shared with the supervising agency.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History—New _____.

65C-13.031 Terms of a License.

(1) It is unlawful for any person to make a willful or intentional misstatement on any license application or other document filed in connection with an application for a license. An applicant who makes such willful or intentional misstatements shall have his or her license denied or revoked.

(2) The ~~district~~ or regional licensing authority shall request in writing, any additional information legally required for the purposes of making a licensing determination, within ten working days of receipt of an application packet and either grant or deny an initial license application within ten working days of receipt of a complete application packet.

(3) Initial licenses shall only be issued to persons who have met all licensing requirements.

(4) A license is issued to specific caregivers for a specific location and is not transferable to any other person or location. Offices, conference rooms and other non home-like settings are not appropriate for licensing or placement of children in care.

(5) The license shall reflect the name of the licensee, the licensee's physical address, city and county, the name of the supervising agency and the license number along with its beginning and expiration dates. The approved capacity and any limitations placed on the licensed out-of-home caregiver shall be displayed. An initial license is valid for one year from the date of issuance unless the license is revoked or voluntarily relinquished.

(6) A license for renewal shall be issued for longer than one year but no longer than three years providing that the applicant has:

(a) Maintained a license with the department for three consecutive years;

(b) Is in good standing with the supervising agency and the department;

(c) Has not been the subject of a report of child abuse or neglect with any findings of maltreatment ~~an abuse or neglect report with some indicators or verified findings of maltreatment.~~

(7) The department reserves the right to reduce a licensure period at any time. When the department determines that a reduction in the licensure period is warranted, it shall promptly notify the supervising agency and the applicant in writing, identifying the reasons for the reduction in the licensure period, the statutory authority for this action and the applicant's right of appeal pursuant to Chapter 120, F.S.

(8) Authorized licensing staff of the department or supervising agency may make unannounced inspections of a licensed foster home. The inspection may include examination of all rooms and areas on the property and interviews of all household members.

(9) All licenses shall be signed by the district or regional administrator or designee in upper level management.

(10) Provisional License.

(a) Provisional licenses shall not be issued without the submission of a written plan to the licensing authority identifying the deficiencies and time frames for correcting the deficiencies prior to the expiration of the provisional license.

(b) No license shall be issued if there is a failure to comply with background screening requirements of Rule 65C-13.023, F.A.C.

(c) In rare instances, the department may issue a provisional license to an applicant who is unable to fully conform to the licensing requirements, but who is believed to be able to meet the licensing requirements in matters that do not involve immediate danger to children or jeopardize their safety. Before a provisional license may be issued, a corrective

action plan shall be developed by the applicant and the supervising agency and be submitted with the application packet.

(d) Under no circumstances shall new or additional children be placed in a foster home which has been issued a provisional license.

(e) A provisional license may be issued for a period of up to one year but shall not be re-issued as a continued provisional license.

(f) A provisional license may be suspended if periodic inspection made by the supervising agency indicates insufficient progress has been made toward corrective action plan compliance.

(11) License Modifications.

(a) Modifications shall be made to a license at the request of the licensed out-of-home caregiver or as a result of corrective measures.

(b) Modifications which alter information set forth on the existing license shall result in the issuance of a new license. This new license shall be titled "Amended License" and shall expire on the same date as on the existing license.

(c) If a request for modification occurs within ninety days of the expiration of the license, the supervising agency may choose to conduct all activities consistent with re-licensure. The new license shall be valid for one year from the new date of issuance.

(d) A licensed out-of-home caregiver that relocates within a region shall retain the same license number.

(12) Record Confidentiality. Any information made confidential by Section 409.175(16), F.S., shall be exempt from release unless otherwise ordered by the court. This confidentiality also applies to records maintained by community-based care providers pursuant to Section 119.011(2), F.S.

(13) File Retention.

(a) The department and lead agency shall maintain a central file in the region for every family foster home licensed. The file shall include, at a minimum, all initial and subsequent licensing documentation; complaint investigation information; waivers and any other additional documentation obtained regarding the family foster home.

(b) Supervising agencies shall maintain a file on every active licensed family foster home. The file shall include, at a minimum, all initial and subsequent licensing documentation as well as all other licensing related activities including documentation of background screening requirements. These files must be maintained in a secure location and when requested, be made available for monitoring or auditing purposes.

(c) Files of prospective licensed out-of-home caregivers who do not become licensed shall be retained by the supervising agency for a period of five years.

(d) Files of licensed out-of-home caregivers shall be maintained for twenty years after closure.

(e) Files of applicants who are denied licensure shall be maintained for a period of twenty years after the issuance of the denial or final denial order date, whichever is later.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History—New_____.

65C-13.032 Capacity, Placement, and Over-Capacity Assessments.

(1) Capacity.

(a) A recommendation shall be made by the supervising agency for the licensed capacity in each family foster home based on:

1. An evaluation of the skills, experience and support network of the prospective licensed out-of-home caregiver;
2. The physical space in the home; and
3. The needs of the children served.

(b) The total number of children in the home shall not exceed five children, including the out-of-home caregiver's own children, unless the home is being licensed as a child specific license for a sibling group larger than five. There shall be no more than two infants under twenty-four months in a foster home, including the family's own legal children.

(2) Placement. The total number of children placed in each family foster home shall be based on the recommendation of the supervising agency, using the following criteria:

- (a) The needs of each child in care;
- (b) The ability of the licensed out-of-home caregiver(s) to meet the individual needs of each child, including any adoptive or legal children living in the home;
- (c) The amount of safe space;
- (d) The ratio of active and appropriate adult supervision to the number of children; and
- (e) The background, experience, and skill of the licensed out-of-home caregivers.

(3) Approval of Over-Capacity Assessments for Over Five Children or More than Two Infants.

(a) Assessment approvals for the rule of five or no more than two infants under twenty-four months shall be given prior to placement for the following situations and shall be approved personally and in writing by the Regional Administrator or the Chief Executive Officer for the Community Based Care Lead Agency:

1. To accommodate a sibling group. This may be a sibling group with some of the children already in the home as well as a sibling group being placed for the first time;
2. To accommodate a child or sibling group needing placement who has previously lived in the home;
3. To allow a teen parent in substitute care to have his or her child or children placed in the same home.

4. If the prohibition of the placement would be contrary to the child's best interest.

(b) If the total number of children in a family foster home will exceed the rule of five or exceed two infants under twenty-four months, including the family's own children, the assessment of each child in the home and of the child being placed in the home shall be completed by the services worker and approved in writing by the services worker's supervisor prior to the placement.

1. The assessment shall include:

a. The medical, mental, physical and behavioral needs of each child;

b. A clear, concise explanation of why the exception should be approved including the reason it has been determined that this is the most appropriate available placement;

c. A description of any special services or support systems which may be necessary to assure the well-being of the child or children being placed;

d. A description of how this home can physically accommodate the additional child or children. Accommodations shall include a bed, adequate closet space and room for personal possessions and adequate privacy;

e. Information concerning how the needs of any particularly vulnerable child currently in placement can be adequately protected;

f. Placement needs and risk factors for children who have been sexually victimized or who are sexually aggressive;

g. Verification that there are no active complaints, licensing standards in violation, active abuse reports or foster care referrals for the proposed placement; and

h. The duration of the waiver; Initial assessment approval shall not exceed 30 days. Subsequent approvals for the same child or children may be approved for (90) day extensions personally and in writing by the Regional Administrator or by the Community Based Care Lead Agency Chief Executive Officer or their designees;

2. General Requirements for the Assessment.

a. The services worker shall provide to the licensing counselor a copy of the completed assessment within five working days of the child's placement.

b. The written and approved assessment shall be placed in the licensing file of the out-of-home caregiver.

c. The licensing counselor shall conduct a home visit with the licensed out-of-home caregiver within seven calendar days of a child's placement to ensure that all appropriate services identified by the services worker are in place to support the out-of-home caregiver.

(4) General Over-Capacity and Age Differential Approvals.

(a) Written approval shall be obtained prior to placement when the licensed capacity and recommended ages of children are exceeded and shall be approved the Regional Administrator

or his or her designee in upper level management or the Chief Executive Officer for the Community Based Care Lead Agency or his or her designee in upper level management:

(b) An initial approval shall not exceed thirty calendar days except when the approval is used to accommodate a sibling group larger than five or with more than two siblings under 24 months of age.

(c) Subsequent approvals for the same child or children may be approved in writing for a ninety-day extension.

(d) The approval for the home shall automatically expire when the total number of children in the home is at or below the licensed capacity.

(e) An approval may be issued for one hundred eighty calendar days if it is issued to accommodate a sibling group larger than five or more than two infants under 24 months of age. Subsequent approvals may be approved for a one hundred eighty-day extension.

(f) All child placements shall be recorded in the Statewide Automated Child Welfare Information System (SACWIS) by the supervising agency within forty-eight hours of placement. When such a placement causes a home to exceed a total of five children, the approval shall be recorded on the provider licensing screen.

Specific Authority 409.175 FS. Law Implemented 409.175(3)(a), 409.175(5)(a)4., 409.175(5)(b) FS. History—New _____.

65C-13.033 Babysitting, Respite and Other Supervision.

(1) All persons who provide respite care in their own homes shall be licensed pursuant to Section 409.175, F.S.

(3) All respite care providers shall be furnished with written information on the children in their care including:(2) All persons providing respite care in the family foster home where the child is placed shall be screened pursuant to Rule 65C-13.023, F.A.C. Training in the pre-service program for these respite providers shall be strongly encouraged. If a respite care provider is unable to attend the pre-service training, he or she shall receive an orientation that includes the protocol for handling emergencies, confidentiality, the department's discipline policy and an overview of the pre-service curriculum addressing discipline and behaviors of foster children. The licensing counselor shall document this orientation.

(a) Telephone numbers for the services worker in case of an emergency;

(b) Medical authorization and instructions on seeking medical care;

(c) Medications, instructions for administering, and the log for recording proper administration of the medications;

(d) Physician's name and telephone number;

(e) School;

(f) Medicaid number; and

(g) Medical, physical or behavioral concerns.

(4) A licensed out-of-home caregiver is entitled to paid respite. Six hours or more shall constitute a paid respite day.

(5) Supervising agency approval shall be obtained prior to the respite period if reimbursement is sought.

(6) Babysitting.

(a) Babysitters shall be at least sixteen years of age or older and shall be screened by securing a Florida Department of Law Enforcement name check, a child abuse and neglect records check through the Statewide Automated Child Welfare Information System, and a local criminal check.

(b) The licensed out-of-home caregiver is responsible for ensuring individuals providing babysitting are suitable and appropriate for the age, developmental level and behaviors of the children.

(c) The licensed out-of-home caregiver is responsible for ensuring babysitters receive an orientation that covers protocol for handling emergencies, including telephone numbers for the licensed out-of-home caregiver, services worker and physician. The discipline policy and confidentiality shall be clearly explained.

(d) A youth aged sixteen or older who is the licensed out-of-home caregiver's legal child, a relative or neighbor, and whom the licensed out-of-home caregiver knows to be of sufficient reliability and maturity may baby-sit foster children. The length of time depends on the maturity and needs of the foster child(ren) and the maturity of the babysitter.

(e) Babysitting by sixteen to eighteen year olds will not include more than three children.

(f) A procedure shall be established for a time limit in which the licensed out-of-home caregiver will contact the babysitter periodically during his or her absence. Babysitting is limited to less than twenty-four hours in duration.

(g) Foster children shall not be permitted to provide supervision to children in the home.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History--New _____.

65C-13.034 Complaint Investigations and Foster Care Referrals.

(1) The department maintains responsibility for ensuring the investigation of all complaints and foster care referrals alleging licensing violations.

(2) The department, lead agency and supervising agency have the right to inspect the entire premises of the licensed out-of-home caregiver at any reasonable time.

(3) Upon receiving a regulatory complaint investigation, the child protection investigator shall:

(a) Immediately notify the licensing staff from the department if during regular business hours and if after hours, the next business day

(b) Immediately notify the lead agency and the supervising agency if during regular business hours and if after hours, the next business day

(c) Immediately notify the placement unit, or on-call placement unit if after hours.

(4) The supervising agency staff responsible for conducting the investigation will review the file and may consult with the department's licensing staff for technical assistance if needed.

(5) The department licensing staff shall be responsible for developing and maintaining a comprehensive procedure for tracking all institutional reports.

(6) The department licensing staff shall work in cooperation with the lead agency and supervising agency to ensure a thorough investigation is conducted. All contacts shall be thoroughly documented. Complaint investigations and foster care referrals shall be initiated within twenty-four hours of receipt by the supervising agency's licensing unit unless otherwise authorized by the department licensing authority. Foster care referrals will be received and assigned according to Rule 65C-29.006, F.A.C. The supervising agency licensing staff member assigned to the referral will interview the child or children listed as subjects of the referral and visit the family foster home or emergency shelter home within twenty four hours of receipt of the referral by the licensing unit unless a staffing is held with the licensing unit supervisor and a determination is made and documented in the licensing file, that a home visit is not necessary. If a home visit is not made, the licensing staff responsible for the referral will contact the licensed out-of-home caregiver to discuss the referral within twenty four hours of receipt of the referral. The licensing staff member responsible for the referral will complete the assessment of the referral within five working days of receipt of the referral by the licensing unit. The results of the assessment and any necessary corrective action plan will be documented in the licensing file and a copy forwarded to the licensing authority within seven working days of receipt of the referral by the licensing unit of the supervising agency.

(7) Complaints against a licensed out-of-home caregiver meeting the criteria for acceptance of a report of abuse or neglect shall be investigated jointly with the Child Protective Investigator whenever possible. The focus of the licensing counselor's investigation or assessment is limited to violations of licensing standards pursuant to Section 409.175, F.S. and Chapter 65C-13, F.A.C.

(8) Complaints against a licensed out-of home caregiver meeting the criteria for acceptance of a report of abuse or neglect, closed with verified or some indicators of abuse or neglect, shall have a staffing conducted with the following persons: department licensing staff, supervising and lead agency staff, the case manager, the protective investigator, and any other parties with pertinent information relating to the case or compliant. This staffing shall be held prior to the closure of the report. Upon completion of the investigation, the protective investigator shall notify all pertinent parties to arrange a suitable time and place to convene the staffing. Complaints against a licensed out-of-home caregiver not meeting the criteria for child abuse or neglect may be staffed.

(9) Within seven working days of the staffing a complaint investigation the supervising agency's licensing staff shall forward the results of the complaint and any necessary corrective action plan to the licensing authority.

(10) Corrective action plans shall be developed and monitored in conjunction with the supervising agency. Corrective action plans shall be in writing and identify specific dates by which corrective measures shall be completed. The written corrective action plan shall also state that failure to comply with the corrective measures within the time frames identified may result in administrative action including suspension, revocation or denial of the license.

(11) The supervising agency's licensing staff shall thoroughly document the complaint investigation or foster care referral assessment information in the licensing file. The supervising agency shall give written notification to the licensed out-of-home caregivers and the department of the outcome of the investigation as it relates to the licensing violations, and, if appropriate a corrective action plan.

(12) All complaint investigations or foster care referrals shall be completed within five working days of the receipt of the complaint unless otherwise authorized by the licensing authority.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History—New _____.

65C-13.035 Administrative Actions, Appeals and Closures.

(1) General Information. All licensing action negatively impacting an out-of-home caregiver, including a denial, suspension or revocation, is subject to the procedures set forth in Section 120.60, F.S. The department is the licensing authority for all family foster homes and has final authority for approval, denial or suspension of any license.

(2) Denial of Initial Licensure.

(a) The department shall have ninety days following receipt of a complete application packet to grant or deny the application in accordance with Section 120.60, F.S.

(b) If the supervising agency determines that the applicant should not be licensed, the applicant shall be notified in writing within ten working days of the determination, identifying the reasons for the denial, the statutory authority for the denial and the applicant's right of appeal pursuant to Chapter 120, F.S. The applicant shall be afforded the opportunity to withdraw the application. If the applicant elects to withdraw the application, this must be documented in writing in the licensing file.

(c) If the applicant does not withdraw the application, the supervising agency shall provide to the department sufficient information to support the recommendation of the denial. When the department determines that the license should be denied, it shall notify the applicant in writing within ten

working days of the decision, identifying the reasons for the denial, the statutory authority for the denial and the applicant's right of appeal pursuant to Chapter 120, F.S.

(3) Administrative Action for Existing Foster Homes.

(a) If licensing violations are found such that the child's physical, mental, or emotional health is significantly impaired or is in danger of being significantly impaired, the licensing counselor shall consult with his or her supervisor and the child's services worker for an immediate review of the safety of any children placed in the home.

(b) Foster Care Referrals regarding concerns about the care provided in a licensed foster home, group home or emergency shelter which do not meet the criteria for acceptance of a report of abuse, neglect or abandonment, such as the use of corporal punishment not resulting in marks, bruises or injury shall be documented in the statewide automated child welfare information system and transmitted to the county where the child is currently located for assessment by the supervising agency's licensing staff. Foster Care Referrals or Special Conditions reports involving Child on Child Sexual Abuse allegations must be handled according to Rule 65C-29.007, F.A.C. If it is determined that child on child sexual abuse has occurred or if the report is closed with "some indicators", meaning that there is credible evidence, which does not meet the evidentiary requirements, to support that the specific injury, harm or threatened harm was the result of abuse or neglect, of child on child sexual abuse the following must occur:

1. The services worker, supervising agency licensing staff and the licensed out-of-home caregiver must cooperatively develop a plan on how to manage the sexually aggressive child that is preventative in nature, but includes the child in family living;

2. The services worker must ensure that a child who sexually abuses or victimizes other children is the youngest child placed in the home, giving consideration also to other children's vulnerabilities such as mental and physical handicaps, etc., and document assessment and actions taken in the child's case file and the licensing file; and

3. The supervising agency staff in consultation with the department's licensing staff, the child's services worker and others involved in the child's case plan shall determine if the sexually aggressive child will remain in the home and under what conditions, or if another placement is necessary and document the decision-making process in the children's case files and the licensing file.

(c) If licensing violations are found which do not pose an immediate threat to the health, safety or welfare of the children, the supervising agency shall prepare a written corrective action plan to correct the deficiencies. The plan shall be developed by the supervising agency in conjunction with the licensed out-of-home caregivers and shall be approved by the department.

(d) Written notification shall be sent to the licensed out-of-home caregiver that specifies the deficiency, expected corrective action, time frame for completion, and that failure to comply within the time frame specified shall result in the license being suspended, denied, or revoked. The approved corrective action plan shall be put in writing and hand delivered or sent by certified mail, return receipt requested, to the licensed out-of-home caregiver. The signed return receipt shall be placed in the licensing file.

(e) Corrective action plans shall be prepared for a licensed out-of-home caregiver who appears to have the ability to understand and correct the infraction. Corrective action plans do not apply to a caregiver who has developed a pattern of deficiencies that has not been rectified by prior attempts at corrective action. In these cases, the supervising agency shall work with the licensing authority, the department’s legal counsel and lead agency to determine whether action should be taken to suspend, deny or revoke the license.

(f) Failure of the licensed out-of-home caregiver to timely comply with the corrective action plan may result in suspension, denial of re-licensure, or revocation of the license.

(g) The licensed out-of-home caregiver shall be given notice if the supervising agency determines that it cannot recommend re-licensure.

(h) If the licensed out-of-home caregiver disagrees with the supervising agency’s recommendation, he or she may still request renewal of the license. The supervising agency shall accept the application and refer the licensed out-of-home caregiver’s file to the department with a recommendation for denial.

(i) A decision to revoke, suspend, or deny further licensure is made after a review is done in conjunction with the department’s legal counsel, supervising and lead agencies. Written notification by certified mail shall be provided to the licensee. The notice shall include the statutory and rule violations that were found shall advise of the action to be taken, and the right to challenge the action through an administrative proceeding as provided in Chapter 120, F.S.

(4) Documentation Requirements Prior to Administrative Action.

(a) Before making a determination that a license shall be denied, suspended or revoked, the following shall be documented in the licensing file:

1. All qualifying abuse reports and all reports of licensing violations and the outcome of the investigation(s);
2. List of all deficiencies or conditions, other than abuse or neglect of the children, which compromise the safety or well-being of the children;
3. The length of time and frequency of the noncompliance with the licensing requirements or deficiencies in caring for children;

4. The date of written notification to the licensee as to the deficiency and time given to the licensee to correct the deficiency;

5. The licensing staff’s efforts to help the licensee to come into compliance;

6. Barriers, if any, which prohibit the licensee from correcting the deficiencies;

7. All license revocations and denials shall comply with requirements of Chapter 120, F.S.; and

8. All documentation shall be reviewed with the department’s legal counsel. The notice of revocation or denial shall not be sent to the out-of-home caregiver without approval of both the department’s legal counsel and the licensing authority.

(5) Voluntary Closures.

(a) The supervising agency shall conduct an exit interview with licensed out-of-home caregivers who are closing. This interview is an opportunity to explore any recommendations for improvement that the licensed out-of-home caregiver may be willing to share.

(b) The supervising agency shall document the reason for closure and whether re-licensing would be recommended.

