

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE NOS.:	RULE TITLES:
5F-5.001	Adoption of Specifications, Tolerances, and Other Technical Requirements for Commercial Weighing and Measuring Devices
5F-5.002	Weighing or Measuring Device Permits; Requirements and Fees

PURPOSE AND EFFECT: Rule 5F-5.001, F.A.C. – To adopt the most version (2010) of National Institute of Standards and Technology Handbook 44; Rule 5F-5.002, F.A.C. – To adjust the annual permit cost for a weighing device with a capacity of greater than 100 lb up to and including 250 lb from \$75 to \$40 each to more accurately reflect the cost of regulating those devices.

SUBJECT AREA TO BE ADDRESSED: Rule 5F-5.001, F.A.C. – Requirements for commercial weighing and measuring devices. Rule 5F-5.002, F.A.C. – Permit fees for weighing devices of 100 lb. – 250 lb. capacity.

RULEMAKING AUTHORITY: 570.07(23), 531.40, 531.41(3), 531.66 FS.

LAW IMPLEMENTED: 531.40, 531.42(2), 531.50, 531.60-.66 FS.

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

Pursuant to the provisions of 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: Max Gray, Chief, Bureau of Weights and Measures, (850)488-9140. If you are 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: Max Gray, Chief, Bureau of Weights and Measures, (850)488-9140 **THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE NOS.:	RULE TITLES:
5J-4.004	Registration
5J-4.005	Exemption
5J-4.013	Definitions
5J-4.014	Security Requirements

PURPOSE AND EFFECT: The purpose and effect of the amendments to Rule 5J-4.004, F.A.C., are to implement Section 501.015, F.S., through the use of DACS Form-10300, Health Studio Registration Application, Rev. 08/10. The purpose and effect of the amendments to Rule 5J-4.005, F.A.C., are to implement Section 501.013, F.S., through the use of DACS Form-10300, Affidavit of Exemption, included within the Health Studio Registration Application, Rev. 08/10. The purpose and effect of new Rule 5J-4.013, F.A.C., is to interpret and implement Section 501.0125(1), F.S., by clarifying the definition of “health studio”, as used in this section to include anyone offering personal fitness training services to the public in exchange for payment, regardless of the location at which services are rendered, unless exempted under Section 501.013, F.S., The purpose and effect of new Rule 5J-4.014, F.A.C., is to implement Section 501.016, F.S., through the use of DACS Form-10300, Health Studio Surety Bond included within the Health Studio Registration Application, Rev. 08/10.

SUBJECT AREA TO BE ADDRESSED: Update of the Health Studio Registration Application and Affidavit of Exemption form, use of correct bond form, and clarification of definition of term “health studio”.

RULEMAKING AUTHORITY: 501.014(2) FS.

LAW IMPLEMENTED: 501.0125, 501.013, 501.015, 501.016 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Miriam S. Wilkinson, Assistant Director, phone (850)410-3692. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Miriam S. Wilkinson,

Assistant Director, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, phone (850)410-3692

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5J-4.004 Registration.

Unless exempted pursuant to Section 501.013, F.S., ~~any~~ person who intends to open or operate as a health studio shall, prior to offering health studio services ~~engaging in such activities~~, register with the Department using ~~form~~ DACS Form 10300, Health Studio Registration Application, Rev. 8/10 ~~Revised 7-10-94 and 7-01-01~~, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Health Studios, 2005 Apalachee Parkway, Terry L. Rhodes ~~Bldg. Building~~, Tallahassee, Florida 32399-6500, or online at the following link: <http://www.doacs.state.fl.us/onestop/forms/10300.pdf>. At the time of registration, the registrant shall submit the applicable nonrefundable registration fee to the Department for each health studio location. The registrant shall submit with ~~form~~ DACS Form 10300, Health Studio Registration Application, Rev. 8/10, a copy of each contract offered to the public relating to the sale of health studio services, ~~as well as original security documents.~~

Rulemaking Specific Authority 501.014(2) FS. Law Implemented 501.015(1), (2), (4), 501.017 FS. History–New 2-9-93, Amended 7-10-94, 5-24-95, 1-20-03,_____.

5J-4.005 Exemption.

(1) Any person claiming an exemption from the health studio laws pursuant to Section ~~the provisions of Section~~ 501.013, Florida Statutes, shall ~~from the health studio laws~~ shall, prior to offering engaging in health studio services activities, file with the Department the executed Affidavit of Exemption, which is included in form DACS Form 10300, Rev. 8/10. Revised 7-10-94 and 7-01-01, hereby incorporated by reference. ~~Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Health Studios, 2005 Apalachee Parkway, Terry L. Rhodes Building, Tallahassee, Florida 32399-6500.~~

(2) No change.

Rulemaking Specific Authority 501.014(2) FS. Law Implemented 501.013 FS. History–New 2-9-93, Amended 7-10-94, 5-24-95, 1-20-03,_____.

5J-4.013 Definitions.

“Health studio” includes anyone offering personal fitness training services in exchange for payment, regardless of the location at which services are rendered, unless exempted under Section 501.013, F.S.

Rulemaking Authority 501.014(2) FS. Law Implemented 501.0125(1) FS. History–New_____.

5J-4.014 Security Requirements.

If filing a bond, Letter of Credit, or Assignment of Certificate of Deposit pursuant to Section 501.016, F.S., the applicant shall use the applicable terms included in DACS Form 10300, Health Studio Registration Application, Rev. 8/10.

Rulemaking Authority 501.014(2) FS. Law Implemented 501.0125(1) FS. History–New_____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE NOS.:	RULE TITLES:
5J-7.004	Solicitation of Contributions Registration
5J-7.005	Professional Fundraising Consultant Registration
5J-7.006	Professional Fundraising Solicitor Registration
5J-7.007	Notice of Commencement of Solicitations
5J-7.008	Financial Report of Campaign Form

PURPOSE AND EFFECT: The purpose and effect of the amendments to Rule 5J-7.004, F.A.C., is to implement Section 496.405, F.S., through the use of DACS Form-10100, Solicitation of Contributions Registration Application, Rev. 7/10. The purpose and effect of Rule 5J-7.005, F.A.C., is to implement Section 496.409, F.S., through the use of DACS Form-10100, Solicitation of Contributions Registration Application, Rev. 7/10. The purpose and effect of Rule 5J-7.006, F.A.C., is to implement Section 496.410, F.S., through the use of DACS Form-10100, Solicitation of Contributions Registration Application, Rev. 7/10. The purpose and effect of Rule 5J-7.007, F.A.C., is to implement Section 496.410(6), F.S., through the use of DACS Form-10100, Solicitation of Contributions Registration Application, Rev. 7/10. The purpose and effect of Rule 5J-7.008, F.A.C., is to implement Section 496.410(8), F.S., through the use of DACS Form-10100, Solicitation of Contributions Registration Application, Rev. 7/10.

SUBJECT AREA TO BE ADDRESSED: Registration application forms for organizations, professional fundraising solicitors, and professional fundraising consultants soliciting or providing services for the solicitation of contributions. This rule development also updates the Notice of Commencement and Financial Report of Campaign forms.

RULEMAKING AUTHORITY: 496.424 FS.

LAW IMPLEMENTED: 496.405, 496.409, 496.10, 496.10(6), 496.10(8) FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Miriam S. Wilkinson, Assistant Director, phone (850)410-3692. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Miriam S. Wilkinson, Assistant Director, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, phone (850)410-3692

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5J-7.004 Solicitation of Contributions Registration.

(1) No change.

(2) Unless exempted pursuant to Section 496.406, F.S., every charitable organization or sponsor in this state shall file with the Department DACS Form-10100, Solicitation of Contributions Registration Application, Rev. 7/10, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Attention: Solicitation of Contributions, 2005 Apalachee Parkway, Terry L. Rhodes Bldg, Tallahassee, Florida 32399-6500, or online at the following link: <http://www.doacs.state.fl.us/onestop/forms/10100.pdf>.

Rulemaking Authority 496.424 FS. Law Implemented 496.405, 496.406, 496.409, 496.410, 496.426 FS. History-New 7-7-92, Amended 6-28-94, 3-13-95, 6-4-95, 11-6-95,_____.

5J-7.005 Professional Fundraising Consultant Registration.

Every professional fundraising consultant shall file with the Department DACS Form-10104, Professional Fundraising Consultants Registration Application, Rev. 07/10, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Attention: Solicitation of Contributions, 2005 Apalachee Parkway, Terry L. Rhodes Bldg, Tallahassee, Florida 32399-6500, or online at: <http://www.doacs.state.fl.us/onestop/forms/10104.pdf>.

Rulemaking Authority 496.424 FS. Law Implemented 496.409 FS. History-New _____.

5J-7.006 Professional Fundraising Solicitor Registration.

Every professional fundraising solicitor providing fundraising services for an organization who will solicit funds in this state shall file with the Department DACS Form-10101, Professional Solicitors Registration Application, Rev. 07/10, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Attention: Solicitation of Contributions, 2005 Apalachee Parkway, Terry L. Rhodes Bldg, Tallahassee, Florida 32399-6500, or online at: <http://www.doacs.state.fl.us/onestop/forms/10101.pdf>.

Rulemaking Authority 496.424 FS. Law Implemented 496.410 FS. History-New _____.

5J-7.007 Notice of Commencement of Solicitations.

No less than 15 days before commencing any solicitation campaign or event, the professional solicitor must file with the department DACS Form-10105, Notice of Commencement of Solicitations Rev. 08/10, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Attention: Solicitation of Contributions, 2005 Apalachee Parkway, Terry L. Rhodes Bldg, Tallahassee, Florida 32399-6500, or online at: <http://www.doacs.state.fl.us/onestop/forms/10105.pdf>.

Rulemaking Authority 496.424 FS. Law Implemented 496.410(6) FS. History-New _____.

5J-7.008 Financial Report of Campaign.

Within 90 days after a solicitation campaign has been completed and on the anniversary of the commencement of a solicitation campaign lasting more than 1 year, the professional solicitor must provide to the charitable organization or sponsor and file with the department DACS Form-10106, Professional Solicitors Financial Report of Campaign Rev. 08/10, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Attention: Solicitation of Contributions, 2005 Apalachee Parkway, Terry L. Rhodes Bldg, Tallahassee, Florida 32399-6500, or may be accessed online at: <http://www.doacs.state.fl.us/onestop/forms/10106.pdf>.

Rulemaking Authority 496.424 FS. Law Implemented 496.410(8) FS. History-New _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE NO.: RULE TITLE:

5J-8.003 Registration

PURPOSE AND EFFECT: The purpose and effect of the proposed amendments to Rule 5J-8.003, F.A.C., are to adopt by reference changes to DACS Form-10700, Dance Studio Registration Package, Rev. 7/10.

SUBJECT AREA TO BE ADDRESSED: Revision and update of registration application form for dance studios.

RULEMAKING AUTHORITY: 501.143(12) FS.

LAW IMPLEMENTED: 501.143(3), (4), (5) FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Miriam S. Wilkinson, Assistant Director, phone (850)410-3692. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Miriam S. Wilkinson, Assistant Director, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, phone (850)410-3692

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5J-8.003 Registration.

Any person who intends to open or operate as a dance studio shall, prior to ~~offering dance studio services engaging in such activity~~, register with the Department using ~~form~~ **DACS Form 10700, Dance Studio Registration Package, 7-01-10 effective March 22, 1993, revised June 23, 1994, and November 18, 2002**, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Dance Studios ~~Registration~~, 2005 Apalachee Parkway, Terry L. Rhodes ~~Bldg., Building~~ Tallahassee, Florida 32399-6500; ~~or~~ **online at the following link: <http://www.doacs.state.fl.us/onestop/forms/10700.pdf>**. The registrant shall submit the registration fee to the Department at the time of registration for each ~~of the~~ dance studio's locations. The registration fee shall be non-refundable. The registrant shall submit with ~~form~~ **DACS Form 10700, 7-01-10**, a copy of each contract offered to the public relating to the sale of dance studio services.

Rulemaking Specific Authority 501.143(12) FS. Law Implemented 501.143(3), (4), (5) FS. History—New 3-22-93, Amended 6-23-94, 5-24-95, 2-11-98, 9-14-03,_____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE NOS.:

RULE TITLES:

5J-9.002

Registration, Document Submission

5J-9.006

Security Requirements

PURPOSE AND EFFECT: The purpose and effect of amendments to Rule 5J-9.002, F.A.C., are to adopt by reference changes to DACS Form 10200, Sellers of Travel Registration Package, Rev. 7/10, and DACS Form 10211, Sellers of Travel Independent Sales Agents Statement of Exemption, Rev. 07/10. The purpose and effect of amendments to Chapter 5J-9., F.A.C., are to adopt by reference changes to DACS Form 10200, Rev. 07/10, related to security requirements.

SUBJECT AREA TO BE ADDRESSED: The purpose and effect of amendments to Rule 5J-9.002, F.A.C., is to establish the official filing form for anyone who wants to operate as a seller of travel in Florida, or any seller of travel independent agent claiming an exemption from Florida's registration requirement. The purpose and effect of amendments to Rule 5J-9.006, F.A.C., is to establish the official filing forms for seller of travel security requirements.

RULEMAKING AUTHORITY: 559.9355(3) FS.

LAW IMPLEMENTED: 559.928, 559.929 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Miriam S. Wilkinson, Assistant Director, phone (850)410-3692. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Miriam S. Wilkinson, Assistant Director, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, phone (850)410-3692

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5J-9.002 Registration, Document Submission.

The following statement in bold print:

(1) Any person who intends to operate as a seller of travel shall submit ~~form~~ DACS Form 10200, Sellers of Travel Registration Package, effective 11/20/02, 11-20-02, Rev. 7/10, hereby incorporated by reference, along with the applicable non-refundable registration and fee specified by Section 559.928(2), F.S. Copies of this form may be obtained from the ~~to the~~ Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Sellers of Travel ~~Section,~~ 2005 Apalachee Parkway, Terry L. Rhodes ~~Bldg. Building,~~ Tallahassee, Florida 32399-6500, or online at the following link: <http://www.doacs.state.fl.us/onestop/forms/10200.pdf>.

~~If the application is withdrawn or denied, the registration fee shall be retained by the Department to cover the administrative cost of implementing Sections 559-926-939, Florida Statutes.~~

(2) Any independent agent person claiming an exemption from registration pursuant to the provisions of Section 559.928(3) 559.935(3), Florida Statutes, shall file an affidavit of exemption with the Department using form DACS Form 10211 10214, Sellers of Travel Independent Sales Agents Statement of Exemption, Rev. 7/10, effective 9/95, revised 3/03, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Sellers of Travel ~~Section,~~ 2005 Apalachee Parkway, Terry L. Rhodes ~~Bldg. Building,~~ Tallahassee, Florida 32399-6500, or online at the following link: <http://www.doacs.state.fl.us/onestop/forms/10211.pdf>.

(3) No change.

Rulemaking Specific Authority 559.935(3) FS. Law Implemented 559.928, 559.935(3) FS History–New 10-6-93, Amended 1-3-95, 6-4-95, 12-27-95, 2-11-98, 10-21-03,_____.

5J-9.006 Security Requirements.