(c) If re-licensing would not be recommended, the licensing file shall clearly document the reasons re-licensing is not appropriate.

(d) If the closure is voluntary and in lieu of revocation or denial of a license, the supervising agency shall document the reason for the denial.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History–New _____.

DEPARTMENT OF FINANCIAL SERVICES

Division of Accounting and Auditing

RULE NO.: 69I-73.001
RULE TITLE: Definitions

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 49, December 7, 2007 issue of the Florida Administrative Weekly.

The definition of “custodian” in Rule 69I-73.001 has been changed to read:

(3) “Custodian” has the meaning set forth in Section 274.01(2), F.S.

Section IV Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN THAT on January 28, 2008, the Criminal Justice Standards and Training Commission, received a petition for waiver of Rule 11B-27.00213, F.A.C., from Joseph Carrafiello. Mr. Carrafiello wishes to be re-employed under a temporary employment authorization without waiting the required four years since he left his last TEA.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, P. O. Box 1489, Tallahassee, FL 32302, or telephoning (850)410-7676. Comments on the petition may be directed to the above.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

NOTICE IS HEREBY GIVEN THAT on January 22, 2008, the Department of Highway Safety and Motor Vehicles has issued an order.

Notice is hereby given that the Department of Highway Safety and Motor Vehicles issued an Order Granting Rule Variance or Waiver under Section 120.542, Florida Statutes, on January 22, 2008, to the C.O.R.E. Program and Peggy Cioffi. The petition requesting the variance or waiver was received by DHSMV on October 28, 2007. Notice of receipt of the petition requesting the waiver was published in Volume 33, Number 46, of the F.A.W., on November 16, 2007. No public comment was received.

The Petitioner sought variance from or waiver of paragraph 15A-10.014(2)(d), Florida Administrative Code, which states as follows:

Contributions to retirement cannot exceed the percentage of gross compensation contributed by the employer of members of the Regular Class of the Florida Retirement System pursuant to Section 121.071, Florida Statutes.

The Order rules that the percentage of gross compensation contributions under the Florida Retirement System had significantly decreased since implementation of the rule and as now applied imposes a significant hardship in that it requires a significant reduction to the Petitioner's contribution rates to employee retirement. The order also rules that the underlying purpose of Section 322.292(2), Florida Statutes, providing for Department oversight of a DUI Program's Financial Management is accomplished by other applicable provisions within the statutes.

A copy of the Order may be obtained by contacting: Mark J. Hiers, Assistant General Counsel, Department of Highway Safety and Motor Vehicles, Neil Kirkman Building, 2900 Apalachee Parkway, Room A432, Tallahassee, Florida 32399.

NOTICE IS HEREBY GIVEN THAT on January 28, 2008, the Department of Highway Safety and Motor Vehicles has issued an order.

Notice is hereby given that the Department of Highway Safety and Motor Vehicles issued an Order Granting Rule Variance or Waiver under Section 120.542, Florida Statutes, on January 28, 2008, to Marilyn Price. The petition requesting the variance or waiver was received by DHSMV on October 28, 2007. Notice of receipt of the petition requesting the waiver was published in Vol. 33, No. 47, of the F.A.W., on November 21, 2007. No public comment was received. The Petitioner sought a variance from or waiver of subsection 15A-10.026(2), Florida Administrative Code, which states as follows:

In regards to Certificates of Completion and Student Status Report, HSMV Form 77057, education and evaluation components shall be completed within 90 days of enrollment. If a client fails to complete either or both of the components by the end of that 90 day period, the program shall submit the Student Status Report, HSMV Form 77057 to the Department indicating that the client has failed to complete DUI. If a client returns to the program more than 90 days after the original enrollment to complete the program, the client shall be required to pay the entire registration fee and complete both the education and evaluation components.

The Order rules that the Petitioner's employment and unique family responsibilities, positive feedback from the DUI Program as well as her participation at the Florida Detoxification Center demonstrates that the strict application of the rule will impose a significant hardship in her circumstances and that the underlying purpose of the applicable statutes will be served by granting the variance or waiver of subsection 15A-10.026(2), Florida Administrative

Code. The Order grants the Petition for Variance or Waiver from the rule and directs the Petitioner to complete the evaluation component within 30 days of the date of the order.

A copy of the Order may be obtained by contacting: Mark J. Hiers, Assistant General Counsel, Department of Highway Safety and Motor Vehicles, Neil Kirkman Building, 2900 Apalachee Parkway, Room A432, Tallahassee, Florida 32399.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT on January 23, 2008, the Suwannee River Water Management District, received a petition for waiver from Stephan Buckles, 425 N. W. Riverbank Road, Mayo, FL 32066, pursuant to Section 120.542, FS. Petitioner is seeking a variance from subsection 40B-4.3030(9), F.A.C., to the zero-rise certification requirements, and paragraph 40B-4.3030(12)(b), F.A.C., to the 75-foot setback requirement. The residence is in Lafayette County, in Township 4 South, Range 11 East, Section 36, which encroaches in the 75-foot setback of the Suwannee River. These rules are intended to set forth criteria for development activities with a Work of the District. Comments on this petition should be filed with: Jon Dinges, District Clerk, SRWMD, 9225 CR 49, Live Oak, FL 32060, within 14 days of publication of this notice. The petition has been assigned ERP Number 06-0661M.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Robin Lamm, Administrative Assistant, Suwannee River Water Management District, 9225 CR 49, Live Oak, FL 32060, (386)362-1001 or (800)226-1066 in Florida only.

NOTICE IS HEREBY GIVEN THAT on January 3, 2008, the St. Johns River Water Management District, received a petition for variance from Brevard Community College, pursuant to Section 120.542, Florida Statutes. Petitioner is seeking a variance from subparagraph 40C-41.063(1)(c)1., F.A.C., and Section 11.1.3 of the Applicant's Handbook: Management and Storage of Surface Waters (February 1, 2005) (A.H.), for Environmental Resource Permit (ERP) Application No. 40-009-15955-12. The permit applicant is proposing to construct a surface water management system to serve a project known as Jupiter Boulevard Extension WQ Retention Basins, in Brevard County. The system will modify work previously authorized by permit numbers 4-009-0104 and 4-009-0606-ERP and will include wet detention ponds

discharging into the Melbourne-Tillman Water Control District canal system. subparagraph 40C-41.063(1)(c)1., F.A.C., and Section 11.1.3, A.H., prohibit the construction, operation, and maintenance of a surface water management system in the Upper St. Johns River Hydrologic Basin that results in an increase in the amount of water being diverted from the Basin to coastal receiving waters. These rules are intended to protect the water resources of the state by limiting discharges of fresh water to estuarine waters and curtailing interbasin diversion. Comments on this petition should be filed with: Robert Nawrocki, District Clerk, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, within 14 days of publication of this notice. The petition has been assigned F.O.R. Number 2008-11.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Timothy A. Smith, Senior Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, or by telephone at (386)312-2347.

NOTICE IS HEREBY GIVEN THAT on January 17, 2008, the South Florida Water Management District (District), received a petition for waiver from Paul Sands, Jr., Application No. 07-1204-1, for utilization of Works or Lands of the District known as the C-1W Canal, Miami-Dade County, for four (4) existing trees located 36-37 feet from top of bank along east right of way of C-1W canal, Section 35, Township 55 South, Range 39 East. The petition seeks relief from subsections 40E-6.011(4) and (6), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground encroachments within 40 feet from the top of bank within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juli Triola at (561)682-6268 or e-mail at jtriola@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Juli Triola, Office of Counsel.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on January 16, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subsections 61C-4.010(7) and 61C-4.010(5), Florida Administrative Code, from Sunshine Café located in Destin. The above referenced F.A.C.'s state that all bathrooms shall be of easy and convenient access to both patrons and employees and Chapter four in the 2001 Federal Food and Drug Administration (FDA) Food Code. The Chapters in the 2001 FDA Food Code refer to required

equipment in food service establishments. The Petitioner is requesting to share bathrooms; warewashing facilities and service sink equipment with a licensed food service establishment on the same premises but with separate ownership.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on January 17, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN that on January 8, 2008, for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from JuiceBlendz located in Tampa. 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 use centrally located bathroom facilities inside the food court.

This variance request was approved 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 six (6) 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.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on January 17, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN that on January 10, 2008, for an Emergency Variance for paragraph 61C-4.0161(2)(c), Florida Administrative Code (F.A.C.), from The Plantation at Ponte Vedra located in Ponte Vedra Beach. 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 remodeled.

This variance request was approved for twelve months (12) 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.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on January 22, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsection 61C-4.010(7), paragraphs 61C-1.004(1)(a), 61C-1.004(1)(d) and subsection 61C-4.010(6), Florida Administrative Code (F.A.C.), from Cocoa Palms located in Orlando. The above referenced F.A.C.'s state that all bathrooms shall be of easy and convenient access to both patrons and employees; the water supply shall meet the standards provided in Chapters 64E-8, 62-550 and 62-555, F.A.C., sewage shall be disposed of in a public sewerage system or other approved sewerage system in accordance with the provisions of Chapter 64E-6 or 62-601 F.A.C., and physical facilities at public food service establishments shall be subject to the provisions of Chapter 6 of the Food Code. They are requesting a variance to use centrally located bathroom facilities inside the food court and to not have hard plumbing in their kiosk and use alternative methods for sewage disposal and obtaining potable water.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

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 December 13, 2007, the Department of Environmental Protection's Northwest District Office, received a petition for a waiver from Goose Bayou Committee, Homeowners Association seeking a waiver from the provision of Rule 62-312.050, F.A.C., Exemptions for Dredge and Fill Activities, which provides exemptions to the requirement of a permit for certain dredge and fill activities. Specifically the petition requests a waiver from portions of the Rule that pertain to maintenance dredging. The petition has been assigned OGC File No. 07-2627.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Marlane Castellano, Department of Environmental Protection, 2353 Jenks Avenue, Panama City,

Florida 32405, (850)872-4375. Comments must be received by the Department no later than 14 days from the date of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on January 22, 2008, the Florida Department of Environmental Protection, received a petition for a variance under Section 120.542, Florida Statutes, from the requirement that new aboveground storage tanks be installed with an impervious dike field area under subparagraph 62-762.501(2)(c)1., Florida Administrative Code, from Motiva Enterprises LLC for their facility at 6500 Commerce Street, Tampa, Florida. Petitioner requests to install overfill retention and tank shell monitoring systems in place of the impervious dike field area on a new aboveground storage tank. Petition has been assigned OGC# 08-0165.

A copy of the Petition for Variance or Waiver may be obtained by contacting: John Svec, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 4525, Tallahassee, Florida 32399-2400, (850)245-8845, e-mail john.svec@dep.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on January 28, 2008, the Department of Environmental Protection Northwest District has issued an order.

Notice of receipt of this petition was published in the F.A.W. on January 26, 2007. Holley-Navarre Water Systems Inc.'s petition filed on December 21, 2006, requested a variance from paragraph 62-610.521(6)(c), F.A.C., Part IV Rapid-Rate Land Application Systems for two of the three new rapid infiltration basins to be constructed at the new Holley Wastewater Reclamation Facility's Reuse Project. The petitioner requested the variance to reduce the setback distance from 50 feet to 25 feet for the proposed Rapid Infiltration Basins included in the proposed Holley-by-the-Sea Gulf Power Easement Reuse Project. No public comment was received. The Order, file number FLA548464-002-DWF/VO [OGC Case No.: 07-0049], granted the Petition from the minimum 50-foot setback requirement, with conditions, to Holley-Navarre Water System, Inc., based on a showing that Petitioner demonstrated that a strict application of the rule would result in substantial hardship to Petitioner or would affect Petitioner differently than other similarly situated applicants and because Petitioner had successfully fulfilled the requirements of the underlying statute by other means. The conditions of the order are:

a. Holley-Navarre Water System, Inc., shall maintain a minimum of a 25-foot setback distance from the property line to the Rapid Infiltration Basin for the south side of the "South" Rapid Infiltration Basin included in the proposed Holley Wastewater Reclamation Facility's Reuse Project.

b. Holley-Navarre Water System, Inc., shall maintain a minimum of a 43.5-foot setback distance from the property line to the Rapid Infiltration Basin for the east side of the "North" Rapid Infiltration Basin included in the proposed Holley Wastewater Reclamation Facility's Reuse Project.

c. Holley-Navarre Water System, Inc., usage of the proposed Rapid Infiltration Basins included in the proposed Holley Wastewater Reclamation Facility's Reuse Project shall be authorized by wastewater permit (FLA548464).

A copy of the Order may be obtained by contacting: Department of Environmental Protection, Northwest District, Bill Evans, 160 Governmental Center, Pensacola, FL 32502-5794, (850)595-8300, bill.evans@dep.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on January 23, 2008, the Department of Environmental Protection has issued an order.

Notice of receipt of a petition for a variance was published in the F.A.W. on January 19, 2007. The petition requested a variance from paragraph 62B-41.0075(1)(b), F.A.C., for an experimental coastal construction project. This rule states that, "the proposed location must be properly suited for a non-biased comprehensive analysis of the results of the proposed coastal construction." No public comment was received. The Order, file number 0269543-001-JC and OGC file number 07-2736, granted the Petition, based on a showing that the Petitioner demonstrated that a strict application of the rule would result in substantial hardship to the Petitioner or would affect Petitioner differently than other similarly situated applicants and because Petitioner had successfully fulfilled the requirements of the underlying statute by other means.

A copy of the Order may be obtained by contacting: Lizbeth Childs, Department of Environmental Protection, 3900 Commonwealth Blvd., MS 300, Tallahassee, Florida 32399-3000, (850)413-7787.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on January 25, 2008, the Board of Nursing, received a petition for Variance or Waiver filed on January 25, 2008 on behalf of Brewster Technical Center, a Practical Nursing education provider. Pursuant to Chapter 28-104, F.A.C. and Section 120.542, F.S., Petitioner seeks a waiver of Rule 64B9-2.005, F.A.C., entitled "Faculty Qualifications." Specifically, the Petitioner requests that for reasons of substantial hardship described in the Petition, the Board waive the appropriate requirements under the aforementioned rule so as to grant the Petitioner to retain for the remainder of the Practical Nursing program (January 17, 2008 to May 30, 2008) a faculty member who meets only one of two requirements called for under Rule 64B9-2.005, F.A.C. This Petition will be considered by the Board at it's meeting in April, 2008.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259.

NOTICE IS HEREBY GIVEN THAT on January 28, 2008, the the Department of Health, Bureau of Emergency Medical Services, received a petition for variance or waiver from Carol Sutton, M.D. in relation to her work in Calhoun County.

Applicable Rule: Paragraph 64E-2.004(3)(c), Medical Direction, Florida Administrative Code.

Nature of Rule: Requires a medical director shall be board certified and active in a broad-based clinical medical specialty with demonstrated experience in prehospital care and hold an ACLS certificate or equivalent as determined in Rule 64E-2.032, F.A.C. Prehospital care experience shall be documented by the provider.

Date and Place of Notice: Notice was published on February 8, 2008 in the F.A.W.

All comments and requests for copies of the petition must be received in writing by February 22, 2008.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lisa M. Walker, Government Analyst II, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C18, Tallahassee, Florida 32399-1738.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN THAT on January 25, 2008, the Florida Housing Finance Corporation has issued an order.

The Florida Housing Finance Corporation gives notice of the entry of an Order Granting a Petition for Waiver or Variance
NAME OF THE PETITIONER: Eastridge Partners, Ltd.

DATE PETITION WAS FILED: December 21, 2007

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Paragraph 67-21.018(4)(f), Florida Administrative Code

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: F.A.W., January 4, 2008, Vol. 34, No. 01

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: January 25, 2008

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. The Final Order is posted on Florida Housing's website at floridahousing.org.

Requests for copies or inspections should be made to: Sherry Green, Public Records Clerk, at the above address, telephone (850)488-4197 or e-mail to Sherry.Green@floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on January 25, 2008, the Florida Housing Finance Corporation has issued an order.

The Florida Housing Finance Corporation gives notice of the entry of an Order Granting a Petition for Waiver or Variance
NAME OF THE PETITIONER: Lamson Avenue Apartments, Ltd.

DATE PETITION WAS FILED: December 21, 2007

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Paragraph 67-21.008(1)(b), Florida Administrative Code

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: F.A.W., January 4, 2008, Vol. 34, No. 01

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: January 25, 2008

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. The Final Order is posted on Florida Housing's website at floridahousing.org.

Requests for copies or inspections should be made to: Sherry Green, Public Records Clerk, at the above address, telephone (850)488-4197 or e-mail to Sherry.Green@floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on January 25, 2008, the Florida Housing Finance Corporation has issued an order.

The Florida Housing Finance Corporation gives notice of the entry of an Order Granting a Petition for Waiver or Variance
NAME OF THE PETITIONER: Maple Crest Limited Partnership

DATE PETITION WAS FILED: November 6, 2007

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Paragraph 67-48.004(14)(j), Florida Administrative Code

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: F.A.W., November 16, 2007, Vol. 33, No. 46

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION CLOSED THE FILE: January 25, 2008

THE GENERAL BASIS FOR THE DECISION: The Petitioner voluntarily withdraw the petition on January 21, 2008.

A copy of the Order is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. The Final Order is posted on Florida Housing’s website at floridahousing.org.

Requests for copies or inspections should be made to: Sherry Green, Public Records Clerk, at the above address, telephone (850)488-4197 or e-mail to Sherry.Green@floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on January 25, 2008, the Florida Housing Finance Corporation has issued an order.

The Florida Housing Finance Corporation gives notice of the entry of an Order Granting a Petition for Waiver or Variance
NAME OF THE PETITIONER: Pebble Hill Estates, LP

DATE PETITION WAS FILED: December 21, 2007

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Subsection 67-48.002(83), Florida Administrative Code

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: F.A.W., January 4, 2008, Vol. 34, No. 01

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: January 25, 2008

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. The Final Order is posted on Florida Housing’s website at floridahousing.org.

Requests for copies or inspections should be made to: Sherry Green, Public Records Clerk, at the above address, telephone (850)488-4197 or e-mail to Sherry.Green@floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on January 25, 2008, the Florida Housing Finance Corporation has issued an order.

The Florida Housing Finance Corporation gives notice of the entry of an Order Granting a Petition for Waiver or Variance
NAME OF THE PETITIONER: St. Giles Manor, Ltd.

DATE PETITION WAS FILED: December 21, 2007

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Paragraph 67-48.004(1)(a), Florida Administrative Code

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: F.A.W., January 4, 2008, Vol. 34, No. 01

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: January 25, 2008

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. The Final Order is posted on Florida Housing’s website at floridahousing.org.

Requests for copies or inspections should be made to: Sherry Green, Public Records Clerk, at the above address, telephone (850)488-4197 or e-mail to Sherry.Green@floridahousing.org.

NOTICE IS HEREBY GIVEN that on January 25, 2008, the Florida Housing Finance Corporation has issued an order.

The Florida Housing Finance Corporation gives notice of the entry of an Order Granting a Petition for Waiver or Variance
NAME OF THE PETITIONER: Winter Haven Lakeside Terrace, Ltd., LLLP

DATE PETITION WAS FILED: December 19, 2007

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Paragraph 67-48.004(14)(e), Florida Administrative Code

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: F.A.W., January 4, 2008, Vol. 34, No. 01

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: January 25, 2008

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. The Final Order is posted on Florida Housing’s website at floridahousing.org.

Requests for copies or inspections should be made to: Sherry Green, Public Records Clerk, at the above address, telephone (850)488-4197 or e-mail to Sherry.Green@floridahousing.org.

FISH AND WILDLIFE CONSERVATION

NOTICE IS HEREBY GIVEN THAT on December 21, 2007, the Florida Fish and Wildlife Conservation Commission has issued an order.

The order grants a temporary variance, with conditions, from subparagraph (2)(a)4. of the Sarasota County manatee protection rule (Rule 68C-22.026, Florida Administrative Code) to the Sarasota Ski-A-Rees, Inc. ("Ski-A-Rees"). The petition was filed with the Commission on October 1, 2007, and a notice of petition was published in the F.A.W. on November 21, 2007. No public comments were received. The variance authorizes Ski-A-Rees to operate motorboats above regulated speeds while engaged in show-ski operations and training within a portion of the Slow Speed zone near City Island. The variance applies through December 7, 2012. A variance was granted because the Commission determined that a substantial hardship exists and because the purposes of Section 370.12(2), F.S., would be achieved by other means, specifically through the setting of conditions and limitations on the activities.

A copy of the Order may be obtained by contacting: Scott Calleson, Florida Fish and Wildlife Conservation Commission, Imperiled Species Management Section (6A), 620 South Meridian Street, Tallahassee, Florida 32399.

Section VI**Notices of Meetings, Workshops and Public Hearings**

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

State Board of Administration
 Financial Services Commission
 Department of Veterans' Affairs
 Department of Highway Safety and Motor Vehicles
 Department of Law Enforcement
 Department of Revenue
 Department of Education
 Administration Commission
 Florida Land and Water Adjudicatory Commission
 Board of Trustees of the Internal Improvement Trust Fund
 Department of Environmental Protection

DATE AND TIME: February 26, 2008, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency

of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to, matters relating to rulemaking for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and for all activities relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S. The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve

Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation and Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

DEPARTMENT OF LEGAL AFFAIRS

The **Florida Commission on the Status of Women** announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 12, 2008, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Legislative Committee.

DATE AND TIME: February 12, 2008, 11:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Awards & Recognition Task Force.

DATE AND TIME: February 12, 2008, 3:00 p.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Bylaws Committee.

DATE AND TIME: February 13, 2008, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual Report Committee.

DATE AND TIME: February 14, 2008, 9:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Finance and Budget Committee.

DATE AND TIME: February 20, 2008, 3:00 p.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Women's Hall of Fame/History Committee

DATE AND TIME: February 21, 2008, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Committee.

DATE AND TIME: February 27, 2008, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Outreach Taskforce.

A copy of the agenda may be obtained by contacting: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, phone (850)414-3300, Fax (850)921-4131.

Pursuant to the provisions of 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: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, phone (850)414-3300, Fax (850)921-4131. If you

are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, phone (850)414-3300, Fax (850)921-4131.

The **Department of Legal Affairs**, Council on the Social Status of Black Men and Boys, announces a public meeting to which all persons are invited.

DATE AND TIME: February 22, 2008, 1:00 p.m. – 3:00 p.m.

PLACE: Gulf Coast Community College Conference Room, 5230 West Highway 98, Panama City, Florida 32401. Telephone conference capability will be provided for those who cannot attend. The dial in number is 1(888)808-6959 and the Conference Code is 0131521068.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the 2008 organizational meeting of the Council. The Council shall make a systematic study of the conditions affecting black men and boys, including, but not limited to, homicide rates, arrest and incarceration rate, poverty, violence, drug abuse, death rates, disparate annual income levels, school performance in all grade levels including postsecondary levels, and health issues.

A copy of the meeting agenda may be obtained by contacting: Michael Coard via telephone at (850)414-3300 or via email at Michael.Coard@myfloridalegal.com.

Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Bureau at least 48 hours prior to the meeting by contacting the Bureau of Criminal Justice Programs at (850)414-3300. If you are 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, contact the Bureau of Criminal Justice Programs at (850)414-3300.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Animal Industry Technical Council** (AITC) announces a public meeting to which all persons are invited.

DATE AND TIME: March 13, 2008, 1:00 p.m. – 4:00 p.m.

PLACE: The State Emergency Operations Center, 2555 Shumard Oak Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Animal Industry Technical Council (AITC) will hold its quarterly meeting at the State Emergency Operations Center (SEOC), 2555 Shumard Oak Boulevard, Tallahassee, Florida on Thursday, March 13, 2008 from 1:00 to 4:00 p.m. The meeting is open to the public. For more information, please call Anne Vuxton at (850)410-0914.

Pursuant to the provisions of 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 Anne Vuxton at (850)410-0914. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Pesticide Registration Evaluation Committee** (PREC) announces a public meeting to which all persons are invited.

DATE AND TIME: March 7, 2008, 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: Pesticide Registration Section at (850)487-2130 or from the PREC Web Site: <http://www.flaes.org/pesticide/pesticideregistration.html>.

For more information, you may contact: Mr. Charlie L. Clark, Administrator, Pesticide Registration Section, 3125 Conner Boulevard, Building 6, Room 601, Tallahassee, Florida 32399-1650, (850)487-2130.

The **Viticulture Advisory Council** announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 19, 2008, 9:00 a.m.

PLACE: The call number is (850)245-5758

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Viticulture Advisory Council meets 4 times a year make recommendations to the Commissioner of Agriculture, annually, on viticulture research, promotion, and education and, as necessary, the industry's recommendations for revisions to the State Viticulture Plan. The purpose of this meeting is to conduct the general business of the Florida Viticulture Advisory Council.

A copy of the agenda may be obtained by contacting: Tom Thomas at (850)922-9827 or Lacoadaia Burkes at (850)921-1850.

For more information or if you need special accommodations, call Tom Thomas at (850)922-9827 or Lacoadaia Burkes at (850)921-1850.

The Florida **Tobacco Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, February 19, 2008, 7:00 p.m.

PLACE: Florida Farm Bureau Suwannee, 407 Dowling Avenue, S. E., Live Oak, FL 32064, (386)362-1274

GENERAL SUBJECT MATTER TO BE CONSIDERED: General council business and funding for 2008.

For more information, you may contact or if you need special accommodations due to disability please call Marshall Wiseheart at (850)488-4366.

The Florida **Department of Agriculture and Consumer Services, Division of Forestry** (DOF) and the Belmore State Forest Management Plan Advisory Group announces a hearing to which all persons are invited.

DATE AND TIME: Wednesday, February 20, 2008, 6:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Meeting. To allow the Belmore State Forest Management Plan Advisory Group to prepare for a public hearing the evening of February 20, 2008 and provide recommendations to the DOF to help in preparation of a management plan for the Belmore State Forest.

DATE AND TIME: Wednesday, February 20, 2008, 6:30 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing. To solicit comments on management of the Belmore State Forest. Comments may be presented orally or in writing at the hearing. Written comments may also be submitted to the DOF's Belmore State Forest C/O Jennings State Forest Office at 1337 Long Horn Road, Middleburg, FL 32068, to the attention of Frank Burley and should be mailed so as to arrive at the office by the date of the public hearing.

DATE AND TIME: Thursday, February 21, 2008, 10:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Meeting. To allow the Belmore Forest Management Plan Advisory Group to review comments from the public hearing of February 20, 2008 and provide recommendations to the DOF to help in preparation of a management plan for the Belmore State Forest.

PLACE: Penney Farms Town Hall, 4100 Clark Avenue, Penney Farms, FL 32079 (off of Highway 16)

A copy of the agenda may be obtained by contacting Frank Burley at (904)291-5530. Copies of a working draft of the plan and the management prospectus are available by contacting: Belmore State Forest, C/O Jennings State Forest, 1337 Long Horn Road, Middleburg, FL 32068 or by contacting Frank Burley at (904)291-5530.

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

are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

DEPARTMENT OF EDUCATION

The **Board of Governors**, State University System of Florida announces a public meeting to which all persons are invited.

DATE AND TIME: February 21, 2008, 9:00 a.m.

PLACE: By Telephone Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: Recommendations regarding the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute; recommendations from the Emergency Management and Campus Safety Task Force; Report on Enrollment; Recommendations from the Mental Health Issues Subcommittee; Continuing discussions of the budget reductions; and other matters pertaining to the Board of Governors.

A copy of the agenda may be obtained by contacting: Mary-Anne Bestebreurtje, Corporate Secretary, Board of Governors, 1614 Turlington Building, 325 W. Gaines St., Tallahassee, FL 32399-0400.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Mary-Anne Bestebreurtje, Corporate Secretary, Board of Governors, 1614 Turlington Building, 325 W. Gaines St., Tallahassee, FL 32399-0400. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Mary-Anne Bestebreurtje, Corporate Secretary, Board of Governors, 1614 Turlington Building, 325 W. Gaines St., Tallahassee, FL 32399-0400.

The Florida **Department of Education** announces a public meeting to which all persons are invited.

DATE AND TIME: February 19, 2008, 8:30 a.m.

PLACE: The Capitol, LL03, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting agenda will consist of the approval of minutes of the conference call held February 4, 2008, and updates on various

reports and status of education initiatives by the Chairman and Commissioner. Action items include: Approval of Amendment to Proposed Rule 6A-1.09401, Student Performance Standards, Approval of Proposed New Rule 6A-1.099822, School Improvement Rating for Alternative Schools, Pending Charter School Appeals, Approval of Baccalaureate Degrees as requested by community colleges, Approval of the Go Higher Florida Task Force Recommendations, Approval of Critical Teacher Shortage Areas for 2008-09, and Approval of the Perkins IV State Plan. The consent items include: Approval of Amendment to Proposed Rule 6A-1.0014, Comprehensive Management Information Systems, Approval of Proposed New Rule 6A-1.039, Supplemental Educational Services in Title I Schools, Approval of Amendment to Proposed Rule 6A-1.0451, Florida Education Finance Program Student Membership Surveys, Approval of Amendment to Proposed Rule 6A-1.094221, Alternative Standardized Reading Assessment and Use of Student Portfolio for Good Cause Promotion, Approval of Amendment to Proposed Rule 6A-1.09412, Course Requirements – Grades 6-12 Basic and Adult Secondary Programs, Approval of Amendment to Proposed Rule 6A-4.0243, Specialization Requirements for Certification in Foreign Language (Grades K-12) – Academic Class, Approval of Proposed New Rule 6A-6.025, Use of Epinephrine Auto-Injectors, Approval of Amendment to Proposed Rule 6D-12.003, Campus Police Department, Florida School for the Deaf and the Blind, and other items for the State Board's consent. The Policy Issue for Concurrence items include: Setting the Minimum 2006-07 Voluntary Pre-Kindergarten Provider Readiness Rate.

A copy of the agenda may be obtained by contacting the Department of Education's website at <http://www.fldoe.org>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting the Office of Equity and Access at (850)245-9531. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Lynn Abbott at (850)245-9663.

The **Articulation Coordinating Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 27, 2008, 1:00 p.m. – 4:00 p.m.

PLACE: Room 1721/25, Turlington Building, 325 West Gaines Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Articulation issues regarding secondary and postsecondary education.

A copy of the agenda may be obtained by contacting: Office of Articulation, Florida Department of Education, 1401 Turlington Building, Tallahassee, Florida 32399-0400, (850)245-0427 or Suncom 205-0427.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Dr. Shruti Graf at (850)245-7820. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Florida School for the Deaf and the Blind**, President Search Committee commissioned by the Board of Trustees of the Florida School for the Deaf and the Blind announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, February 20, 2008, 4:00 p.m.

PLACE: Center for Leadership and Development, Moore Hall, FSDB campus, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the search for President of the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by contacting: Elmer L. Dillingham, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799, or by calling (904)827-2000.

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Indian River Academy** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 5, 2008, 10:00 a.m.

PLACE: 5900 Tedder Road, Fort Pierce, FL 34947

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide update on training classes and any other issues involving Region XI.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Division of Emergency Management** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 25, 2008, 9:30 a.m.

PLACE: State Logistics Response Center, 2702 Directors Row, Orlando, Florida 32809

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a Hurricane Loss Mitigation Advisory Council (RCMP) meeting pursuant to Section 215.559, Florida Statutes.

A copy of the agenda may be obtained by contacting: Shemeeka Hopkins, Community Assistance Consultant, Division of Emergency Management at (850)922-4079.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Iris Stanley, Planning Manager, Division of Emergency Management at (850)922-4454. If you are 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: Iris Stanley, Planning Manager, Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-4454.

DEPARTMENT OF TRANSPORTATION

The **Florida Scenic Highways Program** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 20, 2008, 1:30 p.m. – 4:30 p.m.

PLACE: Haydon Burns Building, 605 Suwannee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Scenic Highways Advisory Committee. The purpose of the meeting is to review and provide a recommendation on the De-designation of the Tamiami Trail Scenic Highway, the J.C. Penney Memorial Scenic Highway Eligibility Application, the Florida Black Bear Scenic Byway Designation Application, the Scenic 30-A Designation Application, and the Lemon Bay/Myakka Trail Designation Application.

A copy of the agenda may be obtained by contacting: Mariano Berrios, State Scenic Highways Coordinator, Environmental Management Office, Florida Department of Transportation, 605 Suwannee Street, MS-37, Tallahassee, Florida 32399-0450, (850)414-5250, e-mail mariano.berrios@dot.state.fl.us or Fax (850)414-4443.

Pursuant to the provisions of 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 Mariano Berrios at (850)414-5250. If you are 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 Mariano Berrios at (850)414-5250.

The **Department of Transportation**, District One announces a hearing to which all persons are invited.

DATE AND TIMES: Wednesday, March 5, 2008, open house: 4:30 p.m. – 6:00 p.m.; formal presentation followed by public comment period: 6:00 p.m.

PLACE: Highlands County Agri Civic Center Auditorium, 4509 George Boulevard, Sebring, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons the opportunity to view maps and materials on display and to express their views concerning the U.S. 27 (S.R. 25) Corridor Access Management Plan from one mile south of S.R. 70 to one mile north of U.S. 98 (S.R. 66) in Highlands County, Financial Project ID Number: 202081-1-12-02.

A copy of the agenda may be obtained by contacting: Ms. Meg Wadham, Public Involvement Coordinator, by calling 1(866)893-9378, by writing to 225 E. Robinson Street, Suite 505, Orlando, FL 32801, or by e-mail at meg.wadham@ch2m.com or Mr. Bob Crawley, Project Manager, by calling 1(800)292-3368, by writing 801 North Broadway Avenue, Bartow, FL 33831, or by e-mail at Bob.Crawley@dot.state.fl.us.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting Ms. Wadham. If you are 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: Thursday, March 20, 2008, 6:00 p.m.

PLACE: University of Florida Indian River Research and Education Center, 2199 South Rock Rd., Ft. Pierce, FL 34945
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose is to receive public comment on the draft North Fork, St. Lucie River Aquatic Preserve Management Plan. A copy of the draft plan will be available for viewing starting February 15, 2008, at www.dep.state.fl.us/coastal. The North Fork, St. Lucie River Aquatic Preserve Advisory Committee will be participating.

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).

STATE BOARD OF ADMINISTRATION

The **Florida Prepaid College Board** announces a public meeting to which all persons are invited.

DATES AND TIMES: Monday, February 11, 2008, 2:00 p.m., recessing at the end of each session and reconvening, as necessary, the next business day at 9:00 a.m., or such other time and date as is posted at the meeting room prior to 9:00 a.m. of the day proceeding the day of the meeting, until business has been concluded.

PLACE: Florida Prepaid College Board Office, 2nd Floor, 1801 Hermitage Blvd., Suite 210, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and score responses received to the Invitation to Negotiate for Advertising, Marketing & Public Relations Services, ITN #07-01.

A copy of the agenda may be obtained by contacting: Thomas J. Wallace, Executive Director, Florida Prepaid College Board, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, or by calling (850)488-8514.

Pursuant to the provisions of 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 faxing a written request for same to Thomas J. Wallace, Executive Director, Florida Prepaid College Board at (850)488-3555, no later than five (5) 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Florida Prepaid College Board** announces a public meeting to which all persons are invited.

DATES AND TIME: Thursday, February 21, 2008, 8:30 a.m., recessing at the end of each session and reconvening, as necessary, the next business day at 8:30 a.m., or such other time and date as is posted at the meeting room in Tallahassee prior to 8:30 a.m. of the day proceeding the day of the meeting, until business has been concluded.

PLACE: The Hermitage Centre, Hermitage Room, 1801 Hermitage Boulevard, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and score responses received to the Invitation to Negotiate for Advertising, Marketing & Public Relations Services, ITN #07-01.

A copy of the agenda may be obtained by contacting: Thomas J. Wallace, Executive Director, Florida Prepaid College Board, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, or by calling (850)488-8514.

Pursuant to the provisions of 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 faxing a written request for same to Thomas J. Wallace, Executive Director, Florida Prepaid College Board at (850)488-3555, no later than five (5) 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).

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 CITRUS

The Florida **Department of Citrus**, Processing Statistics Reporting Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, February 19, 2008, 9:00 a.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, Florida 33801

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to discuss the post estimate fruit price report. The Committee will also discuss any other issues that may properly come before the Committee.

A copy of the agenda may be obtained by contacting Everette Taylor at (863)499-2500.

Pursuant to the provisions of 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 Bill Jones at (863)499-2500. If you are 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 Everette Taylor at (863)499-2500.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 27, 2008, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450, (850)488-3417

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, (850)488-3417.

Pursuant to the provisions of 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, (850)488-3417. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Governor's Office of Film and Entertainment** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, February 13, 2008, 9:30 a.m.

PLACE: The Capitol, Suite 2001, Tallahassee, FL 32399-0001.

Call In #: 1(888)808-6959, Conference Code 4104765

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the status of proposed bills, new legislative assignments for upcoming session, hear public input and advisement.

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact the Governor's Office of Film and Entertainment at (850)410-4765.

The **Children and Youth Cabinet** announces a public meeting to which all persons are invited.

DATE AND TIME: February 15, 2008, 9:00 a.m. – 4:00 p.m.

PLACE: Miramar City Hall, 2300 Civic Center Place, Miramar, FL 33025

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Children and Youth Cabinet members will discuss their legislative priorities as well as other issues regarding child welfare in Florida.

A copy of the agenda may be obtained by contacting: Jennifer M. Stan, Office of Adoption and Child Protection at (850)922-0082 or jennifer.stan@eog.myflorida.com.

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: Jennifer M. Stan, Program Coordinator, Office of Adoption and Child Protection at (850)922-0082 phone, (850)921-0173 Fax or email: jennifer.stan@eog.myflorida.com.

REGIONAL PLANNING COUNCILS

The **Withlacoochee Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 21, 2008, 7:00 p.m.
PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34471-0323

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Council.

A copy of the agenda may be obtained by contacting the Executive Director.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 11, 2008, 8:30 a.m.
PLACE: ECFRPC offices, 631 N. Wymore Road, Suite 100, Maitland, FL 32751

GENERAL SUBJECT MATTER TO BE CONSIDERED: February Meeting of the ECFRPC Executive Committee to discuss the agenda of the February 20, 2008 meeting.

A copy of the agenda may be obtained by contacting: rlittle@ecfrpc.org or by calling (407)623-1075.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 days before the workshop/meeting by contacting Ruth Little at (407)623-1075. If you are 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 **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 11, 2008, 10:00 a.m.
PLACE: 631 N. Wymore Road, Suite 100, Maitland, FL 32751

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the ECFRPC Strategic Regional Policy Plan Task Force to discuss updating the SRPP document.

A copy of the agenda may be obtained by contacting: rlittle@ecfrpc.org or by calling (407)623-1075.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 days before the workshop/meeting by contacting Ruth Little at (407)623-1075. If you are 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**, Executive/Budget Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, March 10, 2008, 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 Executive/Budget Committee.

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, March 10, 2008, 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: 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 calling 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).

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: Wren Krahl 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, March 10, 2008, 11:30 a.m.
PLACE: 4000 Gateway Centre Blvd., #100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the TBRPC Legislative Committee.

A copy of the agenda may be obtained by calling 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 calling 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).

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: Wren Krahl at (727)570-5151, ext. 22.

The **Tampa Bay Regional Planning Council**, Agency on Bay Management announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 13, 2008, 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: 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 calling Suzanne Cooper at (727)570-5151, ext. 32. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Suzanne Cooper at (727)570-5151, ext. 32.

The **Tampa Bay Regional Planning Council**, Clearinghouse Review Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, March 24, 2008, 9:30 a.m.

PLACE: 4000 Gateway Centre Blvd., #100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Review Committee.

A copy of the agenda may be obtained by contacting: 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 calling 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).

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 calling Wren Krahl at (727)570-5151, ext. 22.

The **Southwest Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 21, 2008, 11:00 a.m.

PLACE: Southwest Florida Regional Planning Council, 1st Floor, Conference Room, 1926 Victoria Avenue, Fort Myers, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council's Lower West Coast Watersheds Subcommittee to discuss water quality issues across Southwest Florida.

A copy of the agenda may be obtained by contacting: Mr. David Crawford at (239)338-2550, ext. #226 or by email dcrawford@swfrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mrs. Deb Kooi at (239)338-2550, ext. #210 or by email dkooi@swfrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Mr. James Beever at (239)338-2550, ext. #224 or by email jbeever@swfrpc.org.

The **Southwest Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 28, 2008, 9:30 a.m.

PLACE: Southwest Florida Regional Planning Council, 1st Floor, Conference Room, 1926 Victoria Avenue, Fort Myers, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Region IX – Local Emergency Planning Committee (LEPC) will be meeting to discuss and implement provisions of the Emergency Planning and Community Right To Know Act. The Southwest Florida Fire Departments Hazmat Team Meeting will immediately follow the LEPC meeting.

A copy of the agenda may be obtained by contacting: Mr. John Gibbons, Senior Planner at (239)338-2550, ext. 229 or email jgibbons@swfrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mrs. Deb Kooi, Administrative Services Manager at (239)338-2550, ext. 210 or email dkooi@swfrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Mr. John Gibbons, Senior Planner at (239)338-2550, ext. 229 or email jgibbons@swfrpc.org.

REGIONAL TRANSPORTATION AUTHORITIES

The **South Florida Regional Transportation Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, February 15, 2008, 9:00 a.m.

PLACE: Board Room of SFRTA's Administrative Offices, 800 N. W. 33rd Street, Pompano Beach, FL 33064

GENERAL SUBJECT MATTER TO BE CONSIDERED: Property Task Force.

A copy of the agenda may be obtained by contacting the SFRTA Planning Office at (954)788-7916.

Pursuant to the provisions of 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: Executive Office, 800 N. W. 33rd Street, Suite 100, Pompano Beach, Florida 33064. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **South Florida Regional Transportation Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, February 19, 2008, 2:00 p.m.

PLACE: Main Conference Room of SFRTA's Administrative Offices, 800 N. W. 33rd Street, Pompano Beach, FL 33064

GENERAL SUBJECT MATTER TO BE CONSIDERED: Marketing Committee Meeting.