(1) If filing a bond, Letter of Credit, or Assignment of Certificate of Deposit pursuant to Section 559.929, F.S., the applicant shall use the applicable form included in DACS Form 10200, Seller of Travel Registration Package, Rev. 7/10. ~~Prior to engaging in any activities as a seller of travel, each seller of travel shall file with the Department an original performance bond in an amount determined by subsection (2) below. The applicant shall use utilize the Surety Bond form Form, an example of which is included in form DACS 10200 Registration packet, effective 11/20/02, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Sellers of Travel Section, 2005 Apalachee Parkway, Terry L. Rhodes Building, Tallahassee, Florida 32399-6500.~~

(2) The amount of security for sellers of travel that do not offer vacation certificates shall be \$25,000; however, the seller of travel may apply for a reduction by completing the Security Reduction Application, which is included in ~~form~~ DACS Form

10200 Sellers of Travel Registration Package, Rev. 7/10 ~~packet, effective 11/20/02 hereby incorporated by reference.~~ The ~~s~~ Seller of ~~t~~ Travel must also provide copies of its federal income tax return or an audited financial statement for the immediately preceding fiscal year. ~~Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Sellers of Travel Section, 2005 Apalachee Parkway, Terry L. Rhodes Building, Tallahassee, Florida 32399-6500.~~

To apply for a reduction of the required security, the seller of travel must have a satisfactory consumer complaint history with the Department. The amount of the security reduction shall be determined by the ~~seller of travel's~~ dollar amount of gross annual sales, as follows: A business that has been in operation under the same ownership and control for at least one year with gross annual sales:

(a) Under \$500,000, A business that has been in operation under the same ownership and control for at least one year with under \$500,000 in gross annual sales may request to reduce its security to \$10,000.

(b) A business that has been in operation under the same ownership and control for at least one year with gross annual sales Bbetween \$500,000 and \$1,000,000, may request to reduce its security to \$15,000.

(c) A business that has been in operation under the same ownership and control for at least one year with gross annual sales Bbetween \$1,000,000 and \$2,000,000 may request to reduce its security to \$20,000.

(3) The amount of security for a newly established business or a business under new ownership shall be \$25,000; however, the seller of travel may apply to reduce its security to \$10,000 by executing the Application for Reduction of Security Reduction Application included in ~~form~~ DACS Form 10200, Seller of Travel Registration Package, Rev. 7/10 ~~packet.~~ To be eligible for a reduction in security, a newly established seller of travel must meet the following requirements:

(a) through (c) No change.

(4) No change.

Rulemaking Specific Authority 559.935(3) FS. Law Implemented 559.929(1) FS. History–New 2-8-94, Amended 6-4-95, 11-6-95, 12-27-95, 2-11-98, 10-21-03,_____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE NOS.: RULE TITLES:

5J-10.002 Franchises

5J-10.006 Registration

PURPOSE AND EFFECT: The purpose and effect of the amendments to Rule 5J-10.002, F.A.C., are to adopt by reference updated changes to DACS Form-10500, Franchise Exemption Application Packet, Rev. 08/10. The purpose and

effect of Rule 5J-10.006, F.A.C., is to implement Section 559.805, F.S., through the use of DACS Form-10501, Business Opportunity Disclosure Filing Packet Rev. 08/10.

SUBJECT AREA TO BE ADDRESSED: Rule 5J-10.002, F.A.C., establishes the official updated filing form for any franchisor claiming an exemption from the registration requirements governing the sale or lease of a business opportunity in Florida. Rule 5J-10.006, F.A.C., establishes the official filing form for any person who wants to sell or lease a business opportunity in Florida.

RULEMAKING AUTHORITY: 559.802(4), 559.813(8), 570.07(23) FS.

LAW IMPLEMENTED: 559.802, 559.805 FS.

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

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Miriam S. Wilkinson, Assistant Director, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, phone (850)410-3692

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5J-10.002 Franchises.

Every franchisor claiming an exemption pursuant to Section 559.802, F.S. Florida Statutes, shall file ~~form~~ DACS Form-10500, Franchise Exemption Application, Rev. 8/10, effective 11-15-94, revised 7-20-01, 5-3-02, and 3-4-03, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, 2005 Apalachee Parkway, Terry L. Rhodes Bldg. Building, Attention: Business Opportunities, Tallahassee, Florida 32399-6500, or online at the following link: <http://www.doacs.state.fl.us/onestop/forms/10500.pdf>. The franchisor shall submit a nonrefundable filing fee of \$100 with ~~form~~ DACS Form 10500. The filing fee shall be non-refundable. The exemption may be renewed each year by filing ~~form~~ DACS Form 10500 and paying a renewal fee of \$100.

Rulemaking Specific Authority 559.802(4), 559.813(8), 570.07(23) FS. Law Implemented 559.802 FS. History--New 11-15-94, Amended 6-4-95, 10-21-03,_____.

5J-10.006 Registration.

Every seller/lessor of a business opportunity shall file with the Department DACS Form-10501, Business Opportunity Disclosure Filing Packet Rev. 08/10, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Attention: Business Opportunities, 2005 Apalachee Parkway, Terry L. Rhodes Bldg, Tallahassee, Florida 32399-6500, or online at the following link: <http://www.doacs.state.fl.us/onestop/forms/10501.pdf>.

Rulemaking Authority 559.802(4), 559.813(8) FS. Law Implemented 559.805 FS. History--New _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE NO.: 5J-12.002
RULE TITLE: Registration

PURPOSE AND EFFECT: The purpose and effect of the amendments to Rule 5J-12.002, F.A.C., are to adopt by reference changes to DACS Form-10900, Motor Vehicle Repair Registration Package, Rev. 08/10.

SUBJECT AREA TO BE ADDRESSED: Subsection 5J-12.002(1), F.A.C., establishes the official filing form for anyone who wants to operate a motor vehicle repair shop in Florida.

RULEMAKING AUTHORITY: 559.92201 FS.

LAW IMPLEMENTED: 559.904(1) FS.

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

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Miriam S. Wilkinson, Assistant Director, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, phone (850)410-3692

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5J-12.002 Registration.

(1) Any person who intends to operate a motor vehicle repair shop shall, prior to offering motor vehicle repair services, before ~~engaging in such activities~~, apply for and obtain a registration certificate from the Department using ~~form~~ DACS Form 10900, Motor Vehicle Repair Registration Package, Rev. 08/10, ~~Application, Motor Vehicle Repair Act, effective 1-18-95, revised 9-13-01, and 5-3-03~~, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Motor Vehicle Repair, 2005 Apalachee Parkway, Terry L. Rhodes Bldg. Building, Tallahassee, Florida 32399-6500, or accessed online at: <http://www.doacs.state.fl.us/onestop/forms/10900.pdf>.

(2) through (4) No change.

Rulemaking Specific Authority 559.92201, 570.07(23) FS. Law Implemented 559.904, 559.916 FS. History—New 1-18-95, Amended 5-24-95, 2-11-98, 1-20-03, 11-4-03, 6-27-05, 11-22-05, _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE NOS.:	RULE TITLES:
5J-13.002	Licensing Requirements
5J-13.003	Security Requirements

PURPOSE AND EFFECT: The purpose and effect of the proposed amendments to Rule 5J-13.002, F.A.C., are to adopt by reference changes to DACS Form-10111, Pawnbroking Registration Application, Rev. 08/10. The purpose and effect of subsection 5J-13.003(3), F.A.C., is to implement Section 539.001(4)(a)2., F.S., through the use of the Irrevocable Letter of Credit form found on page 6 of DACS Form-10111, Pawnbroking Registration Application, Rev. 8/10.

SUBJECT AREA TO BE ADDRESSED: Rule 5J-13.002, F.A.C., establishes the official updated filing form for any person who intends to operate as a pawnbroker. Amendments to subsection 5J-13.003(2), F.A.C., update amendments to the surety bond form included in the Pawnbroking Registration Application. New subsection 5J-13.003(3), F.A.C., establishes the appropriate form to use when filing an Irrevocable Letter of Credit with the Pawnbroking Registration Application, in lieu of a bond.

RULEMAKING AUTHORITY: 539.001(21), 570.07(23) FS.
LAW IMPLEMENTED: 539.001(4)(a)2., 539.001(5)(a), (c), (d), (8)(a) FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by

contacting: Miriam S. Wilkinson, Assistant Director, phone (850)410-3692. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Miriam S. Wilkinson, Assistant Director, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, phone (850)410-3692

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5J-13.002 Licensing Requirements.

(1) Any person who intends to operate as a pawnbroker shall, prior to offering pawnbroking services, annually submit a licensing fee of \$300 to the Department, for each pawnshop location; ~~at the time of applying for a license~~.

(2) A person applying for a license as a pawnbroker must submit with the license application a copy of the Pawnbroker Transaction Form. Applicants for licensur~~ee~~ shall use ~~Form~~ DACS Form 10111 -10-11, Pawnbroking Registration Application Application Form, Rev. 8/10, effective 12-10-96, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, 2005 Apalachee Parkway, Terry L. Rhodes Bldg., Attention: Pawnshops, Mayo Building, Tallahassee, Florida 32399-6500 0800, or online at the following link: <http://www.doacs.state.fl.us/onestop/forms/10111.pdf>.

Rulemaking Specific Authority 539.001(21), 570.07(23) FS. Law Implemented 539.001(5)(a), (c), (d), (8)(a) FS. History—New 12-10-96, Amended _____.

5J-13.003 Security Requirements.

(1) No change.

(2) If filing a surety bond pursuant to Section 539.001(4)(a)2., F.S., the applicant shall use the Pawnbroking Surety Bond form included in ~~Form~~ DACS Form 101113, Pawnbroking Registration Application, Rev. 8/10, Surety Bond, effective 12-10-96, hereby incorporated by reference. ~~Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Pawnshops, Mayo Building, Tallahassee, Florida 32399-0800~~

(3) If filing an Irrevocable Letter of Credit pursuant to Section 539.001(4)(a)2., F.S., the applicant shall use the Pawnbroking Irrevocable Letter of Credit terms included in DACS Form-10111, Pawnbroking Registration Application, Rev. 8/10.

Rulemaking Specific Authority 539.001(21), 570.07(23) FS. Law Implemented 539.001(4)(a)2. FS. History—New 12-10-96, Amended _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE NO.: 5J-14.003
 RULE TITLE: Filing Requirements
 PURPOSE AND EFFECT: The purpose and effect of Rule 5J-14.003, F.A.C., is to implement Section 849.094(3), (4), F.S., through the use of DACS Form 10951, Game Promotions Filing Packet, Rev. 08/10.

SUBJECT AREA TO BE ADDRESSED: Rule 5J-14.003, F.A.C., establishes the official filing form for businesses who want to operate a game promotion in Florida, including the proper surety bond form, Game Promotion Statement of Trust Account language, and Affidavit of Request for Waiver of Trust Account or Surety Bond.

RULEMAKING AUTHORITY: 849.094(8)(a) FS.

LAW IMPLEMENTED: 849.094(3), (4) FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Miriam S. Wilkinson, Assistant Director, phone (850)410-3692. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Miriam S. Wilkinson, Assistant Director, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, phone (850)410-3692

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5J-14.003 Filing Requirements.

(1) Any person who intends to conduct a game promotion in this state pursuant to Section 849.094, F.S., including electronic promotions, shall file with the Department DACS Form-10951, Game Promotions Filing Packet Rev. 08/10, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Attention: Game Promotions, 2005 Apalachee Parkway, Terry L. Rhodes Bldg, Tallahassee, Florida 32399-6500, or accessed online at: <http://www.doacs.state.fl.us/onestop/forms/10951.pdf>.

(2) If filing a surety bond pursuant to Section 849.094(4)(a), F.S., the applicant shall use the Game Promotion Surety Bond document included in DACS Form 10951, Game Promotion Filing Packet, Rev. 08/10.

(3) If filing a Statement of Trust Account pursuant to Section 849.094(4)(a), F.S., the applicant shall use the Statement of Trust Account terms included in DACS Form 10951, Game Promotion Filing Packet, Rev. 08/10.

(4) Any operator requesting a waiver of the security requirements under this section shall use the Affidavit of Request for Waiver of Trust Account or Surety Bond included in DACS Form 10951, Game Promotion Filing Packet, Rev. 08/10.

Rulemaking Authority 894.094(8)(a) FS. Law Implemented 849.094(3), 849.094(4)(a), (b) FS. History—New _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE NOS.: 5J-15.001, 5J-15.002
 RULE TITLES: Registration, Security Requirements

PURPOSE AND EFFECT: The purpose and effect of Rule 5J-15.001, F.A.C., is to implement Section 507.03, F.S., through the use of DACS Form 10960, Household Moving Services New Registration Application, Rev. 08/10. The purpose and effect of Rule 5J-15.002, F.A.C., is to implement Section 507.04(1)(b), F.S., through the use of the performance bond document and certificate of deposit language included in DACS Form 10960, Household Moving Services New Registration Application, Rev. 08/10.

SUBJECT AREA TO BE ADDRESSED: Rule 5J-15.001, F.A.C., establishes the official registration form for businesses who want to operate as household movers in Florida. Rule 5J-15.002, F.A.C., establishes alternative security requirements for household movers.

RULEMAKING AUTHORITY: 507.09(3) FS.

LAW IMPLEMENTED: 507.03, 507.04(1)(b)1., 2. FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Miriam S. Wilkinson, Assistant Director, phone (850)410-3692. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Miriam S. Wilkinson, Assistant Director, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, phone (850)410-3692

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5J-15.001 Registration.

Any person who intends to operate as a household mover in this state shall first file with the Department DACS Form-10960, Household Moving Services New Registration Application, Rev. 08/10, hereby incorporated by reference, along with a registration fee pursuant to Section 507.03(3), F.S. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Attention: Household Movers, 2005 Apalachee Parkway, Terry L. Rhodes Bldg, Tallahassee, Florida 32399-6500, or accessed online at: <http://www.doacs.state.fl.us/onestop/forms/10960.pdf>.

Rulemaking Authority 507.09(3) FS. Law Implemented 507.03 FS. History—New _____.

5J-15.002 Security Requirements.

(1) If filing a performance bond pursuant to Section 507.04(1)(b)1., F.S., the applicant shall use the Performance Bond document included in DACS Form 10960, Household Moving Services New Registration Application, Rev. 08/10.

(2) If filing a certificate of deposit pursuant to Section 507.04(1)(b)2., F.S., the applicant shall use the Certificate of Deposit language included in DACS Form 10960, Household Moving Services New Registration Application, Rev. 08/10.

Rulemaking Authority 507.09(3) FS. Law Implemented 507.04(1)(b)1., 2. FS. History—New _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-5.065
 RULE TITLE: The Educator Accomplished Practices

PURPOSE AND EFFECT: The purpose of this rule development is to review the existing essential practices of effective teachers and to propose revised practices.

SUBJECT AREA TO BE ADDRESSED: The Educator Accomplished Practices.

RULEMAKING AUTHORITY: 1004.04, 1004.85, 1012.225, 1012.56 FS.

LAW IMPLEMENTED: 1004.04, 1004.85, 1012.225, 1012.34, 1012.56 FS.

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

DATES AND TIMES: October 15, 2010, 10:00 a.m. – 11:00 a.m., EDT and October 18, 2010, 3:00 a.m. – 4:00 p.m., EDT.

PLACE: Via conference call:

October 15th, (877)219-9773, Conference ID #10690422 and October 18th, (877)219-9773, Conference ID #10693136. Anyone wishing to attend in person: Department of Education, 325 West Gaines Street, Room 1727, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Eileen McDaniel, Chief, Bureau of Educator Recruitment, Development and Retention, Department of Education, 325 West Gaines Street, Room 124, Tallahassee, Florida 32399-0400. To comment on the rule go to <https://app1.fldoe.org/rules/default.aspx>.

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.077
 RULE TITLE: Preapprenticeship Programs

PURPOSE AND EFFECT: The purpose of the rule development is to review the rule language for possible updates as the rule has not been updated since 1994.