A copy of the agenda may be obtained by contacting SFRTA Marketing Office at (954)788-7935.

Pursuant to the provisions of 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: Executive Office, 800 N. W. 33rd Street, Suite 100, Pompano Beach, Florida 33064. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **South Florida Regional Transportation Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, February 22, 2008, 9:30 a.m.

PLACE: Board Room of the South Florida Regional Transportation Authority, Administration Building, 800 N. W. 33rd Street, Suite 100, Pompano Beach, Florida 33064

GENERAL SUBJECT MATTER TO BE CONSIDERED: SFRTA Governing Board Meeting.

A copy of the agenda may be obtained by contacting the Executive Office at (954)788-7915.

Pursuant to the provisions of 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: Executive Office, 800 N. W. 33rd Street, Suite 100, Pompano Beach, Florida 33064. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Tampa Bay Area Regional Transportation Authority** (TBARTA) Board announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, February 22, 2008, 9:30 a.m. – 12:00 Noon

PLACE: Lakewood Ranch Town Hall, 6310 Lakewood Ranch Boulevard, Bradenton, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The TBARTA Board is convening to discuss developing a comprehensive Regional Transportation Master Plan for Citrus, Hernando, Hillsborough, Pasco, Pinellas, Manatee and Sarasota Counties.

A copy of the agenda may be obtained by contacting: <http://www.tbarta.com>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Brandie Miklus, Transportation Planner at (813)217-4037. Public participation is solicited without regard to race, color, religion, sex, age, nation origin, disability, or family status. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 21, 2008, 6:00 p.m. – 8:00 p.m.

PLACE: Vero Beach City Commission Building, City Commission Chambers Room, 1053 20th Place, Vero Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review land management and land acquisition activities in the Southern Region.

A copy of the agenda may be obtained by contacting Terri Mashour at (386)329-4855.

Pursuant to the provisions of 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 Karen Davis at (386)329-4404. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: February 26, 2008, 9:00 a.m.

PLACE: The Southwest Florida Water Management District Headquarters, Governing Board Room, 2379 Broad Street, Brooksville, FL 34604-6899

GENERAL SUBJECT MATTER TO BE CONSIDERED: Tampa Bay Water has requested a hearing pursuant to Section 120.54(3)(c), F.S., regarding the District's proposed Rule 40D-8.041, F.A.C., published in Vol. 32, No.1, January 6, 2006 issue of the F.A.W., to establish minimum flows for the freshwater segment of the Alafia River. A hearing was held November 30, 2006 and continued to February 27, 2007, to April 24, 2007, to October 30, 2007, then to January 29, 2008. On January 29, 2008, the hearing was continued to the date, time and place described above.

A copy of the agenda may be obtained by contacting: Karen Lloyd, Assistant General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, ext. 4651.

Pursuant to the provisions of 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: Dianne Lee, (352)796-7211 or 1(800)423-1476, ext. 4658, TDD only number 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).

REGIONAL UTILITY AUTHORITIES

The **Withlacoochee Regional Water Supply Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 20, 2008, 4:30 p.m.

PLACE: Hernando County Government Center, County Commission Chambers, 20 N. Main Street, Brooksville, FL 34601

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct regular business of the Authority.

A copy of the agenda may be obtained by contacting: Withlacoochee Regional Water Supply Authority, 1107 Shalimar Drive, Tallahassee, FL 32312 or at www.WRWSA.org under "minutes and notices", "current agenda."

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 Jackson Sullivan at (850)385-0220.

DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs**, Advisory Council announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 20, 2008, 8:30 a.m. – 9:30 a.m.

PLACE: Teleconference, Dial-in: 1(888)808-6959

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of the initiatives that the advisory council and the department want to undertake.

A copy of the agenda may be obtained by contacting: W. John Matthews III, Department of Elder Affairs, 4040 Esplanade Way, Suite 315M, Tallahassee, FL 32399-7000, (850)414-2085, Suncom 994-2085, e-mail: matthewsw@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: W. John Matthews III, Department of Elder Affairs, 4040 Esplanade Way, Suite 315M, Tallahassee, FL 32399-7000, (850)414-2085, Suncom 994-2085, e-mail: matthewsw@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: W. John Matthews III, Department of Elder Affairs, 4040 Esplanade Way, Suite 315M, Tallahassee, FL 32399-7000, (850)414-2085, Suncom 994-2085, e-mail address: matthewsw@elderaffairs.org.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, February 19, 2008, 10:00 a.m.

PLACE: Agency for Health Care Administration, Conference Room "A", 2727 Mahan Drive, Tallahassee, Florida. Any person interested in participating by telephone may dial (713)481-0090/Pass Code: 9701442#.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a combined meeting of the State Consumer Health Information and Policy Advisory Council Health Plan Consumer Reports and Health Care Facilities Technical Workgroups to which all interested parties are invited. The purpose is to conduct a meeting of key health care stakeholders to discuss issues relating to implementing Florida Statutes mandating transparency in health care through public reporting of health care data.

A copy of the agenda may be obtained by contacting: William Dahlem, Ph.D. or Adrienne Henderson, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop

#16, Tallahassee, FL 32308-5403. The agenda will also be posted at http://ahca.myflorida.com/SCHS/chistwg_hpccr.shtml and http://ahca.myflorida.com/SCHS/chistwg_hcf.shtml.

Pursuant to the provisions of 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: William Dahlem, Ph.D. at (850)410-0224 or Adrienne Henderson at (850)922-0594. If you are 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: William Dahlem, Ph.D. at (850)410-0224 or Adrienne Henderson at (850)922-0594.

NOTICE OF CORRECTION – The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATES AND TIME: CORRECTION February 7, 2008*; February 21, 2008*; March 6, 2008*; March 20, 2008**; April 3, 2008*; April 17, 2008*; May 1, 2008*; May 15, 2008***; May 29, 2008*; June 12, 2008*; June 26, 2008*, 9:30 a.m. – 11:00 a.m.

PLACE: Agency for Healthcare Administration, 2727 Mahan Drive, Tallahassee, FL 32308. Dial In Number: 1(888)808-6959, Conference Code: 9210737. Those not able to attend in person may call the conference phone number (listed above).

* Conference Room C

** Conference Room D

*** Conference Room 2215 (HSD Conference Room)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Technical and Operational Issues meetings. These issues are related to Health Plans.

A copy of the agenda may be obtained by contacting: Beth Kumar, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #50, Tallahassee, FL 32308 or calling (850)487-2355.

Pursuant to the provisions of 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 Beth Kumar at (850)487-2355. If you are 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 MANAGEMENT SERVICES

The **Department of Management Services, Communications and Information Technology Services, E911 Board** announces the following meeting schedule information to which all interested persons are invited.

DATE AND TIME: February 26, 2008, 2:00 p.m. – until conclusion of business

PLACE: Telephone Conference: 1(888)808-6959, Conference Code 4149636

GENERAL SUBJECT MATTER TO BE CONSIDERED: E911 Board meeting to discuss issues related to the 2007 Annual Report to the Governor and Legislature.

Please contact Penney Taylor (850)414-9636 with questions and/or concerns.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Board of Auctioneers** announces a public meeting to which all persons are invited.

DATE AND TIME: March 12, 2008, 9:00 a.m.

PLACE: The Department of Business and Professional Regulations, Professions Board Room, 1940 North Monroe Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board Business.

A copy of the agenda may be obtained by contacting: Renese Jones at (850)922-5012 or via fax at (850)922-2918.

Pursuant to the provisions of 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: Renese Jones at (850)922-5012 or via Fax at (850)922-2918. If you are 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: Renese Jones at (850)922-5012 or via Fax at (850)922-2918.

The **Department of Business and Professional Regulation, Barbers' Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 25, 2008, 9:00 a.m. or soon thereafter

PLACE: Hilton – Ocala, 3600 S.W. 36th Avenue, Ocala, Florida 34474

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the board to conduct regular business.

A copy of the agenda may be obtained by contacting: Department of Business and Professional Regulation, Barbers' Board Office, 1940 North Monroe Street, Tallahassee, Florida 32399-0769.

Pursuant to the provisions of 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: Department of Business and Professional Regulation, Barbers' Board Office, 1940 North Monroe Street, Tallahassee, Florida 32399-0769, (850)922.6096. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Construction Industry Licensing Board** announces a public meeting to which all persons are invited.

DATE AND TIMES: February 26, 2008, 9:00 a.m. and 10:00 a.m. or soon thereafter

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-0062

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: Jeff Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, or by phone at (850)488-0062.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Jeff Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, or by phone at (850)488-0062. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Landscape Architecture** announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 22, 2008, 10:00 a.m.

PLACE: Access Phone: 1(888)808-6959

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business meeting.

A copy of the agenda may be obtained by contacting: Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, FL 32399.

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, FL 32399, (850)922-7154.

The **Board of Professional Surveyors and Mappers** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, February 21, 2008, 10:00 a.m.

PLACE: The Call In number is: 1(888)808-6959 and the Conference Code is 922.6020

GENERAL SUBJECT MATTER TO BE CONSIDERED: Applications and General Board Business.

A copy of the agenda may be obtained by contacting: Richard Morrison, Executive Director, 1940 North Monroe Street, Tallahassee, FL 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Richard Morrison, Executive Director, 1940 North Monroe Street, Tallahassee, FL 32399. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Richard Morrison, Executive Director, 1940 North Monroe Street, Tallahassee, FL 32399.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 14, 2008, 9:00 a.m.

PLACE: Ed Ball Building, City of Jacksonville Public Works, 1st Floor, Training Room, 214 North Hogan Street, Jacksonville, Florida 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Lower St. Johns River Tributaries (LSJRT) Fecal Coliform Technical Working Group was formed to provide a forum for stakeholders to discuss issues related to the LSJRT TMDLs, including development, allocation, and implementation of the TMDLs. Topics for this meeting include discussion of the Lower St. Johns River Tributaries Fecal Coliform Basin Management Action Plan.

A copy of the agenda may be obtained by contacting: Ms. Amy Tracy, Department of Environmental Protection, 2600 Blair Stone Road, Watershed Planning and Coordination Section, MS 3565, Tallahassee, Florida 32399-2400 or by calling her at (850)245-8506.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 days before the workshop/meeting by contacting Ms. Amy Tracy at (850)245-8506. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 14, 2008, 10:00 a.m. – 12:00 Noon or until business is completed

PLACE: Conference Call Number: 1(888)808-6959, Conference Code: 2452095

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of a working group of the Florida Oceans and Coastal Council to discuss whether the Council should participate in an existing forum or initiate a Council-sponsored forum for the purposes of engaging the public and governmental officials on topics of Council business.

A copy of the agenda may be obtained by contacting Nicole Robinson at Nicole.Robinson@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 hours before the workshop/meeting by contacting Nicole Robinson at Nicole.Robinson@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection**, Bureau of Mine Reclamation announces a public meeting to which all persons are invited.

DATE AND TIME: February 20, 2008, 10:30 a.m.

PLACE: Southwest Florida Water Management District, 170 Century Blvd., West Wing, Bartow, Florida 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Peace River Basin Management Advisory Committee will be meeting to discuss the implementation of the Peace River Basin Resource Management Plan adopted by the Department of Environmental Protection in 2007.

A copy of the agenda may be obtained by contacting: Thu-Huong Clark, Department of Environmental Protection, 2051 East Dirac Dr., Tallahassee, FL 32310, (850)488-8217.

Pursuant to the provisions of 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 calling Thu-Huong Clark at (850)488-8217. If you are 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 Thu-Huong Clark at (850)488-8217.

The Board of Directors of **Babcock Ranch, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: February 25, 2008, 1:00 p.m. – 5:00 p.m.

PLACE: Charlotte Harbor National Estuary Program, 1926 Victoria Avenue, Fort Myers, FL 33901

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of minutes, Chairman's Report, Treasure's Report, discussion of Babcock Ranch Preserve (BRP) Conceptual

Management Plan (CMP), Babcock Ranch Management, LLC Business Report, Legislative Report, new business, public comments, adjournment.

A copy of the agenda may be obtained by contacting: Ann Rowe-McMullen, Babcock Ranch, Inc., P. O. Box 10095, Tallahassee, FL 32302, (850)681-3200, ann@herrle.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by calling Ann Rowe-McMullen at (850)681-3200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Ann Rowe-McMullen at (850)681-3200.

The **Department of Environmental Protection, Division of Water Resource Management** announces a workshop to which all persons are invited.

DATE AND TIME: Tuesday, February 26, 2008, 12:00 Noon (CT)

PLACE: Gulf Coast Community College, Sarzin Lecture Hall, Language and Literature Bldg., 5230 W. Hwy. 98, Panama City, FL

DATE AND TIME: Wednesday, February 27, 2008, 9:00 a.m. (ET)

PLACE: Pensacola Junior College, Hagler Auditorium Lecture Hall, Bldg. 2, Room 252, 1000 College Blvd., Pensacola, FL

DATE AND TIME: Thursday, February 29, 2008, 9:00 a.m. (ET)

PLACE: Department of Environmental Protection, Room 609, Bob Martinez Center, 2600 Blair Stone Rd., Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public comments on revised draft rule amendments to Chapter 62-346, F.A.C., including Applicant's Handbook Volumes I and II, F.A.C. Amending these rules is required to adopt Phase 2 of Environmental Resource Permitting (ERP) in the Northwest Florida Water Management District area, specifically to improve the management and storage of surface waters, including regulation of dredging and filling in connected and isolated wetlands and other surface waters. These rules have been revised based on comments received during the December 2007 workshops and will be available on the Department's Internet site at http://www.dep.state.fl.us/water/wetlands/erp/rules/draft_nw.htm. (The file tracking number is OGC 07-1321.)

A copy of the agenda may be obtained by contacting: Mary VanTassel, Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, 2600 Blair Stone Road, MS 2500, Tallahassee, FL 32399-2400, (850)245-8486, e-mail: Mary.VanTassel@dep.state.fl.us or facsimile (850)245-8499.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mary VanTassel at (850)245-8486. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection** announces a series of public meetings to which all persons are invited.

Energy Supply and Demand Technical Workgroup

DATE AND TIME: February 27, 2008, 1:30 p.m. – 3:30 p.m. or until completion of business

PLACE: The meeting will be held via teleconference and members of the public may join the meeting by dialing 1(800)704-9804 and entering the following code: 612147

Agriculture, Forestry and Waste Technical Workgroup

DATE AND TIME: February 21, 2008, 1:00 p.m. – 3:00 p.m. or until completion of business

PLACE: The meeting will be held via teleconference and members of the public may join the meeting by dialing 1(800)704-9804 and entering the following code: 436766

Transportation and Land Use Technical Workgroup

DATE AND TIME: February 27, 2008, 1:00 p.m. – 3:00 p.m. or until completion of business

PLACE: The meeting will be held via teleconference and members of the public may join the meeting by dialing 1(800)704-9804 and entering the following code: 372144

Cap and Trade Technical Workgroup

DATE AND TIME: February 29, 2008, 2:00 p.m. – 4:00 p.m. or until completion of business

PLACE: The meeting will be held via teleconference and members of the public may join the meeting by dialing 1(800)704-9804 and entering the following code: 162223

Government Policy Coordination Technical Workgroup

DATE AND TIME: February 28, 2008, 9:00 a.m. – 11:00 p.m. or until completion of business

PLACE: The meeting will be held via teleconference and members of the public may join the meeting by dialing 1(800)704-9804 and entering the following code: 232679

Adaptation Technical Workgroup

DATE AND TIME: February 29, 2008, 10:00 a.m. – 12:00 Noon or until completion of business

PLACE: The meeting will be held via teleconference and members of the public may join the meeting by dialing 1(800)704-9804 and entering the following code: 643173

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are meetings of the technical workgroups associated with the Governor's Action Team on Energy and Climate Change to continue discussion of policy issues regarding the

development of a comprehensive Energy and Climate Change Action Plan that will address statewide greenhouse gas reductions specified in Executive Order 07-127.

A copy of the agenda may be obtained by contacting: Florida Department of Environmental Protection, Attn: Allena Nelson (allena.nelson@dep.state.fl.us), Office of Strategic Planning, 3900 Commonwealth Blvd., M.S. 18, Tallahassee, Florida 32399-3000 or by calling (850)245-2002.

Pursuant to the provisions of 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: Florida Department of Environmental Protection, Attn: Allena Nelson (Allena.Nelson@dep.state.fl.us), Office of Strategic Planning, 3900 Commonwealth Blvd., M.S. 18, Tallahassee, Florida 32399-3000 or by calling (850)245-2002. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Department of Environmental Protection, Attn: Allena Nelson (allena.nelson@dep.state.fl.us), Office of Strategic Planning, 3900 Commonwealth Blvd., M.S. 18, Tallahassee, Florida 32399-3000 or by calling (850)245-2002.

The **Department of Environmental Protection, Division of Water Resource Management** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 5, 2008, 10:00 a.m. – 3:00 p.m. (ET)

PLACE: Department of Environmental Protection, Room 609, Bob Martinez Center, 2600 Blair Stone Rd., Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: First meeting of the Technical Advisory Committee to consider development of a new Chapter 62-347, F.A.C., to update stormwater quality treatment design and performance standards for stormwater treatment systems, with particular emphasis on reducing nutrient discharges.

A copy of the agenda may be obtained by contacting: Mary VanTassel, Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, 2600 Blair Stone Road, MS 2500, Tallahassee, FL 32399-2400, (850)245-8486, e-mail: Mary.VanTassel@dep.state.fl.us or facsimile (850)245-8499. (The file tracking number is OGC 07-0552.)

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

hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection**, Office of Greenways and Trails announces a public meeting to which all persons are invited.

DATE AND TIME: February 22, 2008, 9:00 a.m.

PLACE: Department of Environmental Protection, Marjory Stoneman Douglas Building, First Floor, Conference Rooms A & B, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Florida Greenways and Trails Council to consider designations of public and private lands for the Tallahassee St. Marks Historic Railroad State Trail, elect officers, and conduct other business.

A copy of the agenda may be obtained by contacting: Tammy Salmon, Office of Greenways and Trails, Department of Environmental Protection, 3900 Commonwealth Boulevard, MS795, Tallahassee, FL 32399-3000. Ms. Salmon may also be reached by telephone at (850)245-2052 or by email tammy.salmon@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by calling Tammy Salmon at (850)245-2052. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF HEALTH

The **Correctional Medical Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: February 21, 2008, 1:00 p.m. – 4:00 p.m.

PLACE: Phone Number: 1(888)808-6959 (Toll Free) Conference Code: 2454583. 4040 Esplanade Way, Building 4040, Room 301, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continued discussion of issues relating to correctional health care in the Florida Department of Corrections.

A copy of the agenda may be obtained by contacting: Executive Director, Correctional Medical Authority, 4052 Bald Cypress Way, Bin B-04, Tallahassee, FL 32399-1732, (850)245-4557.

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

Authority at (850)245-4557. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Suzanne Wieczorek, Correctional Medical Authority at (850)245-4557.

The **Department of Health**, the Electrolysis Council, under the **Board of Medicine** announces a telephone conference call to which all persons are invited.

DATES AND TIME: February 25, 2008; May 19, 2008; August 4, 2008; November 24, 2008, 9:00 a.m. or soon thereafter

PLACE: The Meet Me Number: 1(888)808-6959. After dialing the meet me number, when prompted, enter Conference Code 4246812343 followed by the # sign in order to join the meeting

GENERAL SUBJECT MATTER TO BE CONSIDERED: GENERAL BUSINESS MEETING.

A copy of the agenda may be obtained by contacting: Department of Health, Electrolysis Council, 4052 Bald Cypress Way, Bin C05, Tallahassee, FL 32399-3255.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting the council office at (850)245-4373, ext. 3467. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Chiropractic Medicine**, Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, February 19, 2008, 9:30 a.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida at meet me number 1(888)808-6959, when prompted, enter your Conference Code 9849329103, then #.

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing www.doh.state.fl.us/mqa/chiro/index.html.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 48 hours before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Optometry**, Probable Cause Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, February 22, 2008, 8:30 a.m.

PLACE: Crowne Plaza, 1201 Riverplace Boulevard, Jacksonville, Florida 32207, (904)398-8800

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

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.

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The Florida **Board of Medicine**, Osteopathic Medicine, Pharmacy, and Nursing announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, February 29, 2008, 9:00 a.m. or shortly thereafter

PLACE: Ramada Inn, 2900 North Monroe Street, Tallahassee, FL 32303, (850)386-1027

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Pain Management Policy.

A copy of the agenda may be obtained by contacting: Pamela King, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, or you may call (850)488-0595. You will be charged seventeen cents per page for the number of copies desired.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records 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 Christy Robinson, (850)488-0595, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Christy Robinson using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health, Board of Psychology** announces a telephone conference call to which all interested persons are invited.

DATES AND TIME: February 26, 2008; March 25, 2008; April 15, 2008; May 27, 2008; June 24, 2008; August 26, 2008; September 30, 2008; November 25, 2008; December 23, 2008, 8:00 a.m. or soon thereafter

PLACE: The meet me number can be obtained by contacting the board office at (850)245-4373, ext. 3467

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting.

A copy of the agenda may be obtained by contacting: Department of Health, Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, FL 32399-3255, or by calling the board office at (850)245-4373, ext. 3467.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting the board office at (850)488-0595. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The Probable Cause Panel of the **Board of Speech-Language Pathology and Audiology** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, February 22, 2008, 10:00 a.m. or soon thereafter

PLACE: 1(888)808-6959, Conference Code: 2454587

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review those cases on which a determination of existence of probable cause has already been made.

A copy of the PUBLIC portion of the agenda may be obtained by writing to: Michael Lawrence, Department of Health, 4052 Bald Cypress Way, Tallahassee, FL 32399.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Practitioner Regulation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Practitioner Regulation Section may be contacted at: 4052 Bald Cypress Way, #C-06, Tallahassee, FL 32399, 1(800)955-8771 (TDD) or 1(800)955-8770 via Florida Relay Service.

The **Department of Health** announces a public meeting to which all persons are invited.

DATE AND TIME: February 26, 2008, 9:00 a.m.

PLACE: Marriott Orlando Airport, 7499 Augusta National Drive, Orlando, FL 32822, Local Telephone (407)859-0552

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Technical Review and Advisory Panel will discuss issues relating to onsite sewage treatment and disposal systems and the Wekiva Study Area which may require changes to Chapter 64E-6, Florida Administrative Code. The panel may also discuss research proposals as requested by the Research review and Advisory Committee.

A copy of the agenda may be obtained by contacting: Shirley Kugler, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 14 days before the workshop/meeting by contacting: Shirley Kugler, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Gerald Briggs, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713.

The **Department of Health** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, February 19, 2008, 9:00 a.m. – 3:00 p.m.

PLACE: Shands Medical Center, 580 West 8th Street, Jacksonville, FL 32209, (904)244-0411

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the fifth meeting of the Governor's Council on Physical Fitness.

A copy of the agenda may be obtained by contacting: www.HealthyFloridians.com.

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

For more information, you may contact: www.HealthyFloridians.com.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Family Services** announces a public meeting to which all persons are invited.

DATE AND TIME: February 12, 2008, 10:00 a.m. – 3:00 p.m.

PLACE: The Florida Hotel and Conference Center, Room: Legacy North 2, 1500 Sand Lake Road, Orlando, FL 32809

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continuation of the review of all aspects of the Department's adult protection system and identify areas that need improvement.

A copy of the agenda for the meeting can be obtained from the Adult Services Program office by calling (850)488-2881.

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

For more information, you may contact: Robert Anderson, Acting Director of Adult Services at (850)488-2881.

The **Department of Children and Family Services**, Central Region Circuit 5, Child Abuse Prevention and Permanency Local Planning Team announces a workshop to which all persons are invited.

Prevention Workgroup

DATE AND TIME: February 14, 2008, 9:30 a.m.

PLACE: DCF Circuit 5 Headquarters, Conference Rooms 2002-2004, 1601 W. Gulf Atlantic Highway, Wildwood, FL 34785

Adoption Promotion Workgroup

DATE AND TIME: February 18, 2008, 9:30 a.m.

PLACE: Children's Home Society, Conference Room, 11 North Magnolia Avenue, Ocala, Florida 34475

Adoption Supports Workgroup

DATE AND TIME: March 5, 2008, 9:30 a.m.

PLACE: Children's Home Society, Conference Room, 11 North Magnolia Avenue, Ocala, Florida 34475

GENERAL SUBJECT MATTER TO BE CONSIDERED:

- Review of data related to Circuit 5.
- Update the local child abuse prevention plan for 2005-2010 developed in 2004.
- Develop a local plan of action for the promotion and support of adoption.

A copy of the agenda may be obtained by contacting: Phillip Scarpelli, Department of Children and Family Services, Circuit 5, Community Relations Manager at (352)330-2162, extension 6150.

Pursuant to the provisions of 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: Phillip Scarpelli, Department of Children and Family Services, Circuit 5, Community Relations Manager at (352)330-2162, extension 6150. If you are 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: Phillip Scarpelli, Department of Children and Family Services, Circuit 5, Community Relations Manager at (352)330-2162, extension 6150.

The **Department of Children and Family Services**, Central Region, Circuit 5, Child Abuse Prevention and Permanency Local Planning Team announces a public meeting to which all persons are invited.

DATES AND TIME: Thursday, March 13, 2008; Wednesday, May 14, 2008, 1:30 p.m.

PLACE: Department of Children and Family Services, Circuit 5 Headquarters, Conference Rooms 2002-2004, 1601 W. Gulf Atlantic Highway, Wildwood, FL 34785

GENERAL SUBJECT MATTER TO BE CONSIDERED:

- Update the local child abuse prevention plan for 2005-2010 developed in 2004.
- Develop a local plan of action for the promotion and support of adoption.

A copy of the agenda may be obtained by contacting: Phillip Scarpelli, Department of Children and Family Services, Circuit 5, Community Relations Manager at (352)330-2162, extension 6150.

Pursuant to the provisions of 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: Phillip Scarpelli, Department of Children and Family Services, Circuit 5, Community Relations Manager at (352)330-2162, extension 6150. If you are 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: Phillip Scarpelli, Department of Children and Family Services, Circuit 5, Community Relations Manager at (352)330-2162, extension 6150.

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a hearing to which all persons are invited.

DATE AND TIME: February 26, 2008, 10:00 a.m. (Tallahassee local time)

PLACE: The offices of Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Concerning Issuance of Bonds to Finance Multifamily Residential Rental Developments.

Notice is hereby given that the Florida Housing Finance Corporation ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

Silurian Pond, a 72-unit multifamily residential rental development located on 2800 Hollywood Avenue, Pensacola, Escambia County, FL 32505. The prospective owner and operator of the proposed development is Silurian Pond, Ltd., 2950 S. W. 27th Avenue, Suite 200, Miami, FL 33133, or such successor in interest in which Silurian Pond, Ltd., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is Carlisle Property Management, Inc., 2950 S. W. 27th Avenue, Suite 200, Miami, FL 33133. The total tax-exempt bond amount is not to exceed \$7,000,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee local time), February 25, 2008, and should be addressed to the attention of Wayne Conner, Deputy Development Officer. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Wayne Conner at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Florida Housing Finance Corporation** announces a hearing to which all persons are invited.

DATE AND TIME: February 26, 2008, 10:00 a.m. (Tallahassee local time)

PLACE: The offices of Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition and rehabilitation of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Riverwalk I, a 123-unit multifamily residential rental development consisting of 97 units located at 330 N. E. 18th Avenue, Homestead, Miami-Dade County, FL 33033 and 26 units located at 243 N. E. 12th Avenue, Homestead, Miami-Dade County, FL 33033. The prospective owner and operator of the proposed development is Riverwalk I Preservation, L.P., 60 Columbus Circle, New York, NY 10023, or such successor in interest in which Riverwalk I Developer, LLC, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is TRG Management Company of Florida, 2828 Coral Way, Suite 101, Miami, FL 33145. The total tax-exempt bond amount is not to exceed \$5,075,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee local time), February 25, 2008, and

should be addressed to the attention of Wayne Conner, Deputy Development Officer. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Wayne Conner at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida **Fish and Wildlife Conservation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: February 21, 2008, 1:00 p.m. – 4:00 p.m.

PLACE: Fish and Wildlife Conservation Commission, Farris Bryant Building, Room 272, 620 South Meridian Street, Tallahassee, Florida 32399-1600. Communications Media Technology will be used via video conferencing at the Florida Fish and Wildlife Research Institute, 100 Eighth Avenue S. E. St. Petersburg, Florida 33701-5095. Public should attend at the Tallahassee location.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Evaluations for the FY 07-08 Florida's Wildlife Legacy Initiative's Targeted Grant proposals.

A copy of the agenda may be obtained by contacting: Brian Branciforte, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, Grants Coordinator, (850)488-3831.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Brian Branciforte, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, Grants Coordinator, (850)488-3831.

DEPARTMENT OF FINANCIAL SERVICES

The **Department of Financial Services** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, February 26, 2008, 9:00 a.m. – 4:00 p.m.

PLACE: The Capitol, Senate Office Building, Room 401, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Task Force on Citizens Property Insurance Corporation Claims Handling and Resolution.

A copy of the agenda may be obtained by contacting our website: www.citizensclaimshandlingtaskforce.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Gloria Strickland at (850)413-2859 or e-mail gloria.strickland@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).

FINANCIAL SERVICES COMMISSION

The **Florida Surplus Lines Service Office**, Audit Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 12, 2008, 2:00 p.m.

PLACE: 1441 Maclay Commerce Drive, Suite 200, Tallahassee, FL 32312

GENERAL SUBJECT MATTER TO BE CONSIDERED: 2007 Financial Audit.

A copy of the agenda may be obtained by contacting: Georgie Barrett at gbarrett@fslso.com or by sending a faxed request to (850)513-9624.

Pursuant to the provisions of 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 calling Georgie Barrett at (850)224-7676, ext. 101. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

CITIZENS PROPERTY INSURANCE CORPORATION

The **Citizens Property Insurance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: February 8, 2008, 1:00 p.m. – 2:00 p.m. (EDT)

PLACE: 1714 S. W. 34th Street, Gainesville, FL 32607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Claims Committee Meeting. Items of discussion include, but are not limited to, business before the committee.

A copy of the agenda may be obtained by calling Jackie Taylor at (904)407-0384.

Pursuant to the provisions of 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 calling Jackie Taylor at (904)407-0384. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Jackie Taylor at (904)407-0384.

FLORIDA ATLANTIC RESEARCH AND DEVELOPMENT AUTHORITY

The **Florida Atlantic Research and Development Authority**, Site Plan Review Committee announces a public meeting to which all persons are invited.

DATE AND TIME: February 13, 2008, 8:00 a.m.

PLACE: The Broward Alliance Conference Room, 110 East Broward Blvd., Suite 1990, Fort Lauderdale, FL 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Site plan review- Deerfield Beach (Phase I) Research Park.

A copy of the agenda may be obtained by contacting: Scott Ellington at (561)416-6092, scott@research-park.org.

FLORIDA TELECOMMUNICATIONS RELAY, INC.

The **Florida Telecommunications Relay, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, February 15, 2008, 10:00 a.m.

PLACE: 1820 E. Park Avenue, Suite 101, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Board of Directors.

A copy of the agenda may be obtained by contacting: Mr. James Forstall, Executive Director, 1820 E. Park Avenue, Suite 101, Tallahassee, Florida 32301.

The meeting is subject to cancellation for lack of a quorum or unavailability of an interpreter.

GOVERNOR'S COMMISSION ON DISABILITIES

The **Governor's Commission on Disabilities** announces a public meeting to which all persons are invited.

DATES AND TIMES: February 20, 2008, 9:00 a.m. – 11:45 a.m. and 3:30 p.m. – 5:30 p.m.; February 21, 2008, 9:00 a.m. – 12:00 Noon; Public Comment, February 20, 2008, 1:00 p.m. – 3:00 p.m.

PLACE: Embassy Suites Jacksonville Baymeadows, 9300 Baymeadows Road, Jacksonville, FL 32256, (904)791-3555
GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission is meeting to fulfill the mandate of Executive Order 07-148.

A copy of the agenda may be obtained by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or commission@dms.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or commission@dms.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

Please be advised that if you intend to provide materials to the Commissioners for review, the materials must be available in alternative formats in advance of dispersal to the Commissioners.

REGION XII TRAINING COUNCIL

The **Region XII Training Council** and Assessment Center Board of Directors announces a public meeting to which all persons are invited.

DATE AND TIME: February 20, 2008, 10:00 a.m.

PLACE: Palm Beach Community College, 4200 Congress Avenue, Lake Worth, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda will include but is not limited to: F.D.L.E./C.J.S.T.C. updates; Palm Beach Community College/Criminal Justice Institute Assessment Center update; Region XII Budget Approval and any other business.

A copy of the agenda may be obtained by contacting Sue Voccola at (561)868-3403.

FLORIDA INSURANCE ASSISTANCE INTERLOCAL AGENCY

The **Florida Insurance Assistance Interlocal Agency** announces a public meeting to which all persons are invited.

DATE AND TIME: February 20, 2008, 10:00 a.m. (CST)

PLACE: Law Offices of Harrison, Sale, McCloy, Thompson, Duncan & Jackson, 304 Magnolia Avenue, Panama City, Florida 32402

GENERAL SUBJECT MATTER TO BE CONSIDERED: Action will be taken on approval of professional services agreement, reimbursement agreement and discussion will include status of bond validation proceedings.

A copy of the agenda may be obtained by contacting: Randy Hanna, Bryant Miller Olive, 101 North Monroe Street, Suite 900, Tallahassee, Florida 32301, (850)222-8611.

FLORIDA PATIENT SAFETY CORPORATION

The **Florida Patient Safety Corporation** announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 20, 2008, 1:00 p.m.

PLACE: Dial 1(866)590-1535 followed by participant code 81784176#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Litigation Alternatives Advisory Committee.

A copy of the agenda may be obtained by contacting Susan A. Moore.

For more information, you may contact Susan A. Moore at susan.a.moore@comcast.net.

FLORIDA INDEPENDENT LIVING COUNCIL, INC.

The **Florida Independent Living Council, Inc.** announces a public meeting to which all persons are invited.

Planning Committee and Network of Centers Meeting

DATE AND TIME: Wednesday, February 20, 2008, 2:30 p.m.

PLACE: Call in Number: 1(866)365-4406, CODE: 575-6004# or Comfort Suites, 1026 Apalachee Parkway, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the council.

COMMITTEE AND TASK FORCE MEETINGS: Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council.

The meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Molly Gosline at the council address.

A copy of the agenda may be obtained by contacting: Florida Independent Living Council, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271, (850)488-5624 or Toll Free 1(877)822-1993.

Notices of meetings and hearing must advise that a record is required to appeal. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to

ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, §286.0105)

Any person who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC.

The **Florida Workers' Compensation Joint Underwriting Association, Inc.** announces a Rates and Forms Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 21, 2008, 10:00 a.m.

PLACE: To participate in the teleconference meeting, please contact Kathy Coyne at (941)378-7408

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics will include reserves; rates; and legislative update.

A copy of the agenda may be obtained by contacting: Kathy Coyne at (941)378-7408 or from the FWCJUA website: www.fwcjua.com.

PASCO-PINELLAS AREA AGENCY ON AGING

The **Area Agency on Aging of Pasco-Pinellas** announces a public meeting to which all persons are invited.

DATE AND TIME: February 22, 2008, 9:30 a.m.

PLACE: William Hale Senior Activity Center, 330 Douglas Ave., Dunedin, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual Meeting/Luncheon. Items related to Area Agency on Aging of Pasco-Pinellas Business and Board of Directors oversight.

A copy of the agenda may be obtained by contacting Elizabeth Laubach.

Pursuant to the provisions of 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 Elizabeth Laubach. If you are 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.

FLORIDA LOCAL GOVERNMENT FINANCE COMMISSION

The **Florida Local Government Finance Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: February 22, 2008, 10:00 a.m.

PLACE: 2502 Rocky Point Drive, Suite 1060, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: YOU ARE HEREBY NOTIFIED that on the 22nd day of February, 2008, at 10:00 a.m. (or as soon thereafter as the same may be heard), a public hearing (the "Hearing") will be held at the offices of Nabors, Giblin & Nickerson, P.A., 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607, with respect to the issuance by the Florida Local Government Finance Commission (the "Issuer") of its Florida Local Government Finance Commission Pooled Commercial Paper Notes, Series B (AMT Issue) (the "Notes") in the aggregate principal amount of not exceeding \$2,000,000 and the loan of the proceeds thereof (the "Loan") to Okaloosa County, Florida (the "County"). The Hearing will be conducted by Counsel to the Issuer. The proceeds of the Notes will be loaned to the County and applied to finance costs relating to (i) construction of an approximately 12,000 square foot cargo/maintenance building at the Okaloosa Regional Airport, (ii) relocation and expansion of the existing fuel farm at the Okaloosa Regional Airport to provide for the increase of aviation fuel storage capacity from approximately 20,000 gallons to 80,000 gallons, (iii) the design of gate expansion for the addition of three gates, extension of the ticketing, baggage screening and baggage claim areas and installation of a backup emergency generator, all to be located at the Okaloosa Regional Airport, (iv) rehabilitate approximately 8,000 feet of Runway 17/35 at the Bob Sikes Airport, and (v) completion of infrastructure for the West Hangar Development project at the Bob Sikes Airport to support construction of rental hangars for public use (clauses (i) through (v) collectively referred to herein as the "Improvements").

The County now owns, operates and maintains an airport facility known as the "Okaloosa Regional Airport" and an airport facility known as the "Bob Sikes Airport." All of the Improvements shall be located at the Okaloosa Regional Airport or the Bob Sikes Airport, as specified above. The Okaloosa Regional Airport is located at 1701 State Road 85, Eglin AFB, Florida 32542. The Bob Sikes Airport is located at 5545 John Givens Road, Crestview, Florida 32536.

The Notes do not constitute a general indebtedness or obligation of the Issuer within the meaning of any constitutional or statutory provision or limitation, but shall be generally payable from and secured by the loan repayments made by the County to the Issuer pursuant to the Loan. The Loan is payable from and secured by the net revenues of the Okaloosa Regional Airport, the Bob Sikes Airport and the Destin-Fort Walton Beach Airport. The Loan will not be or constitute an indebtedness or obligation of the County, the

State of Florida or any political subdivision thereof within the meaning of any constitutional, statutory or other limitation of indebtedness.

The aforementioned meeting shall be a public meeting and all persons who may be interested will be given an opportunity to be heard concerning the same. Written comments may also be submitted to: John Yonkosky, Chairman, Florida Local Government Finance Commission, c/o Collier County Department of Revenue, 4420 Mercantile Avenue, Naples, Florida 34104 and Steven E. Miller, Esq., Nabors, Giblin & Nickerson, P.A., 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607, prior to the hearing.

A copy of the agenda may be obtained by contacting: Steven E. Miller, Esq., Nabors, Giblin & Nickerson, P.A., 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607, (813)281-2222.

Pursuant to the provisions of 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: Steven E. Miller, Esq., Nabors, Giblin & Nickerson, P.A., 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607, (813)281-2222. If you are 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: Steven E. Miller, Esq., Nabors, Giblin & Nickerson, P.A., 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607, (813)281-2222.

SOIL AND WATER CONSERVATION DISTRICTS

The **Taylor County Soil and Water Conservation District Board** announces a public meeting to which all persons are invited.

DATE AND TIME: February 25, 2008, 3:00 p.m.

PLACE: Hampton Hotel, Hwy. 19 S., Perry, FL 32348

GENERAL SUBJECT MATTER TO BE CONSIDERED: Long range and annual planning.

A copy of the agenda may be obtained by contacting Carole Taitt at (850)223-1390.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting Diane Whitfield at (850)584-4329. If you are 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 Diane Whitfield at (850)584-4329.

PASCO COUNTY DEPARTMENT OF ENGINEERING SERVICES

The **Pasco County Department of Engineering Services** in cooperation with the Florida Department of Transportation, District Seven announces a hearing to which all persons are invited.

DATE AND TIME: Thursday, March 6, 2008, 5:00 p.m. – 7:00 p.m.

PLACE: First Baptist Church of New Tampa, 28125 County Line Road, Wesley Chapel, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This public hearing is being held to allow interested persons the opportunity to express their views regarding the location, conceptual design, and social, economic and environmental effects of the Design Change Re-evaluations of the Project Development and Environment study (PD&E) completed in 1993 for SR 54/SR 56 from Cypress Creek to Zephyrhills East By-Pass in Pasco County. The study evaluated engineering and environmental effects associated with six-lane divided rural road alternatives and alignments. The Design Change Re-evaluations addressed several alignment shifts between SR 581 and US 301 along SR 54 (now SR 56).