SUBJECT AREA TO BE ADDRESSED: Preapprenticeship Programs.

RULEMAKING AUTHORITY: 446.041(12), 446.052(2) FS.

LAW IMPLEMENTED: 446.052 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: Ken Olsen, Interim Program Director, Preapprenticeship, 325 West Gaines Street, Room 754, Tallahassee, Florida 32399; (850)245-9016. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>.

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0781
RULE TITLE: Procedures for Appealing a District School Board Decision Denying Application for Charter School

PURPOSE AND EFFECT: The purpose of this rule development is to align Rule 6A-6.0781, F.A.C., with statutory changes and practices of the Charter School Appeal Commission. This workshop is being provided to offer an additional opportunity to those submitting comments after the notice of rulemaking was published to attend and present their concerns.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment will align the current rule with statutory changes related to the charter school appeal process as outlined in Section 1002.33, F.S.

RULEMAKING AUTHORITY: 1002.33(24) FS.

LAW IMPLEMENTED: 1002.33(6) FS.

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

DATE AND TIME: October 8, 2010, 11:00 a.m. – 2:00 p.m.

PLACE: Orlando Student Education Center, 4850 Millenia Blvd., Room 213, Orlando, FL 32839

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Adam Miller, Director of Charter Schools, Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 522, Tallahassee, FL 32399-0400

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0981
RULE TITLE: School District Virtual Instruction Program

PURPOSE AND EFFECT: The purpose of the rule development is to review the application incorporated by reference in order to remove any unnecessary language and to clarify that the approval is for the following three school years as well as updating the web site address within the application.

SUBJECT AREA TO BE ADDRESSED: School District Virtual Instruction Program.

RULEMAKING AUTHORITY: 1002.45 FS.

LAW IMPLEMENTED: 1002.45 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sally Roberts, Educational Policy Consultant, Division of Public Schools, Department of Education, 325 West Gaines Street, Room 514, Tallahassee, FL 32399-0400; (850)245-0509. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-7.077
RULE TITLE: Access to State Funded Electronic Library Resources by Accelerated Secondary Students

PURPOSE AND EFFECT: The purpose of the rule development is to stipulate the mechanism by which secondary public school students enrolled in accelerated courses (Dual-enrolled, AP, IB and AICE) shall gain access to state funded electronic library resources that are licensed for Florida colleges and state universities by the College Center for Library Automation and the Florida Center for Library Automation in accordance with Section 1007.27(1), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Access to State Funded Electronic Library Resources by Accelerated Secondary Students.

RULEMAKING AUTHORITY: 1001.02(1), 1007.27(1) FS.

LAW IMPLEMENTED: 1007.27(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Todd Clark, Bureau Chief, Bureau of Curriculum and Instruction, Department of Education, 325 West Gaines Street, Room 432, Tallahassee, FL., (850)245-0764. To request a rule development workshop, please contact: Lynn Abbott, Agency

Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

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

DEPARTMENT OF REVENUE

RULE NOS.:	RULE TITLES:
12-24.003	Requirements to File or to Pay Taxes by Electronic Means
12-24.011	Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12-24.003, F.A.C. (Requirements to File or to Pay Taxes by Electronic Means), is to: (1) clarify that mass transit system providers and local government users of diesel fuel who paid more than \$20,000 in fuel taxes in the prior state fiscal year report are required to pay the fuel taxes electronically; (2) provide that effective January 1, 2011, taxpayers who are required to pay insurance premium taxes, fees, and surcharges or pollutant taxes electronically will be required to file their insurance premium tax return or pollutant tax return electronically; and (3) provide that pursuant to Section 212.08(5)(q), F.S., created by Section 9, Chapter 2010-147, L.O.F., taxpayers must file an electronic sales and use tax return to claim the entertainment industry tax credit authorized by Section 288.1254, F.S. When effective, these changes will update the rules regarding the electronic payment of taxes and the electronic filing of tax returns and information reports.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is: (1) clarification of the electronic payment requirements for mass transit system providers and local government users of diesel fuel; (2) the electronic reporting requirements for insurance premium tax filers and for pollutant tax filers; and (3) the requirement to file sales and use tax returns electronically to claim the claim the entertainment industry tax credit authorized by Section 288.1254, F.S., as provided in Section 9, Chapter 2010-147, L.O.F.

RULEMAKING AUTHORITY: 202.26(3)(a), 206.485(1), 213.06(1), 213.755(8), (9), 220.21(2), (3) FS.

LAW IMPLEMENTED: 202.30, 206.485, 212.08(5)(q), 213.755, 220.21(2), (3), 443.1317, 443.163 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: October 11, 2010, 1:30 p.m.
PLACE: Room 1220, 2450 Shumard Oak Blvd., Tallahassee, Florida

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

contacting: Sarah Wachman at (850)410-2651. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT’S INTERNET SITE AT: myflorida.com/dor/rules.

DEPARTMENT OF REVENUE

RULE NOS.:	RULE TITLES:
12-28.001	Scope
12-28.002	Definitions
12-28.003	Enrollment Procedures
12-28.004	Transmitting Funds and Return/Remittance Detail to the Department
12-28.008	Due Date; General Provisions
12-28.009	Distribution of Funds Received by the Department

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule Chapter 12-28, F.A.C., is to expand the chapter to include provisions for the remittance of red light camera penalties collected by municipalities or counties to the Department for disbursement to designated state funds, as provided in Section 316.0083, F.S., created by Section 5, Chapter 2010-80, L.O.F. The rule title will be changed to “Remittance Requirements for Clerks of the Court, Municipalities, and Counties,” to reflect the electronic remittance requirements of the penalty imposed under Section 316.0083, F.S. In addition, the rule chapter is being updated to reflect the following law changes regarding the remittance/reporting of court-related fees by Clerks of the Court to the Department for distribution to designated state funds:

- Section 12, Chapter 2010-162, L.O.F., amends Section 28.245, F.S., to require Clerks of the Court to remit court-related charges to the Department by the 10th day of the month following the month of collection;
- Section 5, Chapter 2010-163, L.O.F., amends Section 322.20(11)(a), F.S., to require that the fees collected by the Clerk of the Court for providing transcripts or other documents or for assisting in search for an individual’s driver history record be remitted to the Department within five working days, unless a shorter time is required by law;

- Section 13, Chapter 2010-134, L.O.F., imposes an administrative fee for trustee deeds recorded as provided in Section 721.855 and 721.856, F.S., required to be collected by the Clerk of the Court and remitted to the Department weekly in the same manner as the documentary stamp tax collected by the Clerk of the Court; and
- Sections 4, 5, and 19, Chapter 2009-204, L.O.F., repeal Section 28.37(4), F.S., removing provisions for the remittance of the amount of funds in excess of the approved budget amount established in Section 28.36, F.S., to the Department, and transfer the Department of Revenue Clerk of Court Trust Fund to the Justice Administrative Commission.

When effective, this rule chapter will include updated provisions for the electronic remittance and reporting of funds from all court-related charges collected by Clerks of the Court, and include provisions for the red light camera penalties imposed and collected by municipalities and counties and remitted to the Department for distribution to designated state funds.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the proposed changes to Rule Chapter 12-28, F.A.C., regarding the remittance and reporting requirements for the:

- Clerk of the Court Remittance System established for remitting/reporting court-related funds to the Department for distribution to reflect the changes provided in Section 12, Chapter 2010-162, L.O.F., Section 5, Chapter 2010-163, L.O.F., Section 13, Chapter 2010-134, L.O.F., and Sections 4, 5, and 19, Chapter 2009-204, L.O.F.
- Red Light Camera Penalty Remittance System established for remitting/reporting the red light camera penalties to the Department for distribution to designated state funds as provided in Section 5, Chapter 2010-80, L.O.F.

RULEMAKING AUTHORITY: 213.06(1), 213.13 FS.

LAW IMPLEMENTED: 28.245, 213.13, 219.07, 316.0083, 322.20(11) FS., s. 13, Ch. 2010-134, L.O.F.

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: October 11, 2010, 1:30 p.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Sarah Wachman at (850)410-2651. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT'S INTERNET SITE AT: myflorida.com/dor/rules.

DEPARTMENT OF REVENUE

RULE NOS.:	RULE TITLES:
12-29.001	Scope
12-29.002	Florida Tax Credit Scholarship Program; Participation; Allocation; Carryforward; Rescindment
12-29.003	Florida Tax Credit Scholarship Program; Applications

PURPOSE AND EFFECT: The purpose of establishing Rule Chapter 12-29, F.A.C. (Multitax Credits), is to establish a rule chapter to set forth rules to be used in the administration of tax credit programs that authorize eligible taxpayers to receive tax credits against more than one tax imposed under Florida law. This rule chapter will establish rules for administering the tax credits for contributions made to nonprofit scholarship funding organizations under Section 1002.395, F.S., Florida Tax Credit Scholarship Program, as amended by Chapter 2010-24, L.O.F. Emergency Rule 12ER10-04, effective July 21, 2010, currently establishes the procedures for administration of tax credits authorized under the Florida Tax Credit Scholarship Program.

The Florida Tax Credit Scholarship Program allows taxpayers to receive a credit allocation for contributions made to nonprofit scholarship funding organizations. The referenced law expands the tax credits against corporate income tax and insurance premium tax, transferring Section 220.187, F.S., to new Section 1002.395, F.S., creating Sections 211.0251, 212.1831, 220.1875, and 561.1211, F.S., and amending Section 624.51055, F.S.

Beginning July 1, 2010, taxpayers were allowed to apply for a credit allocation for contributions to a nonprofit scholarship funding organization for a tax credit against excise taxes on liquor, wine, and malt beverages administered by the Division of Alcoholic Beverages and Tobacco of the Florida Department of Business and Professional Regulation. Beginning January 1, 2011, certain taxpayers are allowed to apply for a credit allocation to be taken as a tax credit against sales and use tax, and taxpayers who pay the tax on oil and gas production in Florida are allowed to apply for a credit allocation to be taken as a tax credit.

When in effect, proposed Rule Chapter 12-29, F.A.C., Multitax Credits, establishes the procedures and applications governing the approval of tax credit allocations and rescindments, the

approval for carryforward tax credits to a subsequent tax year, and the procedures to be followed by taxpayers when claiming tax credits on tax returns.

SUBJECT AREA TO BE ADDRESSED: The subject of the workshop is the proposed procedures governing the approval of tax credit allocations and rescindments, the approval for carryforward tax credits to a subsequent tax year, and the proposed procedures to be followed by taxpayers when claiming tax credits authorized by the Florida Tax Credit Scholarship Program, as amended by Chapter 2010-24, L.O.F.

RULEMAKING AUTHORITY: 213.06(1), 1002.395(13) FS.
LAW IMPLEMENTED: 92.525(1)(b), 211.0251, 212.1831, 213.37, 220.1875, 561.1211, 624.51055, 1002.395(1)-(3), (13) 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: October 11, 2010, 1:30 p.m.
PLACE: Room 1220, 2450 Shumard Oak Blvd., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Sarah Wachman at (850)410-2651. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robert DuCasse, Revenue Program Administrator, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4700

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT'S INTERNET SITE AT: myflorida.com/dor/rules.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.:	RULE TITLE:
12A-1.0143	Manufacturing and Spaceport Investment Incentive Program Tax Refunds

PURPOSE AND EFFECT: Rule 12A-1.0143, F.A.C. (Manufacturing and Spaceport Investment Incentive Program Tax Refunds), is being created to provide procedures to be used in obtaining a refund of taxes paid on purchases of eligible

equipment authorized by the Manufacturing and Spaceport Investment Incentive Program administered by the Office of Tourism, Trade, and Economic Development. When in effect, this rule will provide how to obtain a refund of taxes paid on purchases of eligible equipment authorized under the Program and the time frame for filing an application for refund with the Department of Revenue.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the proposed procedures to be used in obtaining a refund of taxes paid on purchases of eligible equipment pursuant to the Manufacturing and Spaceport Investment Incentive Program administered by the Office of Tourism, Trade, and Economic Development.

RULEMAKING AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS.
LAW IMPLEMENTED: 213.255, 215.26, 288.1083 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: October 11, 2010, 1:30 p.m.
PLACE: Room 1220, 2450 Shumard Oak Blvd., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Sarah Wachman at (850)410-2651. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jeff Soff, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4719

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT'S INTERNET SITE AT: myflorida.com/dor/rules

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.:	RULE TITLE:
12A-1.061	Rentals, Leases, and Licenses to Use Transient Accommodations

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.061, F.A.C. (Rentals, Leases, and Licenses to Use Transient Accommodations), is to include the provisions regarding timeshares provided in Chapter 2009-133,

L.O.F. This law provides that timeshare exchanges and fees charged by a third party to facilitate a timeshare exchange are not subject to tax. The law also provides when fees charged to occupy and inspect a regulated short-term timeshare product are subject to tax. When in effect, this rule will provide for the taxability of the purchase of a timeshare interest, the rental of a timeshare accommodation, the occupancy or purchase of a regulated short-term product, and the fees charged by timeshare exchange programs.

SUBJECT AREA TO BE ADDRESSED: The subject area addressed is the provisions for the taxability of the purchase of a timeshare interest, the rental of a timeshare accommodation, the occupancy or purchase of a regulated short-term product, or the fees charged by timeshare exchange programs.

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

LAW IMPLEMENTED: 92.525(1)(b), 119.071(5), 212.02(2), (10)(a)-(g), (16), 212.03(1), (2), (3), (4), (5), (7), 212.031, 212.04(4), 212.08(6), (7)(i), (m), 212.11(1), (2), 212.12(7), (9), (12), 212.13(2), 212.18(2), (3), 213.37, 213.756 FS.

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

DATE AND TIME: October 11, 2010, 2:30 p.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Sarah Wachman (850)410-2651. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tammy Miller, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)488-9669

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT'S INTERNET SITE AT: myflorida.com/dor/rules.

DEPARTMENT OF REVENUE

Sales and Use Tax

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

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12A-1.097, F.A.C. (Public Use Forms), is to adopt revisions to Form DR-1 (Application to Collect and/or Report Tax In Florida). These proposed changes are necessary to: (1) reorganize and rename the Form DR-1 (Florida

Business Tax Application); (2) create new Form DR-1N (Instructions for Completing the Florida Business Tax Application); (3) update the instructions for ease of reading and understanding; and, (4) update the information received from the applicant for use by the Department in its tax administration.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed changes to Form DR-1 (Florida Business Tax Application) and new Form DR-1N (Instructions for Completing the Florida Business Tax Application).

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

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

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: October 11, 2010, 1:30 p.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Sarah Wachman (850)410-2651. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT'S INTERNET SITE AT: myflorida.com/dor/rules.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: 12B-8.001 **RULE TITLE:** Premium Tax; Rate and Computation
PURPOSE AND EFFECT: The Florida Tax Credit Scholarship Program, as amended by Chapter 2010-24, L.O.F., allows taxpayers to receive a credit allocation for contributions made to nonprofit scholarship funding organizations. This law expands the tax credits against corporate income tax and insurance premium tax, transferring Section 220.187, F.S., to new Section 1002.395, F.S., and amending Section 624.51055, F.S. Taxpayers continue to be allowed to apply for a credit allocation to be taken as a tax credit against insurance premium tax, as provided in Section 624.51055, F.S., as amended by Section 11, Chapter 2010-24, L.O.F. When in effect, proposed Rule Chapter 12-29, F.A.C., Florida Tax Credit Scholarship Program, will establish the procedures governing the approval of tax credit allocations and rescindments, the approval for carryforward tax credits to a subsequent tax year, and the procedures to be followed by taxpayers when claiming tax credits on tax returns.