A copy of the agenda may be obtained by contacting Steve Gordillo, HDR, Inc. at (813)282-2300.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to contact Mr. Gordillo at least 7 days before the hearing.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

Florida Prisoners' Legal Aid Organization, Inc., and Teresa Burns Posey vs. Florida Department of Corrections and Division of Administrative Hearings; Case No.: 05-0622RP; Rule Nos.: 33-210.101(22), 33-102.202

Deluca Properties, Inc., Gas Properties, Inc., Denise S. Deluca and Stephen B. Deluca vs. Department of Environmental Protection, Case No.: 08-0160RX; Rule No.: 62-761.300(1)(a)

John Charles Counts, Jr. vs. Department of Business and Professional Regulation, Board of Professional Surveyors and Mappers; Case No.: 08-0380RX; Rule No.: 61G17-10.001

Robert's Drug Store, No. 3 vs. Agency for Health Care Administration; Case No.: 08-0106RU

Amy Cat, Inc., d/b/a Cypress Manor and Abkey, Ltd., d/b/a Fuddruckers vs. Department of Business and Professional Regulation; Case No.: 08-0212RU

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

National Foundation to Prevent Child Sexual Abuse, Inc. vs. Department of Law Enforcement; Case No. 07-5398RX; Rule No. 11C-6.004(3)(b), 11C-6.004(4)(b); Dismissed

Florida Prisoners' Legal Aid Organization, Inc., and Teresa Burns Posey vs. Florida Department of Corrections and Division of Administrative Hearings; Case No.: 05-0622RP; Rule Nos.: 33-210.101(22), 33-102.202; Dismissed

Ace Drug, Inc., d/b/a Hollywood Medical Supply vs. Agency for Health Care Administration; Case No.: 07-4168RP; Rule No.: 59G-4.070; Voluntarily Dismissed

Professional Licensure Services, Inc. vs. Department of Business and Professional Regulation, Construction Industry Licensing Board; Case Nos.: 07-4792RP, 07-5370RP; Rule Nos.: 61G4-15.005, 61G4-15.006, 61G4-12.011; Dismissed

United Automobile Insurance Company vs. Board of Chiropractic Medicine; Case No.: 07-5765RP; Rule No.: 64B2-18.008; Dismissed

Ana Victoria Garcia-Motta vs. Board of Dentistry; Case No.: 07-5416RX; Rule No.: 64B5-2.0146(2); Voluntarily Dismissed

Robert's Drug Store, No. 3 vs. Agency for Health Care Administration; Case No.: 08-0106RU; Dismissed

United Automobile Insurance Company vs. Department of Health, Division of Medical Quality Assurance, Board of Chiropractic Medicine; Case No.: 07-3621RU; Dismissed

Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF EDUCATION

Notice of Bid/Request for Proposal

The University of Florida, Purchasing and Disbursement Services will receive sealed bids for the following: ITB08SV-265, HS08425-52M, Riker Hall AHU Replacement, estimated budget: \$240,000, to be opened March 4, 2008, at 2:00 p.m., in 101 Elmore Hall, Radio Road, Gainesville, FL. Scope of work: All equipment labor and material required to execute the contract documents including purchase and installation of one 100% outside air rooftop air handling unit, heating hot water pump, steam heat exchanger and associated piping, ductwork, conduit, valves, electrical, devices, wiring

and controls. Mandatory Pre-Bid Meeting will be held February 20, 2008, 10:00 a.m., in the Weaver International House, Gale Lemerand Drive, Gainesville, FL. Specifications and Plans are available in Purchasing and Disbursement Services, Elmore Hall, Radio Road, Gainesville, FL 32611. Questions should be directed to Karen Olitsky, Purchasing and Disbursement Services, kolitsk@ufl.edu or (352)392-1331. 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 of Bid/Request for Proposal

The University of Florida, Purchasing and Disbursement Services will receive sealed bids for the following: ITB08SV-266, HS08461-50, North Hall AHU Replacement, estimated budget: \$245,000, to be opened March 4, 2008, at 2:30 p.m., in 101 Elmore Hall, Radio Road, Gainesville, FL. Scope of work: All equipment labor and material required to execute contract documents including purchase and installation of one rooftop air handling unit, associated piping, ductwork, conduit, valves, electrical, devices, wiring and controls. Mandatory Pre-Bid Meeting will be held February 20, 2008, 2:00 p.m., in the Weaver International House, Gale Lemerand Drive, Gainesville, FL. Specifications and Plans are available in Purchasing and Disbursement Services, Elmore Hall, Radio Road, Gainesville, FL 32611. Questions should be directed to Karen Olitsky, Purchasing and Disbursement Services, kolitsk@ufl.edu or (352)392-1331. 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 PROFESSIONAL CONSULTANTS

Florida State University, State of Florida, announces that professional services for minor projects are required in the discipline of mechanical/electrical engineering. Minor projects are specific projects for construction, renovation, alterations or additions that have a basic construction budget estimated to be \$1,000,000 or less; or studies for which the fee for professional services is \$100,000 or less. Campus Service contracts for minor projects provide that the consultant will be available on an as-needed basis. The University intends to award contracts to multiple firms for the upcoming fiscal year through June 30, 2009. At the option of the University and the consultant, the contract may be renewed for up to two additional one year periods.

INSTRUCTIONS

Firms desiring to provide professional services shall apply by letter specifying the campus service agreement for which they are applying. Proximity of location will be a prime factor in the selection of the firm.

Attach to each letter of application:

1. A completed Florida State University "Professional Qualifications Supplement," August 8, 2003. Applications on any other form, or on versions dated prior to 08/08/03, or exceeding the 40 page limit will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered in the State of Florida to practice the required profession at the time of application. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.

Submit four (4) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions will not be considered. Application material will not be returned.

The plans and specifications for campus service projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$50,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualification Supplements, descriptive project information, and selection criteria may be obtained through our website, www.fpc.fsu.edu or by contacting: Lynetta Mills, Facilities Design & Construction, 109F Mendenhall Building A, Florida State University, Tallahassee, Florida 32306-4152, (850)644-2843 telephone, (850)644-8351 facsimile.

Submittals must be received at the above location, by 2:00 p.m. (Local Time), on March 11, 2008.

Facsimile (FAX) submittals are not acceptable and will not be considered.

For further information on campus service projects, contact: Kelli Everett, Facilities Design and Construction, 109F Mendenhall Building A, Florida State University, Tallahassee, Florida 32306-4152, (850)645-7124 telephone, (850)644-4807 facsimile.

DEPARTMENT OF TRANSPORTATION

NOTICE OF CORRECTION TO BID SOLICITATION NOTICE – The Bid Solicitation Notice for the District 4 project published in Florida Administrative Weekly, Vol. 34, No. 5, February 1, 2008, indicated in the “ORDERING PLANS AND SPECIFICATIONS:” section that “Bid packages will be available on February 25, 2008 . . .” That reference should have read as follows: that “Bid packages will be available on February 1, 2008 . . .”

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

REGIONAL PLANNING COUNCILS

Request for Letters of Interest and Qualifications
Community Transportation Coordinator (CTC)
Transportation Disadvantaged Program

The West Florida Regional Planning Council with the Walton, Holmes, and Washington County TD Coordinating Boards are seeking Letters of Interest and Qualifications from entities desiring to serve as the Community Transportation Coordinator (CTC) for one or more of these counties. The Transportation Disadvantaged Service Plan and Annual Operating reports for each county and items required for the letter of interest and qualifications are available on the WFRPC website www.wfrpc.org. If two or more responsive letters are received for any of these counties, a full Request for Proposal process will be initiated. The deadline for all Letters of Interest and Qualifications is 3:00 p.m. (CST), February 29, 2008. For more information, interested parties should contact Julia Pearsall at the West Florida Regional Planning Council by email at Julia.Pearsall@wfrpc.org.

DEPARTMENT OF CORRECTIONS

NOTICE TO PROFESSIONAL CONSULTANTS FOR
PROFESSIONAL ARCHITECTURAL/ENGINEERING
SERVICES – RFQ AE036

The State of Florida, Department of Corrections, Bureau of Procurement and Supply, announces that Professional Services are required from Architectural/Engineering firms for the project listed below. Applications from qualified firms are to be sent to the attention of Julyn Hussey, Bureau of Procurement and Supply, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500, (850)410-4049. The selected firm may be required to perform its services on an accelerated schedule.

INSTRUCTIONS

Any firm desiring to provide professional services for this project shall apply for consideration with a letter of application, indicating within the body of the letter, your firm’s specific abilities respective to the particular project’s requirements, office location(s) from which the firm will be doing the work and attach current copies of the following:

1. A copy of the Department of Corrections’ current “Professional Qualifications Supplement” (PQS) (dated September 2004) with current data. The PQS is posted as a related document for printing on the Vendor Bid System under this solicitation at the following website address: http://vbs.dms.state.fl.us/vbs/search.criteria_form.
2. A reproduction of the firm’s current Florida State Board License with the appropriate board governing the discipline offered. If the firm is a corporation, it must be properly chartered with the Department of State to operate in Florida. Include a copy of the charter and current certification that all fees and filings are current.
3. Attach a current copy of the SF330 for the office(s) that will be performing the work. This form may be found at the following website address: <http://www.gsa.gov>.
4. Evidence of professional liability insurance in the amount of at least \$1,000,000.
5. Describe scope of work to be assigned to any sub-consultant and include a SF330 for each sub-consultant.
6. Names, specific qualifications and professional memberships of person(s) to be assigned to this project and their respective roles (do not include resumes).
7. Names, addresses and phone numbers of at least five (5) other agencies for whom similar services have been performed within the last five (5) years and the date, project name, brief project description, firm’s project manager and specific services provided in each case.
8. If desired by the firm, additional examples of similar projects completed by persons to be assigned to this project, references (none from current or former Department of Corrections personnel) and any other supporting information.

Submit one original letter of interest and four (4) copies of the required data. The required data shall be submitted in the order listed above. Faxed copies will not be accepted. Applications that do not comply with the instructions set forth above may be considered improper and be disqualified. The plans and specifications developed by the firm awarded this project are subject to reuse in accordance with the requirements of Section 287.055, Florida Statutes, (“Consultants’ Competitive Negotiation Act”).

The awarded firm shall not knowingly engage in this project, on a full time, part time or other basis during the period of this Contract, any current or former employee of the Department where such employment conflicts with Section 112.3185, Florida Statutes.

Respondents will be ranked by a Competitive Selection Committee based on the information received in response to this Request For Qualifications (RFQ). Interviews of all ranked respondents may or may not be required, at the direction of the Committee. If interviews are required they will be held during the week beginning April 7, 2008, ending April 11, 2008. Under the authority delegated to the Secretary of the Department of Corrections by Section 287.055, Florida Statute, sitting as the head of the Department of Corrections, Professional Services Contracts will be awarded to one firm following the recommendations of the Competitive Selection Committee and in accord with the statutory negotiation procedures. All firms responding to this RFQ will be notified by a single posting, after approval by the Secretary, through the following website address: http://vbs.dms.state.fl.us/vbs/search.criteria_form. It is the firm's responsibility to check the website for updated information.

Response Date: March 10, 2008 by 4:00 p.m. Eastern Standard Time (EST) Late submittals will not be opened or considered.

PROJECT: Provide Professional Architectural/Engineering Services to adapt prototypical work camp plans at Mayo Correctional Institution. Scope of work includes Design, Environmental Permitting, Bidding Services and Construction Administration of the associated Sitework and Utilities. Work includes architectural/engineering support, to assist the Department in adapting building designs to site conditions and providing bidding and contract administration services. Partial funding is available for the initial site design. Completion of the design phase, permitting and construction will require additional funding, over a number of years and is contingent upon Legislative appropriation of funds.

EXPERIENCE: Candidate firms need to provide information regarding their experience and expertise in design of site work and utilities for correctional institutions and all associated environmental permitting.

PROJECT LOCATION: Mayo Correctional Institution, 8784 U.S. Highway 27 West, Mayo, Florida is the project site for purposes of the selection process.

PROJECT NUMBER: FL-31 (ST)

ESTIMATED CONSTRUCTION COST: \$9,500,000

PROJECT ADMINISTRATOR: Hans Gregersen, (850)410-4214

DEPARTMENT OF MANAGEMENT SERVICES

PUBLIC ANNOUNCEMENT FOR CONSTRUCTION CONTRACTORS TO PROVIDE CONSTRUCTION MANAGEMENT AT RISK SERVICES

REQUEST FOR QUALIFICATIONS (RFQ): The Department of Management Services, Division of Real Estate Development and Management, request qualifications for licensed building contractors, to submit for Construction Management at Risk services on the following project:

PROJECT NUMBER: DCA-27031000

PROJECT NAME: Remodeling & Technology Enhancements, State Emergency Operation Center (SEOC) Rudd Building

LOCATION: Tallahassee, Florida

ESTIMATED CONSTRUCTION BUDGET: \$600,000.00

The award will be made in accordance with Section 255.29, F.S., and the procedures and criteria of the Departments Division of Real Estate Development and Management. For details please visit the Department's website listed below and click on "Search Advertisements – Division of Real Estate Development and Management." http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu.

ADVERTISEMENT FOR BIDS FOR ROOFING CONTRACTORS

PROPOSALS ARE REQUESTED FROM QUALIFIED ROOFING CONTRACTORS BY THE AGENCY FOR WORKFORCE INNOVATION HEREINAFTER REFERRED TO AS OWNER, FOR THE RE-ROOFING OF:

PROJECT NO: 070306.00

PROJECT NAME & LOCATION: RE-ROOFING OF THE TAMPA ONE-STOP CENTER BUILDING, 9215 NORTH FLORIDA AVENUE, TAMPA, FLORIDA 33612

For details please visit the Department's website listed below and click on "Search Advertisements – Agency for Workforce Innovation." http://vbs.dms.state.fl.us/vbs/vbs_www.main_menu.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

**NOTICE OF INVITATION TO BID
BID NO. BDC 53-07/08**

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Construction is soliciting formal competitive bids for the project listed below:

PROJECT NAME: Orman House-Rehabilitation Work and Repairs

SCOPE OF WORK: The contractor shall provide all materials, equipment, labor and supervision required to permit and execute the rehabilitation work and repairs to the Orman House in accordance with the construction documents. In addition, the contractor shall provide all materials, equipment, labor and supervision required for proper abatement of all lead-based paint (exterior only) and asbestos (exterior only) as required by law and in accordance with the Asbestos and Lead-Based Paint Abatement Specifications.

PARK LOCATION: Orman House, 177 5th Street, Apalachicola, Florida 32320

PROJECT MANAGER: Mitchell Fenton, Bureau of Design and Construction, Alfred B Maclay Gardens State Park, 3540 Thomasville Road, Tallahassee Florida 32309, Telephone Number (850)488-5372, Fax number (850)488-3537.

PREBID MEETING: A nonmandatory prebid meeting will be held at 10:00 a.m. (CST), Tuesday, February 26, 2008, at the Orman House.

MINORITY BUSINESS REQUIREMENT: The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

PREQUALIFICATION: When the total bid price including alternates exceeds \$200,000.00, each bidder whose field is governed by Chapters 399, 455, 489, or 633 of the Florida Statutes, for licensure or certification must submit prequalification data of their eligibility prior to the bid closing date.

INSTRUCTIONS: Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number below. Compact Disk (CD) containing the plans and specifications will be available on February 8, 2008 at: the Orman House c/o Dr. Julian G. Bruce St. George Island State Park, 1900 E Gulf Beach Drive, St. George Island, Florida 32328, Attention: Tony Tindell, Park Manager Telephone (850)927-2111, Fax (850)927-2500.

ADA REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact Michael Renard with the Bureau of Design and Construction, (850)488-5372, at least five (5) workdays prior to openings. If you are hearing or speech impaired, please contact the Florida Relay Services by calling 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

BID SUBMITTAL DUE DATE: No later than 3:30 p.m., Tuesday, March 11, 2008, to the below address: Florida Department of Environmental Protection Bureau of Design and Construction, 3540 Thomasville Road, Tallahassee, Florida 32309, attention Michael Renard, Construction Projects Administer, Bureau of Design and Construction, (850)488-3572. The Department reserves the right to reject any or all bids.

BID POSTING DATE: No later than 2:00 p.m., Friday, March 21, 2008, unless extended by the Department for good cause.

PETER R. BROWN CONSTRUCTION, INC.

Notice of Request for Proposals
St. Petersburg College, Annex 2 Epicenter
Project #186-J-07-1 – Pinellas County

Peter R. Brown Construction, Inc. (CGC-061419), the Construction Manager for the St. Petersburg College Annex 2 Epicenter Project #186-J-07-1 hereby solicits sealed proposals for the referenced project in accordance with the proposal documents to include but not limited to the following:

The Scope of Work for this project includes but is not limited to the following:

A Build out of a 41,055 sq. ft. building shell for a new office, storage facility and related site work is included. The building has been gutted out. The interior of the building includes casework, new doors, frames and hardware. The scope will include painting of new partitions and soffits, acoustical ceilings, VCT, carpet, porcelain tile, projector screens, projector mounts, window treatment and accessories. The mechanical scope consists of a new chilled water system. New plumbing and fixtures are included. A fire sprinkler system will be added throughout the building. The electrical and low voltage systems include fire alarm, communications/data, and CATV. Exterior canopies will be added at exterior doors. The site will require sitework, landscape irrigation and sod.

A pre-proposal meeting for the trades referenced above will be held at 10:00 a.m. (Local Time), May 2, 2008, and a pre-proposal meeting for H.V.A.C and Electric will be held at 10:00 a.m. (Local time), February 26, 2008

Both will be held at the following location:

Project Site
14155 58th Street, North
Largo, Florida 33733

Deadline for receipt of HVAC & Electric Proposal Packages has been set for 2:00 p.m., March 11, 2008

Deadline for receipt of All Other Proposal Packages has been set for 2:00 p.m., May 15, 2008.

Only proposals received on or before the time and date listed will be considered. All proposals received after 2:00 p.m., of the day specified above, will be returned unopened.

All interested subcontractors must be pre-qualified or have completed the pre-qualification process within the last year. Please contact the following person to obtain information or documents about the pre-qualification requirements for this project:

Joe Ostrowski, Senior Estimator
Phone: (727)535-6407 – Fax: (727)529-8485

St. Petersburg College and Peter R. Brown Construction, Inc. are committed to provide equal opportunity and strongly encourage all interested M/WBE and SBE firms to submit proposals.

One set of plans and specifications will be supplied to all pre-qualified trade contractors at no cost. Drawings for HVAC and Electric will be available February 5, 2008. Drawings for all other trades will be available prior to May 2, 2008. Preproposal Meeting Trade contractors are responsible for the cost of shipping. Additional sets may be purchased directly from the copy center. Copy center information will be distributed with the Proposal Packages.

St. Petersburg College and Peter R. Brown Construction, Inc. reserve the right to accept or reject any and all proposals in whole or part and to waive informalities and irregularities.

No verbal instruction or directives will be accepted regarding this project during the proposal period. All instructions or directives must be clarified through written Addenda or Supplements. All questions regarding the work should be directed to the Construction Manager, in writing by HVAC & Electric by March 3, 2008 and all other trades by May 7, 2008. The Owner and Architect will not accept calls regarding this project.

Section XII Miscellaneous

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Division of Community Planning, Department of Community Affairs, received the following petitions for binding letters of Development of Regional Impact, Vested Rights and Modification Determinations, pursuant to Section 380.06(4)(a), Florida Statutes.

FILE NO.: BLIVR-11-2007-006
DATE RECEIVED: January 25, 2008
DEVELOPMENT NAME: LAUDERHILL MALL
DEVELOPER/AGENT: /J. Michael Marshall
DEVELOPMENT TYPE: 28-24.031, F.A.C.
LOCAL GOVERNMENT: City of Lauderhill

DCA Order No. DCA08-OR-35

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY ISLAMORADA, VILLAGE OF ISLANDS
ORDINANCE NO. 07-29

FINAL ORDER

The Department of Community Affairs (the “Department”) hereby issues its Final Order, pursuant to §§ 380.05(6), Florida Statutes, and § 380.0552(9), Florida Statutes (2007), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Islamorada, Village of Islands is a local government within the Florida Keys Area.
2. On December 4, 2007, the Department received for review Islamorada, Village of Islands Ordinance No. 07-29 (“Ord. No. 07-29”) adopted by the Village on November 29, 2007.
3. Ord. No. 07-29 amends Chapter 30 Land Development Regulations, Article IV Administrative Procedures, Division 11 Building Permit Allocation System regarding the Nonresidential and Residential Unit Allocation. The purpose of Ord. No. 07-29 is to adjust the existing ratio of building allocations from 50% market rate housing and 50% affordable housing to 80% market rate housing and 20% affordable housing authorizing an annual allocation of 22 units to market rate development and a minimum of 6 units to affordable housing per year. Ordinance No. 07-29 also amends the Village code to reflect a previously approved comprehensive plan amendment re-establishing the 102.4 square foot ratio resulting in a commercial space square foot allocation of 2,868 square feet (28 units x 102.4 sq/ft) per year.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations or portions thereof that are enacted, amended, or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Florida Statutes, and § 380.0552(9), Florida Statutes(2007).
5. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Florida Statutes (2007), and Rule 28-29.002 (superseding Chapter 27F-8), Florida Administrative Code.

6. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Florida Statutes (2007). The regulations adopted by Ord. 07-29 are land development regulations.
7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. (2007). See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
8. Ord. 07-29 promotes and furthers the following Principles:
 - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
 - (d) To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.
9. Ord. 07-29 is not inconsistent with the remaining Principles. Ord. 07-29 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 07-29 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE

REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

/s/ _____
CHARLES GAUTHIER, AICP
Director, Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 25th day of January, 2008.