The purpose of the proposed changes to Rule 12B-8.001, F.A.C. (Premium Tax; Rate and Computation), is to remove provisions regarding the credit against insurance premium tax for contributions made to eligible nonprofit scholarship funding organizations that will be provided in Rule Chapter 12-29, F.A.C., when effective.

SUBJECT AREA TO BE ADDRESSED: The subject of the workshop is the proposed procedures governing the approval of tax credit allocations and rescindments, the approval for carryforward tax credits to a subsequent tax year, and the proposed procedures to be followed by taxpayers when claiming tax credits authorized by the Florida Tax Credit Scholarship Program, as amended by Chapter 2010-24, L.O.F.
RULEMAKING AUTHORITY: 213.06(1), 624.5105(4)(b), 1002.395(13) FS.

LAW IMPLEMENTED: 624.509, 624.51055, 1002.395 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: October 11, 2010, 1:30 p.m.
PLACE: Room 1220, 2450 Shumard Oak Blvd., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Sarah Wachman at (850)410-2651. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robert DuCasse, Revenue Program Administrator, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4700

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT’S INTERNET SITE AT: myflorida.com/dor/rules.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NOS.:	RULE TITLES:
12C-1.0186	Credit for Florida Alternative Minimum Tax
12C-1.0187	Credits for Contributions to Nonprofit Scholarship Funding Organizations
12C-1.051	Forms

PURPOSE AND EFFECT: The Florida Tax Credit Scholarship Program, as amended by Chapter 2010-24, L.O.F., allows taxpayers to receive a credit allocation for contributions made to nonprofit scholarship funding organizations. This law expands the tax credits against corporate income tax and insurance premium tax, transferring Section 220.187, F.S., to new Section 1002.395, F.S., and creating Section 220.1875, F.S., to provide for the tax credit against corporate income tax. When in effect, proposed Rule Chapter 12-29, F.A.C., Florida Tax Credit Scholarship Program, will establish the procedures governing the approval of tax credit allocations and rescindments, the approval for carryforward tax credits to a subsequent tax year, and the procedures to be followed by taxpayers when claiming tax credits on tax returns.

The purpose of the proposed amendments to Rule 12C-1.0186, F.A.C. (Credit for Florida Alternative Minimum Tax), is to update the reference to the credits for contributions to nonprofit scholarship funding organizations to Section 220.1875, F.S., as provided in Sections 10 and 11, Chapter 2010-24, L.O.F.

The purpose of the proposed repeal of Rule 12C-1.0187, F.A.C. (Credits for Contributions to Nonprofit Scholarship Funding Organizations), is to remove provisions regarding the credit against corporate income tax for contributions made to eligible nonprofit scholarship funding organizations that will be provided in Rule Chapter 12-29, F.A.C., when effective.

The purpose of the proposed amendments to Rule 12C-1.051, F.A.C. (Forms), is to remove the obsolete application to obtain an allocation of the tax credit for contributions made to eligible nonprofit scholarship funding organizations and the obsolete

application to rescind a credit allocation. Applications used to administer the Florida Tax Credit Scholarship Program will be provided in Rule Chapter 12-29, F.A.C., when effective.

SUBJECT AREA TO BE ADDRESSED: The subject of the workshop is the proposed procedures governing the approval of tax credit allocations and rescindments, the approval for carryforward tax credits to a subsequent tax year, and the proposed procedures to be followed by taxpayers when claiming tax credits authorized by the Florida Tax Credit Scholarship Program, as amended by Chapter 2010-24, L.O.F.
RULEMAKING AUTHORITY: 220.51, 1002.395(13) FS.

LAW IMPLEMENTED: 220.131, 220.186, 220.1875, 624.51055, 1002.395 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: October 11, 2010, 1:30 p.m.
PLACE: Room 1220, 2450 Shumard Oak Blvd., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Sarah Wachman at (850)410-2651. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robert DuCasse, Revenue Program Administrator, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4700

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT’S INTERNET SITE AT: myflorida.com/dor/rules.

SECTIONS 1 through 8 No change.

SECTION 9 – MISCELLANEOUS INFRACTIONS

9-1	Obscene or profane act, gesture, or statement – oral, written, or signified	30 DC + 90 GT
9-2	Bribery or attempted bribery	30 DC + 90 GT
9-3	Breaking and entering or attempted breaking	30 DC + 90 GT
9-4	Attempt, conspiracy, or solicitation attempted conspiracy to commit any crime or violation of the Rules of Prohibited Conduct	30 DC + 90 GT
9-5	Theft of property under \$50.00 in value	30 DC + 60 GT
9-6	Bartering with others	15 DC + 30 GT
9-7	Sex acts or unauthorized physical contact involving inmates	30 DC + 90 GT
9-9	Tattooing, being tattooed, branding or body art to include body piercing.	30 DC + 60 GT

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.314
RULE TITLE: Rules of Prohibited Conduct and Penalties for Infractions

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to eliminate reference to “attempted conspiracy,” add reference to “solicitation” as prohibited conduct, and clarify that an inmate may not engage in or attempt to engage in a business or professional relationship with a volunteer.

SUBJECT AREA TO BE ADDRESSED: Rules of prohibited conduct.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.14, 944.279, 944.28 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.314 Rules of Prohibited Conduct and Penalties for Infractions.

The following table shows established maximum penalties for the indicated offenses. As used in the table, “DC” means the maximum number of days of disciplinary confinement that may be imposed and “GT” means the maximum number of days of gain time that may be taken. Any portion of either penalty may be applied.

9-10	Lying to staff member or others in official capacity, or falsifying records	60 DC + All GT
9-11	Feigning illness or malingering as determined by a physician or medical authority	10 DC + 15 GT
9-12	Gambling or possession of gambling paraphernalia	10 DC + 15 GT
9-13	Insufficient work: This constitutes an inmate not working up to expectation, taking into consideration the inmate's physical condition, the degree of difficulty of assignment, and the average performance by fellow inmates assigned to the same task	10 DC + 15 GT
9-14	Mail regulation violations	30 DC + 30 GT
9-15	Visiting regulation violations	30 DC + 30 GT
9-16	Refusing to work or participate in mandatory programs	60 DC + 90 GT
9-17	Disorderly conduct	30 DC + 60 GT
9-18	Unauthorized physical contact involving non-inmates	60 DC + 90 GT
9-19	Presenting false testimony or information before Disciplinary Team, Hearing Officer, or Investigating Officer	60 DC + All GT
9-20	Extortion or attempted extortion	60 DC + 60 GT
9-21	Fraud or attempted fraud	30 DC + 90 GT
9-22	Robbery or attempted robbery	60 DC + All GT
9-23	Theft of property exceeding \$50 in value	60 DC + All GT
9-24	Loaning or borrowing money or other valuables	15 DC + 30 GT
9-25	Telephone regulation violations	30 DC + 30 GT
9-26	Refusing to submit to substance abuse testing	60 DC + 180 GT
9-27	Use of unauthorized drugs – as evidenced by positive results from urinalysis test, or observable behavior	60 DC + 180 GT
9-28	Canteen Shortage under \$50.00	30 DC + 60 GT
9-29	Canteen Shortage over \$50.00	60 DC + All GT
9-31	Use of Alcohol – as evidenced by positive results from authorized tests, or by observable behavior	30 DC + 90 GT
9-32	In accordance with Section 944.279(1), F.S., is found by the court to have brought a frivolous or malicious suit, action, claim, proceeding or appeal in any court, or to have brought a frivolous or malicious collateral criminal proceeding or is found by the court to have knowingly or with reckless disregard for the truth brought false information or evidence before the court.	60 DC + All GT
9-33	Tampering with, defeating or depriving staff of any security device. Security devices include: locks; locking devices; electronic detection systems; personal body alarm transmitters and receivers; handheld radios; restraint devices such as handcuffs, waist chains, leg irons and handcuff covers; keys; video and audio monitoring and recording devices; security lighting; weapons; and any other device utilized to ensure the security of the institution.	60 DC + All GT
9-34	Tampering with or defeating any fire or other safety device. Safety devices include: fire, smoke, and carbon dioxide detection devices; alarm systems; fire suppression systems and devices such as fire sprinklers, fire extinguishers, and dry chemical systems; safety and emergency lighting; exit lights; evacuation route and warning placards; self-contained breathing apparatuses; personal protective equipment; first aid kits; eye wash stations; and any other device utilized to ensure the safety of the institution, staff and inmates.	60 DC + All GT
9-35	Establishes or attempts to establish a personal or business relationship with any staff member <u>or volunteer</u> .	60 DC + 180 GT
9-36	Gang related activities, including recruitment; organizing; display of symbols, groups, or group photos; promotion or participation	30 DC + 60 GT
9-37	Unauthorized use of or tampering with a computer, computer peripheral device, or any other office equipment. Other office equipment includes copying machines, facsimile machines, postage meters, or any other device utilized in an office or office-like environment.	60 DC + All GT
SECTIONS 10 through 11 No change.		

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.14, 944.279, 944.28 FS. History—New 3-12-84, Amended 1-10-85, Formerly 33-22.12, Amended 12-30-86, 9-7-89, 11-22-90, 6-2-94, 10-1-95, 3-24-97, 7-9-98, 8-13-98, Formerly 33-22.012, Amended 9-30-99, 6-7-00, 4-18-02, 10-10-04, 1-9-05, 4-17-05, 6-5-05, 10-27-05, 10-12-06, 11-8-07, 5-18-08, 11-9-08, 5-11-09,

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NO.: RULE TITLE:
40B-1.706 Fees

PURPOSE AND EFFECT: The purpose of the proposed rule development is to amend the citations within this section with regard to water use permitting. The effect of the proposed amendments is to maintain consistency with amendments to Chapter 40B-2, F.A.C., which became effective January 4, 2010.

SUBJECT AREA TO BE ADDRESSED: This proposed development will amend citations within this section with regard to water use permitting.

RULEMAKING AUTHORITY: 373.044, 373.109, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 218.075, 373.109 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: Linda Welch, Rules and Contracts Coordinator, SRWMD, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

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

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NO.: RULE TITLE:
40B-2.041 Permits Required

PURPOSE AND EFFECT: The purpose of the proposed rule development is to update this section of Chapter 40B-2, Florida Administrative Code, based on the 2010 Legislature’s approval of Senate Bill 550 that deletes mandatory delegation of water use permit approvals to the Executive Director and authorizes the Governing Board to establish the scope and terms of any delegation. The effect of the proposed amendments will be to set forth procedures and terms for approval and denial of water use permit applications.

SUBJECT AREA TO BE ADDRESSED: This proposed amendments will set forth procedures and terms for approval and denial of water use permit applications.

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

LAW IMPLEMENTED: 373.103, 373.118, 373.219, 373.226, 373.244 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: Linda Welch, Rules and Contracts Coordinator, SRWMD, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

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

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NOS.: RULE TITLES:
40C-40.011 Policy and Purpose
40C-40.112 Standard Permit Application
40C-40.900 Forms and Instructions

PURPOSE AND EFFECT: The purposes and effects of the proposed rule amendments are to: (1) conform Chapter 40C-40, F.A.C., to a proposed amendment in Chapter 40C-4, F.A.C., that requires ERP applicants under Chapter 40C-4 or 40C-40, F.A.C., to concurrently submit CUP applications where their proposed projects will contain irrigated landscape, golf course, or recreation areas that require a CUP; (2) clarify the circumstances when Chapter 40C-40, F.A.C., standard ERPs are available; (3) update the nomenclature in Chapter 40C-40 that Chapter 40C-40, F.A.C., permits are called “standard” ERPs; (4) revise the ERP application form to update the contents and include the concurrent application requirements; and (5) update statutory authority.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments would conform Chapter 40C-40, F.A.C., to amendments in Chapter 40C-4, F.A.C., that would: (1) require, for a system that will contain irrigated landscape, golf course, or recreational areas that will require a CUP, that the applicant concurrently apply for and obtain a CUP; and (2) update statutory authority.

RULEMAKING AUTHORITY: 369.318, 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 369.318, 373.1131, 373.413, 373.416 FS.

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

DATE AND TIME: October 21, 2010, 10:00 a.m. – 12:00 Noon

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-40.011 Policy and Purpose.

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

(2) through (3) No change.

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

40C-40.112 Standard Permit Application.

(1) To apply for a standard permit, the applicant must submit form 40C-4.900(1) to the District. The applicant shall submit five copies of the application package (which package includes the signed application form, construction plans, and any supporting documents describing the proposed system). The requirement to submit five copies shall not apply when the application package is received electronically via the District’s E-Permitting website at www.sjrwmd.com. For any application to construct a surface water management system under Chapter 40C-40, F.A.C., that will contain irrigated landscape, golf course, or recreational areas, and the irrigation will require a

consumptive use permit under subsection 40C-2.041(1), F.A.C., the applicant must also concurrently submit an application for a consumptive use permit.

(2) through (6) No change.

Rulemaking Specific Authority 369.318, 373.044, 373.113, 373.171, 373.406, 373.414, 373.418 FS. Law Implemented 369.318, 373.083, 403.0877, 373.1131, 373.117, 373.406, 373.413, 373.414, 373.415, 373.416, 373.418, 373.426 FS. History–New 12-7-83, Amended 2-27-94, 10-3-95, 1-4-96, 10-11-01, 2-1-05,_____.

40C-40.900 Forms and Instructions.

The following form and instructions incorporated by reference have been approved by the Governing Board and are available upon request from the following District offices:

St. Johns River Water Management District
 Division of Permit Data Services
 4049 Reid Street
 Palatka, Florida 32177-2529

St. Johns River Water Management District
 7775 Baymeadows Way, Suite 102
 Jacksonville, Florida 32256

St. Johns River Water Management District
 975 Keller Road
 Altamonte Springs, Florida 32714-1618

St. Johns River Water Management District
 525 Community College Pkwy., S.E.
 Palm Bay, Florida 32909

Joint Application for Environmental Resource Permit/Authorization to Use State Lands/Federal Dredge and Fill Permit, form number 40C-4.900(1), adopted (effective date) 12-3-06.

Rulemaking Specific Authority 369.318, 373.044, 373.113, 373.118, 373.406, 373.4136, 373.414, 373.418 FS. Law Implemented 369.318, 373.085, 373.1131, 373.116, 373.117, 373.118, 373.185, 373.406, 373.413, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421, 373.426, 373.461, 403.0877 FS. History–New 5-30-90, Amended 2-27-94, 10-3-95, 2-1-05, 12-3-06,_____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-8.041
 RULE TITLE: Minimum Flows

PURPOSE AND EFFECT: To amend Rule 40D-8.041, F.A.C., pursuant to Section 373.042, Florida Statutes, to establish Minimum Flows for the Homosassa River System and associated springs, including springs that discharge to the Homosassa River, the Southeast Fork of the Homosassa River, Halls River, and Hidden River.

SUBJECT AREA TO BE ADDRESSED: Establishment of a minimum flow for the Homosassa River System and associated springs. Members of the District’s Governing Board and Basin Board may attend the scheduled Rule Development Workshop.
RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

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

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

DATE AND TIME: October 13, 2010, 6:30 p.m.

PLACE: Homosassa Civic Club, 5530 South Mason Creek Road, Homosassa, FL 34448-4408

Pursuant to the provisions of 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 Southwest Florida Water Management District Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899; telephone (352)796-7211, ext. 4702 or 1(800)423-1476 (FL only), ext. 4702; TDD (FL only) 1(800)231-6103; or email to ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

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

SUBJECT AREA TO BE ADDRESSED: Establishment of minimum levels for Lake Crystal and North Lake Wales in the City of Lake Wales in Polk County, Florida. A minimum level is the level of surface water at which further water withdrawals would be significantly harmful to the water resources of the area. Members of the District’s Governing Board and Basin Boards may attend the Rule Development Workshop.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

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

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

DATE AND TIME: October 14, 2010, 5:00 p.m.

PLACE: Lake Wales City Commission Chambers, 201 W. Central Avenue, Lake Wales, FL 33853

Pursuant to the provisions of 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 Southwest Florida Water Management District Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899; telephone (352)796-7211, ext. 4702 or 1(800)423-1476 (FL only), ext. 4702; TDD (FL only) 1(800)231-6103; or email to ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Keith Kolasa, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4236

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: 40E-0.103
RULE TITLE: Procedures for Processing Permit Applications

PURPOSE AND EFFECT: To delete reference to repealed rule and delete “standard” from “standard general permits” pursuant to Section 373.118(1), Fla. Stat.

SUBJECT AREA TO BE ADDRESSED: Procedures for processing standard permits.

RULEMAKING AUTHORITY: 120.54(5), 120.60 FS.

LAW IMPLEMENTED: 120.54(5), 120.60 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: South Florida Water Management District Clerk, (800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anita R. Bain, Environmental Resource Permitting Division Director, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext 6866 or (561)686-6866, email: abain@sfwmd.gov. For procedural questions contact Jan Sluth, Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext 6299 or (561)686-6299, email: jsluth@sfwmd.gov.

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-1.5095	Publication of Notice of Agency Decision or Intended Agency Decision
40E-1.602	Permits Required
40E-1.603	Application Procedures for Conceptual Approval, Individual and General Permits
40E-1.6058	Publication and Requests for Notification of Permit Applications or Notices of Intent
40E-1.607	Permit Application Processing Fees
40E-1.615	Coordinated Agency Review Procedures for the Florida Keys Area of Critical State Concern
40E-1.659	Forms and Instructions

PURPOSE AND EFFECT: To amend the District’s rules to: 1) delete obsolete forms and other documents incorporated by reference; 2) update rules for consistency with statutory amendments; and 3) delete “general” from “standard general permits”.

SUBJECT AREA TO BE ADDRESSED: General procedural rules.

RULEMAKING AUTHORITY: 120.54(5), 373.044, 373.113, 373.4135, 668.003, 668.004, 668.50 FS.

LAW IMPLEMENTED: 120.53(1), 120.54(5), 120.569, 120.57, 120.60, 373.107, 373.109, 373.116, 373.146, 373.229, 373.413, 373.417, 373.421, 373.422, 668.003, 668.004, 668.50 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 5 days before the workshop/meeting by contacting: South Florida Water Management District Clerk, (800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anita R. Bain, Environmental Resource Permitting Division Director, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext 6866 or (561)686-6866, email: abain@sfwmd.gov. For procedural questions contact Jan Sluth, Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext 6299 or (561)686-6299, email: jsluth@sfwmd.gov.

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-4.011	Policy and Purpose
40E-4.021	Definitions
40E-4.041	Permits Required
40E-4.0415	Permit Thresholds
40E-4.042	Formal Determination of Wetlands and Other Surface Waters
40E-4.051	Exemptions From Permitting
40E-4.091	Publications, Rules and Interagency Agreements Incorporated by Reference
40E-4.101	Content of Permit Applications
40E-4.201	Forms and Instructions
40E-4.301	Conditions for Issuance of Permits
40E-4.302	Additional Conditions for Issuance of Permits
40E-4.303	Environmental Resource Permit Authorization
40E-4.305	Conceptual Approvals
40E-4.321	Duration of Permits
40E-4.331	Modification of Permits
40E-4.351	Transfer of Permits
40E-4.361	Conversion from Construction Phase to Operation Phase
40E-4.381	General Conditions

PURPOSE AND EFFECT: To amend the District’s rules and Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District to: 1) delete obsolete forms and other documents incorporated by reference; 2) correct citations; 3) add “subparagraph” or “paragraph” before rule references; 4)

update rules for consistency with statutory amendments; 5) correct reference to exhibit on Form 1318; 6) update process for submitting forms and other documents to the District; 7) repeal rules that are unnecessary because they are duplicative of rules set forth in the District’s general rules; 8) replace illegible maps in the Florida Administrative Code and renumber Figures for consistency; 9) update rule references from surface water management to environmental resource permitting; 10) delete unnecessary rule titles following rule numbers within text; 11) update rules incorporating materials by reference to conform to the Department of State’s rule regarding materials incorporated by reference; and 12) delete “general” from “standard general permits”; and 13) delete general condition paragraph 40E-4.381(1)(r), F.A.C., as redundant.

SUBJECT AREA TO BE ADDRESSED: Environmental Resource Permitting rules.

RULEMAKING AUTHORITY: 373.043, 373.044, 373.103(8), 373.113, 373.171, 373.406(5), 373.414(9), 373.416, 373.421(2), 373.441, 668.003, 668.004, 668.50, 704.06 FS.

LAW IMPLEMENTED: 373.016, 373.019, 373.086(1), 373.103, 373.117, 373.118, 373.403-443, 380.23, 403.031, 403.813(2), 668.003, 668.004, 668.50, 704.06 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: South Florida Water Management District Clerk, (800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anita R. Bain, Environmental Resource Permitting Division Director, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext 6866 or (561)686-6866, email: abain@sfwmd.gov. For procedural questions contact Jan Sluth, Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext 6299 or (561)686-6299, email: jsluth@sfwmd.gov

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-40.010	Review of Environmental Resource Standard General Permit Applications
40E-40.011	Policy and Purpose
40E-40.031	Implementation
40E-40.041	Permit Thresholds
40E-40.042	Standard General Permit for Incidental Site Activities
40E-40.051	Standard General Permit Authorization
40E-40.091	Publications, Rules and Interagency Agreements Incorporated by Reference
40E-40.141	Request for Additional Information
40E-40.302	Conditions for Issuance of Permits
40E-40.321	Duration of Permits
40E-40.331	Modification of Permits
40E-40.341	District Revocation or Modification of Permits
40E-40.381	General Conditions
40E-40.391	Forms and Instructions

PURPOSE AND EFFECT: To amend the District’s rules to: 1) repeal rules that are unnecessary because they are duplicative of rules set forth in the District’s general rules and 2) delete “general” from “standard general permits”.

SUBJECT AREA TO BE ADDRESSED: Standard General Environmental Resource Permits.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118, 668.003, 668.004, 668.50 FS.

LAW IMPLEMENTED: 373.085, 373.086, 373.109, 373.118, 373.413, 373.416, 373.426 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: South Florida Water Management District Clerk, (800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anita R. Bain, Environmental Resource Permitting Division Director,

South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext 6866 or (561)686-6866, email: abain@sfwmd.gov. For procedural questions contact Jan Sluth, Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext 6299 or (561)686-6299, email: jsluth@sfwmd.gov.

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-41.121	Definitions
40E-41.223	C-51 Basin Boundary
40E-41.243	Application of Part III
40E-41.260	Content of Application
40E-41.263	Conditions for Issuance of Surface Water Management Permits in the C-51 Basin
40E-41.265	Conditions for Issuance of Right-of-Way Permits in the C-51 Basin
40E-41.363	Conditions for Issuance of Environmental Resource Permits and Surface Water Management Permits in the Water Preserve Area, Water Preserve Area Basin, or Adjacent to the Protective Levees

PURPOSE AND EFFECT: To amend the District’s rules to: 1) delete obsolete forms and other documents incorporated by reference; 2) correct citations; 3) add “subparagraph” or “paragraph” before rule references; 4) update rules for consistency with statutory amendments; 5) correct reference to exhibit on Form 1318; 6) update process for submitting forms and other documents to the District; 7) repeal rules that are unnecessary because they are duplicative of rules set forth in the District’s general rules; 8) replace illegible maps in the Florida Administrative Code and renumber Figures for consistency; 9) update rule references from surface water management to environmental resource permitting; 10) delete unnecessary rule titles following rule numbers within text; 11) update rules incorporating materials by reference to conform to the Department of State’s rule regarding materials incorporated by reference; and 12) delete “general” from “standard general permits”; and 13) delete reference to repealed rule.

SUBJECT AREA TO BE ADDRESSED: Basin rules and criteria.

RULEMAKING AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.085, 373.086, 373.413, 373.416 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: South Florida Water Management District Clerk, (800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anita R. Bain, Environmental Resource Permitting Division Director, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext 6866 or (561)686-6866, email: abain@sfwmd.gov. For procedural questions contact Jan Sluth, Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext 6299 or (561)686-6299, email: jsluth@sfwmd.gov.

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-400.211	Processing Procedures for Noticed General Permits
40E-400.417	General Permit for Construction, Alteration or Maintenance of Boat Ramps and Associated Accessory Docks
40E-400.443	General Permit for Minor Bridge Alteration, Replacement, Maintenance and Operation
40E-400.447	General Permit for Minor Activities Within Existing FDOT Rights-of-Way or Easements
40E-400.470	Noticed General Permit for Temporary Agricultural Activities
40E-400.475	General Permit for Minor Activities
40E-400.487	General Permit to the Department to Change Operating Schedules for Department or District Water Control Structures

40E-400.500 General Permit for Construction, Operation, Maintenance, Alteration, Removal or Abandonment of Minor Silvicultural Surface Water Management Systems

40E-400.900 Forms and Instructions
 PURPOSE AND EFFECT: To amend the District’s rules to: 1) delete obsolete forms and other documents incorporated by reference; 2) correct citations; 3) add “subparagraph” or “paragraph” before rule references; 4) update process for submitting forms and other documents to the District; 5) repeal rules that are unnecessary because they are duplicative of rules set forth in the District’s general rules; 6) delete unnecessary rule titles following rule numbers within text; 7) update rules incorporating materials by reference to conform to the Department of State’s rule regarding materials incorporated by reference; and 12) delete “general” from “standard general permits”.

SUBJECT AREA TO BE ADDRESSED: No Noticed and Noticed General Environmental Resource Permits.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118, 373.171, 403.067(7)(d), 668.003, 668.004, 668.50 FS.

LAW IMPLEMENTED: 120.60, 373.109, 373.118, 373.119, 373.413, 373.414, 373.416, 373.418, 373.423, 373.426, 403.067(7)(d), 668.003, 668.004, 668.50 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: South Florida Water Management District Clerk, (800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anita R. Bain, Environmental Resource Permitting Division Director, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext 6866 or (561)686-6866, email: abain@sfwmd.gov. For procedural questions contact Jan Sluth, Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext 6299 or (561)686-6299, email: jsluth@sfwmd.gov.

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

DEPARTMENT OF MANAGEMENT SERVICES

Personnel Management System

RULE NO.: 60L-34.0041
 RULE TITLE: Annual Leave

PURPOSE AND EFFECT: The Department proposes a technical change to an erroneous date specified in the rule in order to comply with the statutory effective date of the legislation governing paragraph 60L-34.0041(6)(a), F.A.C.

SUBJECT AREA TO BE ADDRESSED: The date used by agencies when determining lifetime maximum annual leave payouts for career service employees separating from the State Personnel System.

RULEMAKING AUTHORITY: 110.201, 110.219 FS.

LAW IMPLEMENTED: 110.219 FS.

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

DATE AND TIME: Tuesday, October 12, 2010, 2:00 p.m. – 3:00 p.m.

PLACE: 4050 Esplanade Way, Conference Room 101, 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 3 days before the workshop/meeting by contacting: Ms. Erin Thoresen, HR Consultant, 4050 Esplanade Way, Suite 235, Tallahassee, FL 32399-0950; (850)922-1274; If you are 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: Ms. Erin Thoresen, HR Consultant, 4050 Esplanade Way, Suite 235, Tallahassee, FL 32399-0950; (850)922-1274; erin.thoresen@dms.myflorida.com

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

RULE NOS.:	RULE TITLES:
61B-77.001	Definitions and Purpose
61B-77.002	Educational Resolution
61B-77.003	Enforcement Resolution and Civil Penalties

PURPOSE AND EFFECT: The amendments are intended to make the cooperative developer resolution guidelines consistent with the revised compliance procedures that were

adopted with the division’s conversion to the new licensing program and reorganization, as well as the experience gained in applying the rules since their adoption.

SUBJECT AREA TO BE ADDRESSED: The amendments clarify the definition of an accepted complaint; provide point values for calculating aggravating and mitigating factors; change the beginning range of penalties to a set point; re-word descriptions for clarity; increase some minor violations to major violation; add new statutory citations to the list of described violations; remove some statutory citations from the list of described violations; and increase the penalty range for developer violations.

RULEMAKING AUTHORITY: 455.2273, 719.301(5), (6), 719.501(1)(d)4., (f) FS.

LAW IMPLEMENTED: 455.2273, 719.501(1)(d)4., (k) 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: October 8, 2010, 9:00 a.m.

PLACE: The Northwood Centre, Suite 16, Conference Room, 1940 North Monroe Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Sharon A. Malloy, Senior Management Analyst II, at (850)488-1631. If you are 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: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

THE PRELIMINARY DRAFT RULE IS ALSO AVAILABLE ON LINE AT: <http://www.myfloridalicense.com/dbpr/lsc/LSCMHRulePromulgation.html>.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

RULE NOS.:	RULE TITLES:
61B-78.002	Definitions and Purpose
61B-78.003	Educational Resolution
61B-78.004	Enforcement Resolution and Civil Penalties

PURPOSE AND EFFECT: The amendments are intended to make the cooperative association resolution guidelines consistent with the revised compliance procedures that were adopted with the Division’s conversion to the new licensing program and reorganization, as well as the experience gained in applying the rules since their adoption.

SUBJECT AREA TO BE ADDRESSED: The amendments clarify the definition of an accepted complaint; provide point values for calculating aggravating and mitigating factors; change the beginning range of penalties to a set point; re-word descriptions for clarity; increase some minor violations to major violations; add new statutory citations to the list of described violations; and remove some statutory citations from the list of described violations.

RULEMAKING AUTHORITY: 455.2273, 719.501(1)(d)4., (f) FS.

LAW IMPLEMENTED: 455.2273, 719.501(1)(d)4., (m) 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: October 8, 2010, 9:00 a.m.

PLACE: The Northwood Centre, Suite 16, Conference Room, 1940 North Monroe Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Sharon A. Malloy, Senior Management Analyst II, at (850)488-1631. If you are 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: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

THE PRELIMINARY DRAFT RULE IS ALSO AVAILABLE ON LINE AT: <http://www.myfloridalicense.com/dbpr/lsc/LSCMHRulePromulgation.html>.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE NO.:	RULE TITLE:
61G10-12.001	Application and Examination Fees

PURPOSE AND EFFECT: The Board proposes the rule amendment to allow the fee for the exam to be set by and payable to CLARB.

SUBJECT AREA TO BE ADDRESSED: Examination fees.

RULEMAKING AUTHORITY: 481.036, 481.307 FS.