/s/ _____
Paula Ford, Agency Clerk

By U.S. Mail:
Honorable Dave Boerner, Mayor
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036

Beverly Raddatz, Village Clerk
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036

Nina Boniske, Esq.
James White, Esq.
Weiss Serota Helfman Pastoriza
Guedes Cole & Boniske, P.A.
3107 Stirling Drive, Suite 300
Fort Lauderdale, FL 33312-8500

By Hand Delivery or Interagency Mail:
Rebecca Jetton, ACSC Administrator
Richard E. Shine, Assistant General Counsel

DCA Order No. DCA08-OR-36

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY ISLAMORADA, VILLAGE OF ISLANDS
ORDINANCE NO. 07-30

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Florida Statutes, and § 380.0552(9), Florida Statutes (2007), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Islamorada, Village of Islands is a local government within the Florida Keys Area.
2. On December 4, 2007, the Department received for review Islamorada, Village of Islands Ordinance No. 07-30 ("Ord. No. 07-30") adopted by the Village on November 29, 2007.
3. Ord. No. 07-30 amends Chapter 30 Land Development Regulations, Article II Rules of Construction and Definitions, Section 30-32 Specific Definitions, of the Village Code of Ordinances; Article V Schedule of District Use and Development Standards, Division 3 Nonconformities, Section 30-32 Definitions; and Section 30-738 Nonconforming Characteristic of a Conforming Use. The purpose of Ord. No. 07-30 is to amend the Village Code to clarify that height is a characteristic of a "structure" rather than a characteristic of a "use."

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations or portions thereof that are enacted, amended, or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Florida Statutes, and § 380.0552(9), Florida Statutes (2007).
5. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Florida Statutes (2007), and Rule 28-29.002 (superseding Chapter 27F-8), Florida Administrative Code.

6. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Florida Statutes (2007). The regulations adopted by Ord. 07-30 are land development regulations.
7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Florida Statutes(2007). See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
8. Ord. 07-30 promotes and furthers the following Principles:
 - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
 - (f) To enhance natural scenic resources, promote the aesthetic benefits of the natural environment, and ensure that development is compatible with the unique historic character of the Florida Keys.
9. Ord. 07-30 is not inconsistent with the remaining Principles. Ord. 07-30 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 07-30 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES,

AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY

RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

/s/ _____
CHARLES GAUTHIER, AICP
Director, Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 25th day of January, 2008.

/s/ _____
Paula Ford, Agency Clerk

By U.S. Mail:
Honorable Dave Boerner, Mayor
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036

Beverly Raddatz, Village Clerk
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036

Nina Boniske, Esq.
James White, Esq.
Weiss Serota Helfman Pastoriza
Guedes Cole & Boniske, P.A.
3107 Stirling Drive, Suite 300
Fort Lauderdale, FL 33312-8500

By Hand Delivery or Interagency Mail:
Rebecca Jetton, ACSC Administrator
Richard E. Shine, Assistant General Counsel

DCA Order No. 08-OR-37

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: A LAND DEVELOPMENT REGULATION ADOPTED BY ISLAMORADA, VILLAGE OF ISLANDS ORDINANCE NO. 07-32

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Florida Statutes, and § 380.0552(9), Florida Statutes (2007), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Islamorada, Village of Islands is a local government within the Florida Keys Area.
2. On December 4, 2007, the Department received for review Islamorada, Village of Islands Ordinance No. 07-32 ("Ord. No. 07-32") adopted by the Village on November 29, 2007.
3. Ord. No. 07-32 amends Chapter 30 Land Development Regulations, Article II Rules of Construction and Definitions, Section 30-32 Specific Definitions; and establishing Chapter 30 Land Development Regulations, Article IV Administrative Procedures, Division 12 Transfer of Development Rights of the Village Code of Ordinances. The purpose of Ord. No. 07-32 is to establish a method for transferring development rights, both residential and non-residential, between proprietries within the Village.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations or portions thereof that are enacted, amended, or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Florida Statutes, and § 380.0552(9), Florida Statutes (2007).
5. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Florida Statutes (2007), and Rule 28-29.002 (superseding Chapter 27F-8), Florida Administrative Code.

6. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Florida Statutes (2007). The regulations adopted by Ord. 07-32 are land development regulations.
7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Florida Statutes (2007). See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
8. Ord. 07-32 promotes and furthers the following Principles:
 - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
 - (b) To protect shoreline and marine resources, including mangroves, coral reef formations, seagrass beds wetlands, fish and wildlife and their habitat.
 - (c) To protect upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation, dune ridges and beaches, wildlife, and their habitat.
9. Ord. 07-32 is not inconsistent with the remaining Principles. Ord. 07-32 is consistent with the Principles for Guiding Development as a whole.
10. Ord. 07-32 is consistent with Policy 1-3.1.4: Institute a Program for Transfer of Development Rights; and Policy 1-4.2.1 Implement Comprehensive Plan Through Land Development Regulations, of the Islamorada, Village of Islands Comprehensive Plan.

WHEREFORE, IT IS ORDERED that Ord. 07-32 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION, DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2) FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CHARLES GAUTHIER, AICP
Director, Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 29th day of January, 2008.

Paula Ford, Agency Clerk

By U.S. Mail:
Honorable Dave Boerner, Mayor
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036

Beverly Raddatz, Village Clerk
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036

Nina Boniest, Esq.
James White, Esq.
Weiss Serota Helfman Pastoriza
Guedes Cole & Boniske, P.A.
3107 Stirling Drive, Suite 300
Fort Lauderdale, FL 33312-8500

DCA Order No. DCA08-OR-38

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: A LAND DEVELOPMENT REGULATION ADOPTED BY ISLAMORADA, VILLAGE OF ISLANDS ORDINANCE NO. 07-35

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Florida Statutes, and § 380.0552(9), Florida Statutes (2007), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Islamorada, Village of Islands is a local government within the Florida Keys Area.
2. On December 4, 2007, the Department received for review Islamorada, Village of Islands Ordinance No. 07-29 ("Ord. No. 07-29") adopted by the Village on November 29, 2007.
3. Ord. No. 07-29 amends Chapter 30 Land Development Regulations, Article IV Administrative Procedures, Division 11 Building Permit Allocation System regarding the Nonresidential and Residential Unit Allocation. The purpose of Ord. No. 07-29 is to adjust the existing ratio of building allocations from 50% market rate housing and 50% affordable housing to 80% market rate housing and 20% affordable housing authorizing an annual allocation of 22 units to market rate development and a minimum of 6 units to affordable housing per year. Ordinance No. 07-29 also amends the Village code to reflect a previously approved comprehensive plan amendment re-establishing the 102.4 square foot ratio resulting in a commercial space square foot allocation of 2,868 square feet (28 units x 102.4 sq/ft) per year.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations or portions thereof that are enacted, amended, or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Florida Statutes, and § 380.0552(9), Florida Statutes (2007).
5. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Florida Statutes (2007), and Rule 28-29.002 (superseding Chapter 27F-8), Florida Administrative Code.
6. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Florida Statutes (2007). The regulations adopted by Ord. 07-29 are land development regulations.
7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Florida Statutes (2007). See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
8. Ord. 07-29 promotes and furthers the following Principles:
 - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
 - (d) To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.
9. Ord. 07-29 is not inconsistent with the remaining Principles. Ord. 07-29 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 07-29 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S

ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

/s/ _____
CHARLES GAUTHIER, AICP
Director, Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 25th day of January, 2008.

/s/ _____
Paula Ford, Agency Clerk

By U.S. Mail:
Honorable Dave Boerner, Mayor
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036

Beverly Raddatz, Village Clerk
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036

Nina Boniske, Esq.
James White, Esq.
Weiss Serota Helfman Pastoriza
Guedes Cole & Boniske, P.A.
3107 Stirling Drive, Suite 300
Fort Lauderdale, FL 33312-8500

By Hand Delivery or Interagency Mail:
Rebecca Jetton, ACSC Administrator
Richard E. Shine, Assistant General Counsel

DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation intends to issue an "Airport Site Approval Order," in accordance with Chapter 330, Florida Statutes, "Regulation of Aircraft, Pilots, and Airports" and Chapter 14-60, Florida Administrative Code, "Airport Licensing, Registration, and Airspace Protection" for the following site:

Doctors Memorial Hospital, a private airport, in Holmes County, at Latitude 30° 45' 40.67" and Longitude 85° 40' 56.96", to be owned and operated by Mrs. Joann Baker, 2600 Hospital Drive, Bonifay, FL 32425.

A copy of the Airport Site Approval Order, the Airport's application, the applicable rules, and other pertinent information may be obtained by contacting: Mr. William J. Ashbaker, P.E., State Aviation Manager, Florida Department of Transportation, Aviation Office, 605 Suwannee Street, Mail Station 46, Tallahassee, Florida 32399-0450, (850)414-4500, aviation.fdot@dot.state.fl.us. Website: <http://www.dot.state.fl.us/aviation>.

ADMINISTRATIVE HEARING RIGHTS: Any person whose substantial interests will be determined or affected by this Airport Site Approval Order has the right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing. The petition for an administrative hearing must conform to the requirements of Rule Chapter 28-106, Florida Administrative Code, and must be filed, in writing, within twenty-one days of the publication of this notice, with the Clerk of Agency Proceedings, Office of General Counsel, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0450. Failure to file a petition within the allowed time constitutes a waiver of any right such person has to request a hearing under Chapter 120, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Zongshen, Inc., intends to allow the establishment of Cruz-Zin Motors, Inc., as a dealership for the sale of motorcycles manufactured by Zongshen Industrial Group (ZONG) at 5703 Southwest 17th Street, Miami (Dade County), Florida 33155-2118, on or after June 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Cruz-Zin Motors, Inc. are dealer operator(s): Raphael Cruz, 5703 Southwest 17th Street, Miami, Florida 33155-2118 and Elsa Cruz, 5703 Southwest 17th Street, Miami, Florida 33155-2118; principal investor(s): Raphael Cruz, 5703 Southwest 17th Street, Miami, Florida 33155-2118 and Elsa Cruz, 5703 Southwest 17th Street, Miami, Florida 33155-2118.

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: Rose Perez, Zongshen, Inc., 3511 Northwest 113th Court, Miami, 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 Pacific Cycle, Inc., intends to allow the establishment of Dorsch, Inc., as a dealership for the sale of motorcycles manufactured by Guangzhou Panyu Huanan

Motors Group Co. Ltd. (GUNG) at 1845 East Memorial Boulevard, Lakeland (Polk County), Florida 33801, on or after January 23, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Dorsch, Inc. are dealer operator(s): David Dorsch, 5452 Highland Vista Circle, Lakeland, Florida 33813; principal investor(s): David Dorsch, 5452 Highland Vista Circle, Lakeland, Florida 33813.

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: Mike Wolfgram, Pacific Cycle, Inc., 4902 Hammersley Road, Madison, Wisconsin 53711.

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 Gradall Industries, Inc., intends to allow the establishment of GS Equipment, Inc., as a dealership for the sale of Gradall hydraulic excavators (GRAD) at 4501 Oakes Road, Davie (Broward County), Florida 33314, on or after January 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of GS Equipment, Inc. are dealer operator(s): Raymond K. Ferwerda, 5001 A Pilgrims Pathway, Tampa, Florida 33611 and Raymond K. Ferwerda, Jr., 1207 Druid Lane, Tampa, Florida 33629; principal investor(s): Raymond K. Ferwerda, 5001 A Pilgrims Pathway, Tampa, Florida 33611 and Raymond K. Ferwerda, Jr., 1207 Druid Lane, Tampa, Florida 33629.

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: Mark D. Allison, Gradall Industries, Inc., 177 East Arrowhead Court, Troutville, Virginia 24175.

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 Gradall Industries, Inc., intends to allow the establishment of GS Equipment, Inc., as a dealership for the sale of Gradall hydraulic excavators (GRAD) at 4555 Laredo Avenue, Fort Myers (Lee County), Florida 33905, on or after January 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of GS Equipment, Inc. are dealer operator(s): Raymond K. Ferwerda, 5001 A Pilgrims Pathway, Tampa, Florida 33611 and Raymond K. Ferwerda, Jr., 1207 Druid Lane, Tampa, Florida 33629; principal investor(s): Raymond K. Ferwerda, 5001 A Pilgrims Pathway, Tampa, Florida 33611 and Raymond K. Ferwerda, Jr., 1207 Druid Lane, Tampa, Florida 33629.

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: Mark D. Allison, Gradall Industries, Inc., 177 East Arrowhead Court, Troutville, Virginia 24175.

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 Gradall Industries, Inc., intends to allow the establishment of GS Equipment, Inc., as a dealership for the sale of Gradall hydraulic excavators (GRAD) at 1023 South 50th Street, Tampa (Hillsborough County), Florida 33619, on or after January 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of GS Equipment, Inc. are dealer operator(s): Raymond K. Ferwerda, 5001 A Pilgrims Pathway, Tampa, Florida 33611 and Raymond K. Ferwerda, Jr., 1207 Druid Lane, Tampa, Florida 33629; principal investor(s): Raymond K. Ferwerda, 5001 A Pilgrims Pathway, Tampa, Florida 33611 and Raymond K. Ferwerda, Jr., 1207 Druid Lane, Tampa, Florida 33629.

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: Mark D. Allison, Gradall Industries, Inc., 177 East Arrowhead Court, Troutville, Virginia 24175.

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 Gradall Industries, Inc., intends to allow the establishment of GSX, Inc. d/b/a Great Southern Construction Equipment Co., as a dealership for the sale of Gradall hydraulic excavators (GRAD) at 1301 Central Florida Parkway, Orlando (Orange County), Florida 32837, on or after January 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of GS Equipment, Inc. are dealer operator(s): Raymond K. Ferwerda, 5001 A Pilgrims Pathway, Tampa, Florida 33611 and Raymond K. Ferwerda, Jr., 1207 Druid Lane, Tampa, Florida 33629; principal investor(s): Raymond K. Ferwerda, 5001 A Pilgrims Pathway, Tampa, Florida 33611 and Raymond K. Ferwerda, Jr., 1207 Druid Lane, Tampa, Florida 33629.

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: Mark D. Allison, Gradall Industries, Inc., 177 East Arrowhead Court, Troutville, Virginia 24175.

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 Thunder Mountain Custom Cycles, Inc., intends to allow the establishment of HD American Road, LLC d/b/a East Orlando Harley Davidson, as a dealership for the sale of motorcycles manufactured by Thunder Mountain Custom Cycles (THMT) at 11898 Lake Underhill Road, Orlando (Orange County), Florida 32825, on or after January 21, 2008.

The name and address of the dealer operator(s) and principal investor(s) of HD American Road, LLC d/b/a East Orlando Harley Davidson are dealer operator(s): Steven F. Deli, 11898 Lake Underhill Road, Orlando, Florida 32825; principal investor(s): Steven F. Deli, 322 East Central Boulevard, Apartment 2201, Orlando, Florida 32801 and Michael Bozic, 1 Trimont Lane, # 1000A, Pittsburgh, Pennsylvania 15211.

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: Colleen Breneman, Thunder Mountain Custom Cycles, Inc., 760 Southeast Frontage Road, Fort Collins, Colorado 80524.

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 Thunder Mountain Custom Cycles, Inc., intends to allow the establishment of HD American Road, LLC d/b/a Orlando Harley Davidson South, as a dealership for the sale of motorcycles manufactured by Thunder Mountain Custom Cycles (THMT) at 5881 West Irlo Bronson Highway, Kissimmee, (Osceola County), Florida 34746, on or after January 21, 2008.

The name and address of the dealer operator(s) and principal investor(s) of HD American Road, LLC d/b/a Orlando Harley Davidson South are dealer operator(s): Steven F. Deli, 5881 West Irlo Bronson Highway, Kissimmee, Florida 34746; principal investor(s): Steven F. Deli, 322 East Central Boulevard, Apartment 2201, Orlando, Florida 32801 and Michael Bozic, 1 Trimont Lane, #1000A, Pittsburgh, Pennsylvania 15211.

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: Colleen Breneman, Thunder Mountain Custom Cycles, Inc., 760 Southeast Frontage Road, Fort Collins, Colorado 80524.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Peace Industry Group, Inc., intends to allow the establishment of Mopeds and More, Inc., as a dealership for the sale of motorcycles manufactured by Astronautical Bashan Manufacture Co. Ltd. (BASH) at 6191 South Pine Avenue, Ocala (Marion County), Florida 34480, on or after February 18, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Mopeds and More, Inc., are dealer operator(s): Brian Martin, 6191 South Pine Avenue, Ocala, Florida 34480; principal investor(s): Brian Martin, 6191 South Pine Avenue, Ocala, Florida 34480 and Pam Martin, 6191 South Pine Avenue, Ocala, Florida 34480.

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: Lily Ji, Peace Industry Group, Inc., 6600-B Jimmy Carter Boulevard, Norcross, Georgia 30071.

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 WITHDRAWAL

Notice is hereby given that the publication of RML Automotive, Inc., as a new point for Vento (VENO) motorcycle franchise dealership in Volusia County by Vento Motorcycles, Inc., published in Vol. 34, No. 4, pp. 583 of the F.A.W., on January 25, 2008, has been withdrawn.

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 Piaggio Group Americas, Inc., intends to allow the establishment of Scooter Superstore of America, Inc., as a dealership for the sale of Moto Guzzi motorcycles (MOGU) at 1705 Northeast 16th Avenue, Gainesville (Alachua County), Florida 32601, on or after January 23, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Scooter Superstore of America, Inc. are dealer operator(s): Peter Warrick, 1705 Northeast 16th Avenue, Gainesville, Florida 32601; principal investor(s): Peter Warrick, 1705 Northeast 16th Avenue, Gainesville, Florida 32601.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, 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: Angellina Fraser-Lubin, Piaggio Group Americas, Inc., 140 East 45th Street, 17th Floor, New York, New York 10017.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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 Piaggio Group Americas, Inc., intends to allow the establishment of Scooter Superstore of America, Inc., as a dealership for the sale of Piaggio motorcycles (PIAG) at 1705 Northeast 16th Avenue, Gainesville (Alachua County), Florida 32601, on or after January 23, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Scooter Superstore of America, Inc. are dealer operator(s): Peter Warrick, 1705 Northeast 16th Avenue, Gainesville, Florida 32601; principal investor(s): Peter Warrick, 1705 Northeast 16th Avenue, Gainesville, Florida 32601.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, 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: Angellina Fraser-Lubin, Piaggio Group Americas, Inc., 140 East 45th Street, 17th Floor, New York, New York 10017.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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 Piaggio Group Americas, Inc., intends to allow the establishment of Scooter Superstore of America, Inc., as a dealership for the sale of Vespa motorcycles (VESP) at 1705 Northeast 16th Avenue, Gainesville (Alachua County), Florida 32601, on or after January 23, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Scooter Superstore of America, Inc. are dealer operator(s): Peter Warrick, 1705 Northeast 16th Avenue, Gainesville, Florida 32601; principal investor(s): Peter Warrick, 1705 Northeast 16th Avenue, Gainesville, Florida 32601.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, 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: Angellina Fraser-Lubin, Piaggio Group Americas, Inc., 140 East 45th Street, 17th Floor, New York, New York 10017.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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 World Ventures Corp. d/b/a Scooterdomain.com, intends to allow the establishment of World Ventures Corp. d/b/a Scooterdomain.com, as a dealership for the sale of motorcycles manufactured by Kaitong Motorcycle Manufacture Co. Ltd. (KAIT) at 13031 Southwest 123 Avenue, Unit 1, Miami (Dade County), Florida 33186, on or after January 28, 2008.

The name and address of the dealer operator(s) and principal investor(s) of World Ventures Corp. d/b/a Scooterdomain.com are dealer operator(s): Gabriel R. Azcunce, 13031 Southwest 123 Avenue, Unit 1, Miami, Florida 33186; principal investor(s): Gabriel R. Azcunce, 13031 Southwest 123 Avenue, Unit 1, Miami, Florida 33186.

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: Gabriel R. Azcunce, World Ventures Corp. d/b/a Scooterdomain.com, 13031 Southwest 123 Avenue, Unit 1, Miami, Florida 33186.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

LAND AND WATER ADJUDICATORY COMMISSION

On March 16, 2007, the Florida Land and Water Adjudicatory Commission (the "Commission") received a Petition to adopt an amendment to rule Chapter 42H-1, F.A.C., to amend the boundary of the Crossings at Fleming Island Community Development District (the "District") pursuant to Chapter 190, F.S. (The Petition was supplemented at the request of the Secretary of the Commission.) Petitioner asserts a copy of the Petition was filed with Clay County. The Commission will follow the requirements of Chapter 190, F.S., and Chapter 42-1, F.A.C., in ruling on this Petition, as supplemented.

SUMMARY OF CONTENTS OF PETITION: The Petition, as supplemented, was filed by the Crossings at Fleming Island Community Development District with its registered office located at 1279 Kingsley Avenue, Suite 118, Orange Park, Florida 32073. The Petition, as supplemented, proposes to modify the land area presently serviced by the District by amending its boundary to add 20.7 acres to the District located within Clay County, Florida. The District currently covers approximately 2,848 acres of land and after amendment the District will consist of approximately 2,868.7 acres. The District is generally located northwest, southwest and southeast of the intersection of U.S. 17 and C.R. 220 on Fleming Island. There are no parcels within the expansion parcels or the proposed amended boundaries of the District that are to be excluded from the District. Petitioner has obtained written consent to amend the boundaries of the District from the owners of 100% of the real property comprising the expansion parcels. The District intends to provide the following improvements or provide the following facilities or services for the expansion parcels: master surface water management and drainage system; internal roadways; potable water distribution; wastewater collection system; and reclaimed water system.