LAW IMPLEMENTED: 481.307 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-302.400	Classification of Surface Waters, Usage, Reclassification, Classified Waters
62-302.800	Site Specific Alternative Criteria

PURPOSE AND EFFECT: The Department is reviewing two petitions from Tampa Bay Water for the reclassification from Class III waters to Class I waters of: (1) the Alafia River between Bell Shoals Road and the confluence with the North and South Prongs of the Alafia River, including Fishhawk Creek and Little Fishhawk Creek, but excluding Turkey Creek, Medard Reservoir and tributaries thereto; and (2) the Tampa Bypass Canal and the Harney Canal as delimited by Structure S-160 on the south, Structure S-163 on the north, and Structure S-161 on the west. Both areas proposed for reclassification lie entirely within Hillsborough County and are currently used for water supply purposes. The Department conducted a public workshop in Tampa on October 9, 2009 on the proposed reclassifications. Based on the Department's analysis, a site specific alternative criterion (SSAC) for fluoride in the area proposed for reclassification in the Alafia River may be appropriate.

SUBJECT AREA TO BE ADDRESSED: Rule development will focus on whether to reclassify these portions of the Alafia River and the Tampa Bypass Canal from Class III waters to Class I waters under Rule 62-302.400, F.A.C., and whether to establish a SSAC for fluoride under Rule 62-302.800, F.A.C., in a portion of the Alafia River watershed as described above.

RULEMAKING AUTHORITY: 403.061, 403.062, 403.087, 403.088, 403.504, 403.704, 403.804, 403.805 FS.

LAW IMPLEMENTED: 403.021, 403.061, 403.087, 403.088, 403.141, 403.161, 403.182, 403.502, 403.504, 403.702, 403.708 FS.

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

DATE AND TIME: Thursday, October 14, 2010, 1:30 p.m.

PLACE: Tampa Bay Regional Planning Council Conference Room, 4000 Gateway Centre Boulevard, Suite 100, Pinellas Park, Florida 33782

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Eric Shaw at (850)245-8429. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Eric Shaw, Department of Environmental Protection, Bureau of Assessment and Restoration Support, MS 6511, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, (850)245-8429 or e-mail: eric.shaw@dep.state.fl.us

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Law Enforcement

RULE NO.:	RULE TITLE:
62N-16.033	Terminal Facility Discharge Contingency Plan

PURPOSE AND EFFECT: The purpose of this amendment is to revise the vessel contingency plan requirements in subsection 62N-16.033(4), F.A.C. The current contingency plan requirements referenced to under Rule 62N-16.036, F.A.C., Vessel Spill Contingency Plan, will be removed. This is due to the fact that Rule 62N-16.036, F.A.C., has been repealed. In its place, there will be a requirement that a vessel that is also a terminal facility have a plan that is in compliance with the federal requirements for a ship-specific discharge contingency plan.

SUBJECT AREA TO BE ADDRESSED: The rule amendments will do the following: remove requirements and references that no longer exist and add in the appropriate requirements and references.

RULEMAKING AUTHORITY: 376.07 FS.

LAW IMPLEMENTED: 376.07, 376.071 FS.

<p>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.</p> <p>Pursuant to the provisions of 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: Phil Wieczynski, Department of Environmental Protection, Division of Law Enforcement, Bureau of Emergency Response, 3900 Commonwealth Blvd., MS 600, Tallahassee, FL 32399-3000, (850)245-2010, e-mail: Phil.Wieczynski@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).</p> <p>THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Phil Wieczynski at the address/phone/email above</p> <p>THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.</p> <p>DEPARTMENT OF JUVENILE JUSTICE</p> <p>Medical</p> <p>RULE NOS.: RULE TITLES:</p> <p>63M-2.001 Purpose and Scope</p> <p>63M-2.002 Definitions</p> <p>63M-2.003 Administrative Health Services Components</p> <p>63M-2.0031 Designated Health Authority</p> <p>63M-2.0032 Role of the Superintendant / Facility Director in Healthcare Services</p> <p>63M-2.0033 Nursing Staff Requirements</p> <p>63M-2.0034 Non-Licensed Staff Providing Health Services</p> <p>63M-2.0035 Protocols and Procedures</p> <p>63M-2.0036 Service Agreements</p> <p>63M-2.0037 Verification of Credentials</p> <p>63M-2.0038 Students or Interns</p> <p>63M-2.0039 Interdisciplinary Risk Reduction / Quality Improvement</p> <p>63M-2.004 Admission Process</p> <p>63M-2.0041 Healthcare Admission Screening</p> <p>63M-2.0042 Medical Emergencies Upon Admission or During Screening</p> <p>63M-2.0043 Routine Notification of the Designated Health Authority Upon Admission</p> <p>63M-2.0044 Tuberculosis (TB) Control and Screening</p> <p>63M-2.0045 Medical Alert System</p>	<p>63M-2.0046</p> <p>63M-2.0047</p> <p>63M-2.0048</p> <p>63M-2.005</p> <p>63M-2.0051</p> <p>63M-2.0052</p> <p>63M-2.0053</p> <p>63M-2.006</p> <p>63M-2.007</p> <p>63M-2.008</p> <p>63M-2.009</p> <p>63M-2.010</p> <p>63M-2.020</p> <p>63M-2.021</p> <p>63M-2.022</p> <p>63M-2.023</p> <p>63M-2.024</p> <p>63M-2.025</p> <p>63M-2.026</p> <p>63M-2.027</p> <p>63M-2.030</p> <p>63M-2.031</p> <p>63M-2.032</p> <p>63M-2.033</p> <p>63M-2.034</p> <p>63M-2.035</p> <p>63M-2.036</p> <p>63M-2.037</p> <p>63M-2.040</p> <p>63M-2.050</p> <p>63M-2.051</p> <p>63M-2.052</p> <p>63M-2.053</p> <p>63M-2.054</p> <p>63M-2.055</p>	<p>Healthcare Orientation of Committed Youth</p> <p>Health-Related History</p> <p>Comprehensive Physical Assessment (CPA)</p> <p>Consent and Notification Requirements</p> <p>Routine Consent – Authority for Evaluation and Treatment (AET)</p> <p>Special Consent Notification</p> <p>Sick Call</p> <p>Restricted Housing</p> <p>Periodic Evaluations</p> <p>Episodic Care</p> <p>Girls Gender Responsive Medical Services</p> <p>Medication Management</p> <p>Pharmacy Permits and Licenses Verification and Procurement of Medications Prescribed Prior to Admission</p> <p>Transfer of Youth’s Medications</p> <p>Receipt and Storage of Medications</p> <p>Inventory and Storage of Sharps</p> <p>Inventory of Medications</p> <p>Disposal of Medications</p> <p>Routine Medication Administration</p> <p>Youth Self-Administration of Oral Medication Assisted by Trained Non-Licensed Staff</p> <p>Youth Refusal of Medication</p> <p>Youth Hoarding of Medication and Swallowing Difficulties</p> <p>Administration of Parenteral Medications</p> <p>Medication Evaluations and Serum Drug Level Monitoring</p> <p>Adverse Drug Events and Medication Errors</p> <p>Education of Youth on Medications</p> <p>Environmental and Exercise Precautions</p> <p>Infection Control – Regulations and Training</p> <p>Needle Stick Injuries / Exposure</p> <p>HIV Counseling and Testing</p> <p>Lice (Pediculosis) and Scabies</p> <p>Methicillin Resistant Staphylococcus Aureus (MRSA)</p> <p>Health Department Reporting of Infectious Disease</p>
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63M-2.060	Individual Health Care Record (IHCR)
63M-2.061	Record Documentation, Development and Maintenance
63M-2.062	Core Health Profile
63M-2.063	Interdisciplinary Health Record
63M-2.064	Storage, Security and Control of the Individual Health Care Record
63M-2.070	Health Education
63M-2.080	Transitional Healthcare Planning
63M-2.081	Youth Release to the Community
63M-2.082	Transfer from Residential Commitment Program

PURPOSE AND EFFECT: The rule chapter establishes statewide requirements for the provision of health care treatment services for youth in the care and custody of the department. The chapter is intended to comply with the rulemaking requirements in Section 985.64(2), F.S., relating to the provision of health services.

SUBJECT AREA TO BE ADDRESSED: The rule chapter addresses the administration of health services, and establishes statewide requirements for the admission process, screening, sick call, evaluation and treatment, medication management, infection control, and the keeping of youth health records.

RULEMAKING AUTHORITY: 985.64(2) FS.

LAW IMPLEMENTED: 985.64(2) FS.

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

DATE AND TIME: Monday, October 11, 2010, 10:00 a.m.

PLACE: DJJ Headquarters, 2737 Centerview Drive, General Counsel's Conference Room 3223, Tallahassee, Florida. For information about participation by telephone, contact John Milla at (850)921-4129

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

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

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: 64B12-10.007 **RULE TITLE:** Minimum Equipment Requirements

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify language for equipment that must be maintained in each office an optician practices opticianry.

SUBJECT AREA TO BE ADDRESSED: Minimum equipment requirements.

RULEMAKING AUTHORITY: 484.005(2) FS.

LAW IMPLEMENTED: 484.002(3), 484.005(2) FS.

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

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

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: 64B12-10.012 **RULE TITLE:** Change of Address

PURPOSE AND EFFECT: The Board proposes the rule amendment to add new language to clarify procedures for a change of address for each licensee.

SUBJECT AREA TO BE ADDRESSED: Change of address.

RULEMAKING AUTHORITY: 484.005 FS.

LAW IMPLEMENTED: 456.035 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Foster, Executive Director, Board of Opticianry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258 **THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.**

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: 64B12-11.003 **RULE TITLE:** Active Status Fee

PURPOSE AND EFFECT: The Board proposes the rule amendment to decrease the active status fee.

SUBJECT AREA TO BE ADDRESSED: Active Status fee.

RULEMAKING AUTHORITY: 484.005, 484.008(1) FS.

LAW IMPLEMENTED: 455.271, 484.008(1) FS.

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

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

DEPARTMENT OF HEALTH

Board of Opticianry

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

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

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

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

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

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

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: 64B12-16.003
 RULE TITLE: Apprenticeship Requirements and Training Program

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify language for apprenticeship requirements and training programs.

SUBJECT AREA TO BE ADDRESSED: Apprenticeship requirements and training programs.

RULEMAKING AUTHORITY: 484.005 FS.

LAW IMPLEMENTED: 484.002, 484.007(1)(d)4. FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Foster, Executive Director, Board of Opticianry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-28.608
 RULE TITLE: Automated Medication System – Long Term Care, Assisted Living Facility and State Correctional Institutions

PURPOSE AND EFFECT: The Board proposes the rule promulgation to provide a rule for the use of automated medication systems by pharmacies providing services to assisted living facilities, hospice and prisons.

SUBJECT AREA TO BE ADDRESSED: Automated Medication System – Long Term Care, Assisted Living Facility and State Correctional Institutions.

RULEMAKING AUTHORITY: 465.005, 465.0155, 465.022 FS.

LAW IMPLEMENTED: 465.019, 465.022, 465.0235 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: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-30.001
 RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

PURPOSE AND EFFECT: The Board proposes the rule amendment to update disciplinary guidelines and range of penalties.

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

RULEMAKING AUTHORITY: 456.072, 456.079, 465.005 FS.

LAW IMPLEMENTED: 456.072, 456.079 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: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-30.001 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) No change.

(2) The following disciplinary guidelines shall be followed by the board in imposing disciplinary penalties upon licensees for violation of the below mentioned statutes and rules:

PENALTY RANGE			
VIOLATION		MINIMUM	MAXIMUM

(a) through (n) No change.

(o) Violating 456.072, F.S.

1. through 20. No change.

<u>21. Being convicted of, or entering a plea of guilty or nolo contendere to any misdemeanor or felony, regardless of adjudication, under 18 USC s. 669, ss. 285-287, s. 371, s. 1001, s. 1035, s. 1341, s. 1343, s. 1347, s. 1349, or s. 1518, or 42 USC ss. 1320a-7b, relating to the Medicaid program. (456.072(1)(ii), F.S.)</u>	<u>Revocation and a fine of \$10,000, or in the case of application for licensure, denial of license.</u>	
<u>22. Failing to remit the sum owed to the state for overpayment from the Medicaid program pursuant to a final order, judgment, or settlement. (456.072(1)(jj), F.S.)</u>	<u>From a letter of concern to probation, and a fine of \$500 to \$5,000.</u>	<u>From a reprimand to revocation, and a fine of \$2,500 to \$5,000.</u>
<u>(23) Being terminated from the state Medicaid program, or any other state Medicaid program, or the federal Medicare program. (456.072(1)(kk), F.S.)</u>	<u>From a letter of concern to suspension, and a fine of \$1,000 to \$5,000.</u>	<u>From a reprimand to revocation, and a fine of \$5,000 to \$10,000.</u>
<u>(24) Being convicted of, or entering into a plea of guilty or nolo contendere to any misdemeanor or felony, regardless of adjudication, which relates to health care fraud. (456.072(1)(ll), F.S.)</u>	<u>Revocation and a fine of \$10,000, or in the case of application for licensure, denial of license.</u>	

(3) through (4) No change.

Rulemaking Authority 456.072, 456.079, 465.005 FS. Law Implemented 456.072, 456.079 FS. History—New 3-1-87, Amended 5-11-88, Formerly 21S-17.001, 21S-30.001, 61F10-30.001, Amended 6-26-95, 1-30-96, Formerly 59X-30.001, Amended 12-3-97, 11-15-98, 5-3-00, 1-2-02, 11-29-06, _____.

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NOS.:

64F-9.001

64F-9.002

64F-9.003

64F-9.004

64F-9.005

RULE TITLES:

Definitions

Eligibility for ESP Services

Individual Action Plan (IAP)

Prevention Program Activities

ESP Reporting Requirements

PURPOSE AND EFFECT: The Department proposes to review the entire chapter to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Definitions, Eligibility for ESP Services, Individual Action Plan, Prevention Program Activities and ESP Reporting Requirements.

RULEMAKING AUTHORITY: 385.207(4) FS.

LAW IMPLEMENTED: 385.207 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mike Mason or Nikita Wiggins, 4025 Esplanade Way, Bin #A18, Tallahassee, Florida 32399

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS.:	RULE TITLES:
65C-1.001	Purpose of the Home Care Program
65C-1.002	Definitions
65C-1.003	Screening and Application
65C-1.004	Eligibility
65C-1.005	Financial Determination
65C-1.006	Provider Requirements
65C-1.007	Home Study Standards
65C-1.009	Petition Proceedings

PURPOSE AND EFFECT: The proposed rule amendments were made for plain language, to incorporate the Home Care for Disabled Adults Program application, CF-AA 1020, by reference and to clarify program requirements.

SUBJECT AREA TO BE ADDRESSED: Aging and Adult Services.

RULEMAKING AUTHORITY: 410.031-.037 FS.

LAW IMPLEMENTED: 410.031-.037 FS.

Pursuant to the provisions of 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: Lindsay Macom, (850)487-8430, Lindsay_Macom@dcf.state.fl.us. If rule development workshop is desired. If you are 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: Lindsay Macom, Department of Children and Families, Adult Protective Services, (850)487-8430, Lindsay_Macom@dcf.state.fl.us

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS.:	RULE TITLES:
65C-2.002	Definitions
65C-2.005	Provider Requirements
65C-2.006	Provider Application Procedures
65C-2.007	Fee for Services
65C-2.008	Community Care Costs

PURPOSE AND EFFECT: Amendments were made for plain language, for the inclusion of a program purpose, and to clarify program requirements.

SUBJECT AREA TO BE ADDRESSED: Aging and Adult Services.

RULEMAKING AUTHORITY: 410.031-.037 FS.

LAW IMPLEMENTED: 410.031-.037 FS.

Pursuant to the provisions of 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: Lindsay Macom, (850)487-8430, Lindsay_Macom@dcf.state.fl.us. If rule development workshop is desired. If you are 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: Lindsay Macom, Department of Children and Families, Adult Protective Services, (850)487-8430, Lindsay_Macom@dcf.state.fl.us

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Vessel Registration and Boating Safety

RULE NO.:	RULE TITLE:
68D-24.155	St. Johns County Boating Restricted Areas

PURPOSE AND EFFECT: The purpose and effect of this rule development notice is to address possible rule changes reducing vessel speeds on the Atlantic Intracoastal Waterway within St. Johns county where necessary to manage and promote the use of this state waterway for safe and enjoyable boating.

SUBJECT AREA TO BE ADDRESSED: Vessel speed limits on the Florida Intracoastal Waterway within St. Johns County.

RULEMAKING AUTHORITY: 327.04, 327.46 FS.

LAW IMPLEMENTED: 327.46 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: Captain Richard Moore, Boating and Waterways Section, Division of Law Enforcement, 620 South Meridian St., Tallahassee, Florida 32399-1600

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

FINANCIAL SERVICES COMMISSION

Finance

RULE NOS.:	RULE TITLES:
69V-50.001	Miscellaneous Charges
69V-50.002	Excessive Charges, Correction
69V-50.090	Computations of Interest for Simple Interest Motor Vehicle Retail Installment Contracts
69V-50.100	Application of Payments for Motor Vehicle Retail Installment Contracts

PURPOSE AND EFFECT: Rule 69V-50.001, F.A.C., is amended to replace the term “retail installment seller” with the statutory term “motor vehicle retail installment seller”. Rule 69V-50.002, F.A.C., which relates to refunding excessive charges, is clarified to apply to motor vehicle retail installment sellers. Rule 69V-50.090, F.A.C., is created to provide guidance regarding computations of interest for simple interest motor vehicle retail installment contracts. Rule 69V-50.100, F.A.C., is created to provide guidance regarding the method of applying payments for motor vehicle retail installment contracts.

SUBJECT AREA TO BE ADDRESSED: Motor Vehicle Sales Finance.

RULEMAKING AUTHORITY: 520.994(4) FS.

LAW IMPLEMENTED: 520.02, 520.07, 520.08, 520.085 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: Andy Grosmaire, Chief, Bureau of Finance Regulation, Office of Financial Regulation, The Fletcher Building, 200 E. Gaines Street, Tallahassee, Florida 32399, (850)410-9848, andy.grosmaire@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69V-50.001 Miscellaneous Charges.

Other than the items and charges properly included as part of the cash price as defined in Section 520.02(2), F.S., the following are the only charges permitted to be made by the motor vehicle retail installment seller. All authorized charges are permitted only to the extent they are actually paid, used, or disbursed for the purposes stated.

(1) through (4) No change.

Rulemaking Specific Authority ~~47-29~~, 520.994(5) FS. Law Implemented 520.02, 520.07 FS. History–Renumbered from 3-6.01 to 3D-50.01 on 8-26-75, Amended 11-1-77, 4-22-84, Formerly 3D-50.01, Amended 7-10-96, 12-8-99, Formerly 3D-50.001, Amended _____.

69V-50.002 Excessive Charges, Correction.

If a motor vehicle retail installment seller or the sales finance company discovers that, as a result of an inadvertent clerical error or some other unintentional mistake, the finance charge to a buyer is in excess of the amount permitted, or that any other charges in the contract are excessive, it shall immediately notify the buyer in writing of such overcharge. The overcharge, plus any finance charge that may have been assessed thereon, shall be credited to the account balance, and the buyer shall be notified in writing of any reduction of contractual payments. Contracts paid in full containing excessive charges ~~that which~~ were not previously given credit should be corrected by making a refund to the buyer.

Rulemaking Specific Authority 520.994(5) FS. Law Implemented 520.08 FS. History–Renumbered from 3-6.02 to 3D-50.02 on 8-26-75, Amended 1-10-79, Formerly 3D-50.02, Amended 7-10-96, Formerly 3D-50.002, Amended _____.

69V-50.090 Computations of Interest for Simple Interest Motor Vehicle Retail Installment Contracts.

(1) “Simple interest” as used Section 520.085, F.S., is defined as interest paid or earned on the principal only. The rate of interest for each day shall not be greater than 1/365th of the annual rate of interest. Compounding of interest (charging interest on interest) is strictly prohibited.

(2) The rate of interest for each day may not be greater than 1/365th of the stated annual rate of interest on the retail installment contract or 1/365th of the maximum allowable rate, whichever is less.

(3) A retail installment contract may not provide for the calculation of simple interest other than identified in this rule.

Rulemaking Authority 520.994(5) FS. Law Implemented 520.085 FS. History–New _____.

69V-50.100 Application of Payments for Motor Vehicle Retail Installment Contracts.

(1) If the retail installment contract provides for the accrual or calculation of simple interest:

(a) Any payment received must be applied first to the accumulated interest charges, then to authorized fees and the remainder of the payment applied to the unpaid principal balance. If the amount of the payment is insufficient to pay accumulated interest charge, the unpaid interest charge may continue to accumulate and the same may be paid from the proceeds of subsequent payments and shall not be added to the principal balance and shall not accrue interest. No payment shall be accepted on the principal balance unless interest is paid to date or is waived by the licensee, except such payment may be credited to the principal where the amount is not sufficient to pay the interest due for one day.

(b) The deduction of authorized and accrued fees from a payment received shall not cause the payment to be insufficient to satisfy the scheduled contractual payment provided the payment received by the licensee is equal to or greater than the contractual installment. In no case shall the deduction of a late charge from a payment received cause the payment to be insufficient and initiate the accrual of another late charge.

(c) All payments received will be applied to the account effective the date received by the licensee or the licensee's representative.

(2) If the retail installment contract provides for the accrual or calculation of interest in any other manner:

(a) Any payment received shall be applied first to the authorized and accrued fees and the remainder of the payment applied to the unpaid balance according to the schedule of payments.

(b) The payment due date shall be advanced on period for each full contractual payment received as identified on the schedule of payments.

(c) The deduction of authorized and accrued fees from a payment received shall not cause the payment to be insufficient to satisfy the scheduled contractual payment. In no case shall the deduction of a late charge from a payment received cause the payment to be insufficient and initiate the accrual of another late charge.

Rulemaking Authority 520.994(5) FS. Law Implemented 520.08, 520.085 FS. History--New _____.

FINANCIAL SERVICES COMMISSION

Finance

RULE NOS.: 69V-60.003 69V-60.080 69V-60.090	RULE TITLES: Excessive Charges, Correction Computations of Interest for Simple Interest Retail Installment Contracts Application of Payments for Retail Installment Contracts
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PURPOSE AND EFFECT: Rule 69V-60.003, F.A.C., which relates to excessive charges, is clarified to apply to retail installment sellers. Rule 69V-60.080, F.A.C., is created to provide guidance regarding computations of interest for simple interest retail installment contracts. Rule 69V-60.090, F.A.C., is created to provide guidance regarding the method of applying payments for retail installment contracts.

SUBJECT AREA TO BE ADDRESSED: Retail Installment Sales.

RULEMAKING AUTHORITY: 520.994(5) FS.

LAW IMPLEMENTED: 520.34, 520.345 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: Andy Grosmaire, Chief, Bureau of Finance Regulation, Office of Financial Regulation, The Fletcher Building, 200 E. Gaines Street, Tallahassee, Florida 32399, (850)410-9848, andy.grosmaire@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69V-60.003 Excessive Charges, Correction.

If the retail installment seller or sales finance company discovers that, as a result of an inadvertent clerical error or some other unintentional mistake the finance charge to a buyer is in excess of the amount permitted, or that any other charges in the contract are excessive, it shall immediately notify the buyer in writing of such overcharge. The overcharge, plus any finance charge that may have been assessed thereon, shall be credited to the account balance, and the buyer shall be notified in writing of any reduction of contractual payments. Contracts paid in full containing excessive charges ~~that which~~ were not previously given credit should be corrected by making a refund to the buyer.

Rulemaking Specific Authority 520.994(5) FS. Law Implemented 520.34 FS. History--New 6-20-64, Renumbered from 3-7.03 to 3D-60.03 on 8-26-75, Amended 1-10-79, Formerly 3D-60.03, Amended 7-10-96, Formerly 3D-60.003, Amended _____.

69V-60.080 Computations of Interest for Simple Interest Retail Installment Contracts.

(1) Simple Interest as used Section 520.345, F.S., shall be defined as interest paid or earned on the principal only. The rate of interest for each day shall not be greater than 1/365th of the annual rate of interest. Compounding of interest (charging interest on interest) is strictly prohibited.

(2) The rate of interest for each day shall not be greater than 1/365th of the stated annual rate of interest on the Retail Installment Contract or 1/365th of the maximum allowable rate, whichever is less.

(3) A retail installment contract may not provide for the calculation of simple interest other than as identified in this rule.

Rulemaking Authority 520.994(5) FS. Law Implemented 520.345 FS. History—New _____.

69V-60.090 Application of Payments for Retail Installment Contracts.

(1) If the retail installment contract provides for the accrual or calculation of simple interest:

(a) Any payment received must be applied first to the accumulated interest charges, then to authorized fees and the remainder of the payment applied to the unpaid principal balance. If the amount of the payment is insufficient to pay accumulated interest charge, the unpaid interest charge may continue to accumulate and the same may be paid from the proceeds of subsequent payments and shall not be added to the principal balance and shall not accrue interest. No payment shall be accepted on the principal balance unless interest is paid to date or is waived by the licensee, except such payment may be credited to the principal where the amount is not sufficient to pay the interest due for one day.

(b) The deduction of authorized and accrued fees from a payment received shall not cause the payment to be insufficient to satisfy the scheduled contractual payment provided the payment received by the licensee is equal to or greater than the contractual installment. In no case shall the deduction of a late charge from a payment received cause the payment to be insufficient and initiate the accrual of another late charge.

(c) All payments received will be applied to the account effective the date received by the licensee or the licensee's representative.

(2) If the retail installment contract provides for the accrual or calculation of interest in any other manner:

(a) Any payment received shall be applied first to the authorized and accrued fees and the remainder of the payment applied to the unpaid balance according to the schedule of payments.

(b) The payment due date shall be advanced on period for each full contractual payment received as identified on the schedule of payments.

(c) The deduction of authorized and accrued fees from a payment received shall not cause the payment to be insufficient to satisfy the scheduled contractual payment. In no case shall the deduction of a late charge from a payment received cause the payment to be insufficient and initiate the accrual of another late charge.

Rulemaking Authority 520.994(5) FS. Law Implemented 520.34, 520.345 FS. History—New _____.

FINANCIAL SERVICES COMMISSION

Finance

RULE NO.:
69V-80.002
69V-80.070

RULE TITLE:
Excessive Charges, Corrections
Computations of Interest for Simple
Interest Home Improvement
Contracts

69V-80.080

Application of Payments for Home
Improvement Contracts

PURPOSE AND EFFECT: Rule 69V-80.002, F.A.C., which relates to refunding excessive charges, is clarified to apply to sales finance companies. Rule 69V-80.070, F.A.C., is created to provide guidance regarding computations of interest for simple interest home improvement contracts. Rule 69V-80.080, F.A.C., is created to provide guidance regarding the method of applying payments for home improvement contracts.

SUBJECT AREA TO BE ADDRESSED: Home Improvement Sales and Finance.

RULEMAKING AUTHORITY: 520.994(5) FS.

LAW IMPLEMENTED: 520.78, 520.785, 520.79, 520.90(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Andy Grosmaire, Chief, Bureau of Finance Regulation, Office of Financial Regulation, The Fletcher Building, 200 E. Gaines Street, Tallahassee, Florida 32399, (850)410-9848, andy.grosmaire@flotr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69V-80.002 Excessive Charges, Corrections.

If the home improvement contractor, ~~or~~ home improvement finance agency, or sales finance company discovers that, as a result of an inadvertent clerical error or some other unintentional mistake, the finance charge to the buyer is in excess of the amount permitted, or that any other charges in the contract are excessive, it shall immediately notify the buyer in writing of such overcharge. The overcharge, plus any finance charge that may have been assessed thereon, shall be credited to the account balance or refunded to the buyer, and the buyer shall be notified in writing of any reduction of contractual payments. Contracts paid in full containing excessive charges that ~~where~~ were not previously given credit should be corrected by making a refund to the buyer.

Rulemaking Specific Authority 520.994(5) FS. Law Implemented 520.02, 520.79, 520.90(2) FS. History–New 3-8-81, Formerly 3D-80.02, Amended 7-10-96, Formerly 3D-80.002, Amended _____.

69V-80.070 Computations of Interest for Simple Interest Home Improvement Contracts.

(1) Simple Interest as used Section 520.785, F.S., shall be defined as interest paid or earned on the principal only. The rate of interest for each day shall not be greater than 1/365th of the annual rate of interest. Compounding of interest (charging interest on interest) is strictly prohibited.

(2) The rate of interest for each day shall not be greater than 1/365th of the stated annual rate of interest on the home improvement contract or 1/365th of the maximum allowable rate, whichever is less.

(3) The accrual of interest shall not commence before the completion date indicated on the Completion Certificate, which is required by Section 520.81, F.S. The Completion Certificate, Form OFR-520-03, is incorporated by reference in Rule 69V-80.003, F.A.C.

(4) A home improvement contract may not provide for the calculation of simple interest other than as identified in this rule.

Rulemaking Authority 520.994(5) FS. Law Implemented 520.78, 520.785 FS. History–New _____.

69V-80.080 Application of Payments for Home Improvement Contracts.

(1) If the home improvement contract provides for the accrual or calculation of simple interest:

(a) Any payment received must be applied first to the accumulated interest charges, then to authorized fees and the remainder of the payment applied to the unpaid principal balance. If the amount of the payment is insufficient to pay accumulated interest charge, the unpaid interest charge may continue to accumulate and the same may be paid from the proceeds of subsequent payments and shall not be added to the principal balance and shall not accrue interest. No payment shall be accepted on the principal balance unless interest is paid to date or is waived by the licensee, except such payment may be credited to the principal where the amount is not sufficient to pay the interest due for one day.

(b) The deduction of authorized and accrued fees from a payment received shall not cause the payment to be insufficient to satisfy the scheduled contractual payment provided the payment received by the licensee is equal to or greater than the contractual installment. In no case shall the deduction of a late charge from a payment received cause the payment to be insufficient and initiate the accrual of another late charge.

(c) All payments received will be applied to the account effective the date received by the licensee or the licensee’s representative.

(2) If the home improvement contract provides for the accrual or calculation of interest in any other manner:

(a) Any payment received shall be applied first to the authorized and accrued fees and the remainder of the payment applied to the unpaid balance according to the schedule of payments.

(b) The payment due date shall be advanced on period for each full contractual payment received as identified on the schedule of payments.

(c) The deduction of authorized and accrued fees from a payment received shall not cause the payment to be insufficient to satisfy the scheduled contractual payment. In no case shall the deduction of a late charge from a payment received cause the payment to be insufficient and initiate the accrual of another late charge.

Rulemaking Authority 520.994(5) FS. Law Implemented 520.78, 520.785 FS. History–New _____.

FINANCIAL SERVICES COMMISSION

Finance

RULE NOS.: RULE TITLES:
 69V-85.001 Examination Fees
 69V-85.111 Disciplinary Guidelines

PURPOSE AND EFFECT: Rule 69V-85.001, F.A.C., is clarified to reflect that examination fees and other related costs are only assessed on examinations conducted outside of Florida. Rule 69V-85.111, F.A.C., is amended to provide a maximum penalty for violations of Sections 520.995(1)(i), 520.995(1)(j), and 520.999(1), F.S., relating to failure to timely pay fees, charges, or fines; using the name or logo of a financial institution; and failure to report any change in information contained in an initial application or amendment.