SUMMARY OF THE STATEMENT OF ESTIMATED REGULATORY COSTS: In association with the Petition, as supplemented, the Petitioner has caused a Statement of Estimated Regulatory Costs ("SERC") to be prepared in compliance with Section 120.541, F.S. The complete text of the SERC is contained at Exhibit "9" to the Petition. By way of summary, the SERC estimates the principal individuals and entities likely to be required to comply with the amended rule

are the District, the State of Florida, and Clay County. The SERC estimates that rule amendment implementation and enforcement costs to the above-described entities will be minimal and/or are offset by the payment of requisite filing and annual fees; and, estimates there will be no negative impact on state and local revenues from the proposed amendment of the rule. With respect to an estimate of the transactional costs likely to be incurred by individuals and entities required to comply with the requirements of the rule, the SERC indicates that to fund the cost of maintaining infrastructure, assessments and fees will be imposed on the individuals who may ultimately reside on or own property within the expansion parcels of the District. Finally, the SERC concludes that the amendment of the District's boundary will have only incidental or a positive impact on small businesses and should not have a negative impact on small counties. Clay County is not a small county as defined by Section 120.52, F.S. The SERC analysis is based on a straightforward application of economic theory and input was received from professionals associated with the District.

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

DATE AND TIME: Thursday, February 28, 2008, 11:00 a.m.

PLACE: Eagle Harbor Golf Club
The Florida Room
2217 Eagle Harbor Parkway
Orange Park, Florida

Any person requiring a special accommodation to participate in the hearing because of a disability should contact Michael C. Eckert, telephone (850)222-7500, at least two (2) business days in advance in order to provide sufficient opportunity to make appropriate arrangements.

COPIES OF THE PETITION MAY BE OBTAINED BY CONTACTING: Michael C. Eckert, Hopping Green & Sams, 123 South Calhoun Street, Tallahassee, Florida 32301, telephone (850)222-7500 or Barbara Leighty, Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, telephone (850)487-1884.

AGENCY FOR HEALTH CARE ADMINISTRATION

The Agency for Health Care Administration has received an application for service exemption from Lake Butler Hospital Hand Surgery Center pursuant to Section 395.1041 (3), Florida Statutes and Rule 59A-3.255, Florida Administrative Code. The service category requested is Hyperbaric Services. 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: Julie Young, 2727 Mahan Drive, MS # 31, Tallahassee, Florida 32308, (850)414-6940 or by e-mail at youngj@ahca.myflorida.com.

The Agency for Health Care Administration has received an application for service exemption from Winter Haven Hospital, 200 Avenue "F" Northeast, Winter Haven, FL 33881, pursuant to Section 395.1041(3), Florida Statutes and Rule 59A-3.255, Florida Administrative Code. The service category requested is Orthopedic Surgery. 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: Sherry Ledbetter, 2727 Mahan Drive, MS #31, Tallahassee Florida 32308, (850)921-6621 or by e-mail at ledbetts@ahca.myflorida.com.

**CERTIFICATE OF NEED
EXEMPTIONS**

The Agency for Health Care Administration authorized the following exemption pursuant to Section 408.036(3), Florida Statutes:

County: Orange District: 7
 ID # E0700007 Decision: A Issue Date: 1/15/2008
 Facility/Project: Dr. P. Phillips Hospital
 Applicant: Orlando Regional Healthcare System, Inc.
 Project Description: Provide adult emergency PCI without an approved open heart surgery program.
 Proposed Project Cost: \$0

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

The Department of Environmental Protection announces the receipt of the below listed applications for permit coverage under the Generic Permit for Discharge of Stormwater from Phase II Municipal Separate Storm Sewer Systems (MS4). The applications are being processed and are available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at Science Applications International Corporation (SAIC), 2343 Hansen Lane, Tallahassee, Florida 32301, (850)523-1449. Any

comments related to the noticed applications or objections to the use of the Generic Permit by any of the noticed applicants must be received by the Department within 14 days from the date of this notice.

Phase II MS4 applications received January 16, 2008 – January 23, 2008

1. Clay County – FLR04E045
2. City of Melbourne – FLR04E027
3. Florida Department of Transportation (FDOT) District 3 – FLR04E023
4. City of Gainesville – FLR04E006
5. Indian River County – FLR04E068
6. City of Lynn Haven – FLR04E008
7. City of Stuart – FLR04E031
8. City of Port Orange – FLR04E014

Comments may be mailed to the following address:

Steven Kelly
 NPDES Stormwater Section
 2600 Blair Stone Road, MS #2500
 Tallahassee, Florida 32399-2400

NOTICE OF RECEIPT OF LAND USE DETERMINATION

On January 24, 2008 the Department of Environmental Protection received a determination from St. Lucie County that the Florida Power & Light Co., St. Lucie Unit 1 and 2 Uprate Project, Power Plant Siting Application No. 74-02A2, OGC Case No. 07-2624, DOAH Case No. 07-005683EPP, is consistent with existing local land use plans and zoning ordinances in St. Lucie County pursuant to the Florida Electrical Power Plant Siting Act, Section 403.50665, F.S. A copy of the determination of compliance is available for review in the office of: Michael P. Halpin, P.E., Siting Coordination Office, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 48, Tallahassee, Florida 32399-2400, (850)245-8002. Pursuant to Section 403.50665(4), F.S., if any substantially affected person wishes to dispute St. Lucie County's determination that the proposed St. Lucie Unit, Unit 1 and 2 Uprate Project is consistent with St. Lucie County's existing land use plans and zoning ordinances, he or she must file a petition with the Department within 21 days after the publication of notice of the local government's determination. If a hearing is requested, the provisions of Section 403.508(1), F.S., shall apply. Should a land use hearing be held, the notice of land use hearing will be published as per the provisions of Section 403.5115, F.S. Pursuant to Section 403.508(1), F.S., the sole issue for determination at a land use hearing shall be

whether or not the proposed site is consistent and in compliance with existing land use plans and zoning ordinances. If the administrative law judge concludes that the proposed site is not consistent or in compliance with existing land use plans and zoning ordinances, the administrative law judge shall receive at the hearing evidence on, and address in the recommended order, any changes to or approvals or variances under the applicable land use plans or zoning ordinances which will render the proposed site consistent and in compliance with the local land use plans and zoning ordinances. A person whose substantial interests are affected by the proposed determination of consistency may petition for an administrative hearing in accordance with Section 403.5066(4), F.S. The petition must be filed with the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, (850)245-2241, Fax (850)245-2303. The petition should contain: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the determination; (c) A statement of how and when each petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact; If there are none, the petitioner shall so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the proposed action; and (g) A statement of the relief sought by the petitioner. A petition that does not dispute the material facts shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, Florida Administrative Code.

FLORIDA STATE CLEARINGHOUSE

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(40), F.S. A list of projects, comments deadlines and the address for

providing comments are available at: <http://approd.dep.state.fl.us/clearinghouse/>. For information, call (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

The Department of Environmental Protection, Office of Greenways and Trails, will accept proposals for land acquisition funding under the Florida Greenways and Trails Program between February 18 and April 17, 2008. Applicants must apply for and receive a "Certificate of Eligibility" prior to submittal of an application. Once eligible, an applicant must submit an original "Application for Acquisition of Land" and twenty-four (24) first-generation copies of the application and supporting documentation to the Office of Greenways and Trails at the address listed below by 5:00 p.m., April 17, 2008. Faxes cannot be accepted.

The Florida Greenways and Trails Program receives approximately \$4.5 million annually, funded through the sale of bonds authorized under the Florida Forever Act. For an application or copy of the rule containing detailed program requirements, call (850)245-2052 or our toll free number at 1(877)822-5208 or visit our web site at www.floridagreenwaysandtrails.com or write: Department of Environmental Protection, Office of Greenways and Trails, 3900 Commonwealth Blvd., MS 795, Tallahassee, FL 32399-3000.

DEPARTMENT OF HEALTH

On January 29, 2008, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with the regard to the license of Christine Mary Blum, L.P.N., license number PN 1227671. 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 January 29, 2008, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with the regard to the license of Bibi Fazia Khan, L.P.N., license number PN 1338821. 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 January 25, 2008, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with the regard to the license of Tammi Lynn Rebhan, L.P.N., license number PN 1321021. 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 January 29, 2008, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with the regard to the license of Melany Dolores Sommer, R.N., license number RN 9175322. 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 January 29, 2008, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with the regard to the license of Mary Elizabeth Wiley, R.N., license number RN 2151302. 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 FINANCIAL SERVICES

**LIST OF APPROVED SPARKLERS ADDED TO
FEBRUARY 1, 2008 TO JANUARY 31, 2009**

The Department of Financial Services, Division of State Fire Marshal, pursuant to Section 791.013(1), Florida Statutes, hereby approves the following sparklers for sale from February 1, 2008 to January 31, 2009. The products are listed by ITEM (the name of the product, and any major words or numbers on the product); BRAND (means by the name or logo of the manufacturer); and DESCRIPTION (a specific physical description of the product, size should be accurate to within one (1) inch). ALL ASSORTMENT PACKAGES OR CONTAINERS MUST CONTAIN APPROVED SPARKLERS.

PLEASE NOTE: This list contains only the sparklers which were provided to the Department on or after January 31, 2007 through September 1, 2007 and approved for use from February 1, 2008 through January 31, 2009.

A complete list of all approved sparklers which are approved for use from February 1, 2008 through January 31, 2009 are available at www.fldfs.com or to obtain a printed copy, please write or fax your request to the Bureau of Fire Prevention, Regulatory Licensing Section, 200 East Gaines Street, Tallahassee, Florida 32399-0342, (850)410-2467 or email www.fldfs.com.

- PRODUCT NAME 38 SPECIAL FOUNTAIN CP1419
- BRAND TNT FIREWORKS
- PHYSICAL DESCRIPTION 8" X 3 1/2" CYLINDER WITH PLASTIC TOP
- PRODUCT NAME DIRT DOBBER CP1544
- BRAND TNT FIREWORKS
- PHYSICAL DESCRIPTION 6" X 2 1/2" X 3 1/2" EYE SHAPED
- PRODUCT NAME EN FUEGO CP1523
- BRAND TNT FIREWORKS
- PHYSICAL DESCRIPTION 6" X 2 1/2" X 3 1/2" EYE SHAPED
- PRODUCT NAME GIRLS BEST FRIEND CP1308
- BRAND TNT FIREWORKS
- PHYSICAL DESCRIPTION 6 3/4" X 4" X 4" DIAMOND
- PRODUCT NAME MAGIC MUSHROOMS FOUNTAIN CP1492D
- BRAND TNT FIREWORKS
- PHYSICAL DESCRIPTION 4 1/2" X 2 1/4" CYLINDER WITH CAP
- PRODUCT NAME MAGIC MUSHROOMS FOUNTAIN CP1492C
- BRAND TNT FIREWORKS
- PHYSICAL DESCRIPTION 4 1/2" X 2 1/4" CYLINDER WITH CAP
- PRODUCT NAME MAGIC MUSHROOMS FOUNTAIN CP1492B
- BRAND TNT FIREWORKS
- PHYSICAL DESCRIPTION 4 1/2" X 2 1/4" CYLINDER WITH CAP

PRODUCT NAME	MAGIC MUSHROOMS FOUNTAIN CP1492A	PRODUCT NAME	PINK ICE CP1327
BRAND	TNT FIREWORKS	BRAND	TNT FIREWORKS
PHYSICAL DESCRIPTION	4 1/2" X 2 1/4" CYLINDER WITH CAP	PHYSICAL DESCRIPTION	9" X 4" CYLINDER
PRODUCT NAME	MINI CALIFORNIA ROCKET FOUNTAIN CP1413D	PRODUCT NAME	ROCK-IT CP1546
BRAND	TNT FIREWORKS	BRAND	TNT FIREWORKS
PHYSICAL DESCRIPTION	4" X 1/2" ROCKET SHAPE CYLINDER WITH 9 1/2" STICK	PHYSICAL DESCRIPTION	5 1/2" X 4 1/2" CONE WITH ROUNDED BASE
PRODUCT NAME	MINI CALIFORNIA ROCKET FOUNTAIN CP1413A	PRODUCT NAME	SUPER CALIFORNIA ROCKET FOUNTAIN CP1414D
BRAND	TNT FIREWORKS	BRAND	TNT FIREWORKS
PHYSICAL DESCRIPTION	4" X 1/2" ROCKET SHAPE CYLINDER WITH 9 1/2" STICK	PHYSICAL DESCRIPTION	1/2" X 7" ROCKET SHAPE CYLINDER WITH 27 1/2" STICK
PRODUCT NAME	MINI CALIFORNIA ROCKET FOUNTAIN CP1413B	PRODUCT NAME	SUPER CALIFORNIA ROCKET FOUNTAIN CP1414A
BRAND	TNT FIREWORKS	BRAND	TNT FIREWORKS
PHYSICAL DESCRIPTION	4" X 1/2" ROCKET SHAPE CYLINDER WITH 9 1/2" STICK	PHYSICAL DESCRIPTION	1/2" X 7" ROCKET SHAPE CYLINDER WITH 27 1/2" STICK
PRODUCT NAME	MINI CALIFORNIA ROCKET FOUNTAIN CP1413C	PRODUCT NAME	SUPER CALIFORNIA ROCKET FOUNTAIN CP1414C
BRAND	TNT FIREWORKS	BRAND	TNT FIREWORKS
PHYSICAL DESCRIPTION	4" X 1/2" ROCKET SHAPE CYLINDER WITH 9 1/2" STICK	PHYSICAL DESCRIPTION	1/2" X 7" ROCKET SHAPE CYLINDER WITH 27 1/2" STICK
PRODUCT NAME	OLD GLORY CP908	PRODUCT NAME	SUPER CALIFORNIA ROCKET FOUNTAIN CP1414B
BRAND	TNT FIREWORKS	BRAND	TNT FIREWORKS
PHYSICAL DESCRIPTION	6" MULTI-TUBE TRIANGLE	PHYSICAL DESCRIPTION	1/2" X 7" ROCKET SHAPE CYLINDER WITH 27 1/2" STICK
PRODUCT NAME	PHANTOM ROCKET FOUNTAINS EFFECT: GREEN SHOWER, WHITE GLITTER	PRODUCT NAME	TIME WARP FOUNTAIN CP1545
BRAND	PHANTOM FIREWORKS	BRAND	TNT FIREWORKS
PHYSICAL DESCRIPTION	3 1/2" X 1" ROCKET SHAPE CYLINDER ON 10" STICK	PHYSICAL DESCRIPTION	7 3/4" X 3 1/4" CYLINDER
PRODUCT NAME	PHANTOM ROCKET FOUNTAINS EFFECT: ORANGE SHOWER, WHITE CHRYSANTHEMUM	PRODUCT NAME	TNT CRACKLING SALUTE CP1393 10 PCS
BRAND	PHANTOM FIREWORKS	BRAND	TNT FIREWORKS
PHYSICAL DESCRIPTION	3 1/2" X 1" ROCKET SHAPE CYLINDER ON 10" STICK	PHYSICAL DESCRIPTION	5" X 1/2" CYLINDER
PRODUCT NAME	PHANTOM ROCKET FOUNTAINS EFFECT: RED SHOWER, WHITE CHRYSANTHEMUM	PRODUCT NAME	TRANSFORMER FOUNTAIN CP1512
BRAND	PHANTOM FIREWORKS	BRAND	TNT FIREWORKS
PHYSICAL DESCRIPTION	3 1/2" X 1" ROCKET SHAPE CYLINDER ON 10" STICK	PHYSICAL DESCRIPTION	7 3/4" X 3 1/2" CYLINDER
PRODUCT NAME	PHANTOM ROCKET FOUNTAINS EFFECT: PURPLE SHOWER, WHITE GLITTER	PRODUCT NAME	WOBBLER CP1584
BRAND	PHANTOM FIREWORKS	BRAND	TNT FIREWORKS
PHYSICAL DESCRIPTION	3 1/2" X 1" ROCKET SHAPE CYLINDER ON 10" STICK	PHYSICAL DESCRIPTION	5 1/2" X 4 1/2" CONE WITH ROUNDED BASE
		PRODUCT NAME	WOLFPACK THUNDER STRINGS LOUD CRACKLING STRIP
		BRAND	PHANTOM FIREWORKS
		PHYSICAL DESCRIPTION	2" X 3 1/2" RECTANGULAR PACKAGE

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., February 29, 2008):

APPLICATION WITHDRAWN

Application for Authority to Acquire Control
Financial Institution to be Acquired: Intercontinental Bank,
Miami, Florida
Proposed Purchasers: Alvaro Gorrin Ramos
Withdrawn: January 24, 2008

**APPLICATION FOR CONVERSION OF AN
INTERNATIONAL AGENCY OFFICE TO AN
INTERNATIONAL BRANCH OFFICE**

Applicant and Location: Banco do Brasil, S.A., 2 South
Biscayne Boulevard, Miami, Florida 33131
Correspondent: Bowman Brown, Shutts & Bowen, LLP, 1500
Miami Center, 201 South Biscayne Boulevard, Miami, Florida
33131
Received: January 23, 2008

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN January 21, 2008
 and January 25, 2008**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF EDUCATION
 State Board of Education**

6A-2.0010	1/23/08	2/12/08	33/45	33/52
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DEPARTMENT OF TRANSPORTATION

14-85.004	1/24/08	2/13/08	33/50	
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**WATER MANAGEMENT DISTRICTS
 St. Johns River Water Management District**

40C-2.101	1/24/08	2/13/08	33/36	33/52
40C-2.301	1/24/08	2/13/08	33/36	

Southwest Florida Water Management District

40D-2.091	1/24/08	2/13/08	33/36	33/52
40D-2.321	1/24/08	2/13/08	33/36	
40D-2.801	1/24/08	2/13/08	33/36	33/52

South Florida Water Management District

40E-2.091	1/24/08	2/13/08	33/36	33/52
40E-2.301	1/24/08	2/13/08	33/36	
40E-2.321	1/24/08	2/13/08	33/36	
40E-2.331	1/24/08	2/13/08	33/36	
40E-2.381	1/24/08	2/13/08	33/36	
40E-20.011	1/24/08	2/13/08	33/36	
40E-20.091	1/24/08	2/13/08	33/36	33/52
40E-20.301	1/24/08	2/13/08	33/36	
40E-20.302	1/24/08	2/13/08	33/36	
40E-20.321	1/24/08	2/13/08	33/36	
40E-20.331	1/24/08	2/13/08	33/36	
40E-20.381	1/24/08	2/13/08	33/36	

**AGENCY FOR HEALTH CARE ADMINISTRATION
 Medicaid Program Office**

59G-6.010	1/23/08	2/12/08	33/43	
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**DEPARTMENT OF BUSINESS AND PROFESSIONAL
 REGULATION**

Division of Hotels and Restaurants

61C-4.0161	1/23/08	2/12/08	33/44	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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Construction Industry Licensing Board

61G4-12.011	1/23/08	2/12/08	33/32	33/44
61G4-15.0021	1/23/08	2/12/08	33/16	33/33
61G4-15.006	1/23/08	2/12/08	33/30	33/44
61G4-15.032	1/22/08	2/11/08	33/49	

Board of Professional Engineers

61G15-30.004	1/22/08	2/11/08	33/50	
61G15-33.009	1/22/08	2/11/08	33/50	

DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-17.021	1/24/08	2/13/08	33/43	33/49
62-17.031	1/24/08	2/13/08	33/43	
62-17.041	1/24/08	2/13/08	33/43	33/50
62-17.051	1/24/08	2/13/08	33/43	33/50
62-17.081	1/24/08	2/13/08	33/43	
62-17.091	1/24/08	2/13/08	33/43	33/52
62-17.093	1/24/08	2/13/08	33/43	
62-17.115	1/24/08	2/13/08	33/43	
62-17.121	1/24/08	2/13/08	33/43	
62-17.133	1/24/08	2/13/08	33/43	
62-17.135	1/24/08	2/13/08	33/43	
62-17.137	1/24/08	2/13/08	33/43	
62-17.141	1/24/08	2/13/08	33/43	
62-17.143	1/24/08	2/13/08	33/43	33/49
62-17.147	1/24/08	2/13/08	33/43	
62-17.171	1/24/08	2/13/08	33/43	
62-17.191	1/24/08	2/13/08	33/43	33/52
62-17.201	1/24/08	2/13/08	33/43	
62-17.205	1/24/08	2/13/08	33/43	33/52
62-17.211	1/24/08	2/13/08	33/43	33/52
62-17.231	1/24/08	2/13/08	33/43	
62-17.251	1/24/08	2/13/08	33/43	
62-17.280	1/24/08	2/13/08	33/43	
62-17.281	1/24/08	2/13/08	33/43	33/52
62-17.282	1/24/08	2/13/08	33/43	
62-17.293	1/24/08	2/13/08	33/43	33/49

**DEPARTMENT OF HEALTH
 Board of Medicine**

64B8-50.003	1/22/08	2/11/08	33/49	
64B8-50.009	1/22/08	2/11/08	33/49	
64B8-51.001	1/22/08	2/11/08	33/49	
64B8-51.003	1/22/08	2/11/08	33/49	