SUBJECT AREA TO BE ADDRESSED: Retail Installment Sales.

RULEMAKING AUTHORITY: 520.994(5) FS.

LAW IMPLEMENTED: 520.03, 520.07, 520.08, 520.085, 520.09, 520.10, 520.125, 520.32, 520.34, 520.345, 520.35, 520.351, 520.36, 520.37, 520.52, 520.63, 520.69, 520.70, 520.71, 520.72, 520.73, 520.74, 520.76, 520.78, 520.785, 520.79, 520.80, 520.81, 520.82, 520.83, 520.84, 520.85, 520.86, 520.87, 520.88, 520.90, 520.91, 520.92, 520.995, 520.996, 520.997 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: Andy Grosmaire, Chief, Bureau of Finance Regulation, Office of Financial Regulation, The Fletcher Building, 200 E. Gaines Street, Tallahassee, Florida 32399, (850)410-9848, andy.grosmaire@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69V-85.001 Examination Fees.

For examinations conducted under Section 520.996(1)(b), F.S., the ~~The~~ Office of Financial Regulation shall charge \$250 per eight hour day for each examiner engaged in an examination of any licensee under Chapter 520, F.S., Parts I-IV. Such examination fee shall be calculated on an hourly basis and shall be rounded to the nearest hour. The licensee shall ~~also~~ pay the travel expense and per diem subsistence allowance provided for state employees in Section 112.061, F.S. The licensee shall not be required to pay a per diem fee and expenses of an examination which shall consume more than 30 worker-days in any one year unless such examination or investigation is due to fraudulent practices of the licensee, in which case such licensee shall be required to pay the entire cost regardless of time consumed.

Rulemaking Specific Authority 520.994(5), ~~520.996(4)~~ FS. Law Implemented ~~520.996(1)(b) 520.996(4)~~ FS. History–New 11-25-90, Formerly 3D-85.001, Amended _____.

69V-85.111 Disciplinary Guidelines.

Pursuant to Section 520.995(2), F.S., listed below is a range of disciplinary guidelines from which disciplinary penalties will be imposed upon persons guilty of violating Chapter 520, F.S. The disciplinary guidelines are based upon a single-act violation of each provision listed. Multiple acts of the violated provisions or a combination of violations may result in a higher penalty than that for a single, isolated violation. For purposes of this rule, the order of penalties, ranging from lowest to highest, is: reprimand, fine, probation, suspension, and revocation. Nothing in this rule shall preclude any discipline imposed upon a person pursuant to a stipulation or settlement agreement, nor shall the ranges of penalties set forth in this rule preclude the Office of Financial Regulation from issuing a letter of guidance when appropriate.

(1) No change.

(2) The minimum penalty for below listed sections is a reprimand, ~~and/or~~ a fine up to \$1,000.00 per act or separate offense, ~~or both~~. The maximum penalties are as listed:

(a) through (cccc) No change.

(dddd) 520.995(1)(i) – Revocation

(eeee) 520.995(1)(j) – Suspension

(ffff)(~~cccc~~) 520.995(3) – Revocation

(gggg)(~~eeee~~) 520.997(1) – Revocation

(hhhh)(~~ffff~~) 520.997(2) – Reprimand

(iiii)(~~gggg~~) 520.997(3) – Revocation

(jjjj) 520.999(1) – Revocation

(3) No change.

Rulemaking Specific Authority 520.994(5) FS. Law Implemented 520.03, 520.07, 520.08, 520.085, 520.09, 520.10, 520.125, 520.32, 520.34, 520.345, 520.35, 520.351, 520.36, 520.37, 520.52, 520.63, 520.69, 520.70, 520.71, 520.72, 520.73, 520.74, 520.76, 520.78, 520.785, 520.79, 520.80, 520.81, 520.82, 520.83, 520.84, 520.85, 520.86, 520.87, 520.88, 520.90, 520.91, 520.92, 520.995, 520.997 FS. History–New 3-20-91, Formerly 3D-85.111, Amended _____.

FINANCIAL SERVICES COMMISSION

Finance

RULE NOS.:

69V-160.017

69V-160.019

69V-160.037

69V-160.111

RULE TITLES:

Application of Payments

Monthly Installments Defined

Collection Practices

Disciplinary Guidelines

PURPOSE AND EFFECT: Rule 69V-160.017, F.A.C., is amended to remove the requirement for interest to be paid in full-day amounts. Computer systems allow interest to be considered in aggregate rather than on a full-day basis. The amendment will ensure that payments are not held and applied at a later date, which could be detrimental to the borrower’s account by generating additional interest or the possible creation of late fees. Rule 69V-160.019, F.A.C., is amended to require interest for any deferred period to be added to the first installment payment to ensure that the overall calculated payment is not increased as the result of the deferred payment. Rule 69V-160.037, F.A.C., is created to identify collection practices that are deemed unreasonable. Rule 69V-160.111, F.A.C., is amended to provide a maximum penalty of revocation for violations of Sections 516.07(1)(c), 516.07(1)(j), and 516.07(1)(n), F.S., which relate to the failure to demonstrate financial responsibility, experience, character or general fitness; pleading nolo contendere to, or having been convicted or found guilty of, certain crimes; and failure to pay fees, charges or fines, respectively.

SUBJECT AREA TO BE ADDRESSED: Consumer Finance.

RULEMAKING AUTHORITY: 516.22(1), 516.23(3) FS.

LAW IMPLEMENTED: 516.02, 516.031, 516.035, 516.05, 516.07, 516.12, 516.15, 516.16, 516.17, 516.21, 516.31, 516.35, 516.36 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: Andy Grosmaire, Chief, Bureau of Finance Regulation, Office of Financial Regulation, The Fletcher Building, 200 E. Gaines Street, Tallahassee, Florida 32399, (850)410-9848, andy.grosmaire@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69V-160.017 Application of Payments.

Each payment shall be applied first to the accumulated interest charges and the remainder of the payment applied to the unpaid principal balance; provided that if the amount of the payment is insufficient to pay the accumulated interest charge, the unpaid accrued interest charge may continue to accumulate and the same may be paid from the proceeds of subsequent payments and shall not be added to the principal balance. No payment shall be accepted on the principal balance unless interest is paid to date or is waived by the licensee. Each payment received by the licensee shall be applied to borrower's account with an effective date of the date the payment was received in the licensee's office or at any branch of the licensee. license, except such payment may be credited to the principal where the amount thereof is not sufficient to pay the interest due for one day.

Rulemaking Specific Authority 516.22(1), 516.23(3) FS. Law Implemented 516.031(1) FS. History—Revised 10-20-73, Renumbered from 3-2.17 to 3D-160.17 on 8-11-75, Readopted 9-1-75, Formerly 3D-160.17, 3D-160.017. Amended _____.

69V-160.019 Monthly Installments Defined.

Loans shall be made repayable in equal monthly installments, including both principal and interest, with interest charges calculated on the assumption that all scheduled payments will be made when due. Provided, however, if the repayment schedule is other otherwise than regular, the first installment period only may exceed one month by as much as fifteen (15) days, and the additional interest for such excess days shall may be added to the first installment payment.

Rulemaking Specific Authority 516.22(1), 516.23(3) FS. Law Implemented ~~516.20(2)~~, 516.36 FS. History—Revised 10-20-73, Renumbered from 3-2.19 to 3D-160.19 on 8-11-75, Readopted 9-1-75, Formerly 3D-160.19, 3D-160.019. Amended _____.

69V-160.037 Collection Practices.

For purposes of Section 516.07(1)(f), F.S., a collection practice will be considered unreasonable if it constitutes a prohibited collection practice under Section 559.72, F.S.

Rulemaking Authority 516.22(1), 516.23(3) FS. Law Implemented 516.07(1)(f) FS. History—New _____.

69V-160.111 Disciplinary Guidelines.

Pursuant to Section 516.07(2), F.S., listed below is a range of disciplinary guidelines from which disciplinary penalties will be imposed upon any person guilty of violating Chapter 516, F.S. The disciplinary guidelines are based upon a single-act violation of each provision listed. Multiple acts of the violated provisions or a combination of violations may result in a higher penalty than that for a single, isolated violation. For purposes of this rule, the order of penalties, ranging from lowest to highest, is: reprimand, fine, probation, suspension, and revocation. Nothing in this rule shall preclude any discipline imposed upon a person pursuant to a stipulation or settlement

agreement, nor shall the ranges of penalties set forth in this rule preclude the Office of Financial Regulation from issuing a letter of guidance when appropriate.

(1) No change.

(2) The minimum penalty for all below listed sections is a reprimand, ~~and/or~~ a fine up to \$1,000.00 per act, or both. The maximum penalties are as listed:

(a) through (h) No change.

(i)	516.07(1)(c)	=	Revocation
(j)(+)	516.07(1)(d)	-	Revocation
(k)(+)	516.07(1)(e)	-	Revocation
(l)(+)	516.07(1)(f)	-	Suspension
(m)(+)	516.07(1)(g)	-	Probation
(n)(+)	516.07(1)(h)	-	Revocation
(o)(+)	516.07(1)(i)	-	Revocation
(p)	516.07(1)(j)	=	Revocation
(q)	516.07(1)(n)	=	Revocation
(r)(+)	516.08	-	Reprimand
(s)(+)	516.12	-	Revocation
(t)(+)	516.15	-	Probation
(u)(+)	516.16	-	Probation
(v)(+)	516.17	-	Probation
(w)(+)	516.21	-	Probation
(x)(+)	516.31(3)	-	Probation
(y)(+)	516.35	-	Probation
(z)(+)	516.36	-	Probation

(3) No change.

Rulemaking Specific Authority 516.22(1), 516.23(3) FS. Law Implemented 516.02, 516.031, 516.035, 516.05, 516.07, ~~516.08~~, 516.12, 516.15, 516.16, 516.17, 516.21, 516.31, 516.35, 516.36 FS. History—New 3-20-91, Formerly 3D-160.111. Amended _____.

Section II Proposed 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."

EXECUTIVE OFFICE OF THE GOVERNOR Office of Tourism, Trade and Economic Development

RULE NOS.:	RULE TITLES:
27M-6.001	Definitions and Forms
27M-6.002	Application Process
27M-6.003	Certification

PURPOSE AND EFFECT: The proposed rule implements the Manufacturing and Spaceport Investment Incentive Program as created by Section 288.1083, F.S.

SUMMARY: The proposed rule governs the application and certification process used by the Office of Tourism, Trade, and Economic Development for the program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: OTTED will incur costs associated with reviewing and processing applications. This review includes a cost incurred by reviewing the financial history of an applicant through an outside agency. There should be no transactional costs for any entity applying to participate as a loan administrator since no additional licenses, registrations, or fees were required by this rule. There are costs associated with copying and duplicating information submitted in the application, however, such costs are offset by the potential refund.

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

RULEMAKING AUTHORITY: 288.1083(9) FS.

LAW IMPLEMENTED: 288.1083 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Tim Proctor, Office of Tourism, Trade, and Economic Development, Suite 1902, The Capitol, Tallahassee, Florida 32399, (850)487-2568, timothy.proctor@myflorida.com

THE FULL TEXT OF THE PROPOSED RULES IS:

27M-6.001 Definitions and Forms.

As used in Rules 27M-6.001, 27M-6.002, and 27M-6.003, F.A.C., the following capitalized terms have the meanings indicated. All referenced forms are available on the internet at http://www.flgov.com/financial_incentives or may be obtained from the Office.

(1) "Allocation" means a set aside of available tax refund amounts.

(2) "Allocation Application" means the standard "Manufacturing and Spaceport Investment Incentives Program Allocation Application" form OTTED 9102-1 (6/10), which is hereby incorporated by reference.

(3) "Applicant" means a business that seeks Certification under Section 288.1083, F.S.

(4) "Application Period" means July 1, 2010 through June 30, 2011 for the 2010-11 Fiscal Year and then January 1 through June 30 of each fiscal year thereafter.

(5) "Certification" means the approval of eligible equipment purchases required for application to the Department of Revenue for a tax refund payment.

(6) "Office" means the Office of Tourism, Trade, and Economic Development, whose address is Suite 1902, The Capitol, 402 S. Monroe Street, Tallahassee, Florida 32399-0001.

(7) "Request for Certification" means the standard "Manufacturing and Spaceport Investment Incentives Program Request for Certification" form OTTED 9102-2 (6/10) which is hereby incorporated by reference.

Rulemaking Authority 288.1083(9) FS. Law Implemented 288.1083 FS. History--New _____.

27M-6.002 Application Process.

(1) An Applicant shall submit the original of its completed Allocation Application to the Office during the Application Period.

(2) The Office shall date and time stamp all Applications upon receipt, and thereafter take reasonable steps to preserve the integrity of the Application.

(3) The Office shall have ten (10) business days to review each Allocation Application for completeness and to notify any Applicant in writing if the Office determines that its Allocation Application is incomplete. The Office's notice shall specify the reasons for its determination, and the Applicant shall have fifteen (15) business days after receipt of such notice to submit a revised Allocation Application to the Office. If the Applicant fails to submit a revised Allocation Application within the required time, the Office shall notify the Applicant in writing that it is removed from further consideration for that Application Period.

(4) The Office shall evaluate each complete Allocation Application in accordance with the requirements of Section 288.1083, F.S.

(5) Within thirty (30) days after an Allocation Application is deemed complete, the Office shall approve or disapprove each Allocation Application. If an Allocation Application is approved, the Office shall issue an Allocation up to \$50,000 of tax refunds to the successful Applicant, providing written notice of such Allocation to the Applicant.

Rulemaking Authority 288.1083(9) FS. Law Implemented 288.1083 FS. History--New _____.

27M-6.003 Certification.

(1) Within thirty (30) days after the Applicant has purchased the eligible equipment that was the basis for the original Allocation, the Applicant shall provide a Request for Certification and required supporting documentation to the Office prior to September 1st of the fiscal year following the fiscal year the Allocation was issued.

(2) If the Request for Certification and supporting documentation is not received prior to September 1st of the fiscal year following the fiscal year the Allocation was issued, the allocation will be withdrawn and issued to the next Applicant in the queue.

(3) The Office shall review such documentation to confirm the cost of eligible equipment purchases supporting the claim of State sales and use tax paid thereon.

(4) If the Office disapproves the request for certification, the Office shall notify the Applicant, specifying the reason for such determination.

(5) If the Office approves the Request for Certification, the Office shall notify the Applicant and the Florida Department of Revenue.

(6) The Office's decisions shall be subject to review under Chapter 120, F.S.

Rulemaking Authority 288.1081(7) FS. Law Implemented 288.1081 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Chris Hart, IV., Interim Director, Office of Tourism, Trade, and Economic Development

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Shane Strum, Chief of Staff

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 7, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 13, 2010

EXECUTIVE OFFICE OF THE GOVERNOR

Florida Energy & Climate Commission

RULE NOS.:	RULE TITLES:
27N-1.100	General
27N-1.200	Definitions
27N-1.500	Solar Energy Systems Incentives Program
27N-1.900	Forms

PURPOSE AND EFFECT: The Commission is initiating rulemaking to adopt rule Chapter 27N-1, Florida Administrative Code, implementing the Florida Energy and Climate Protection Act (Section 377.806, F.S.). Specifically, the Commission intends to adopt rules governing the Solar Energy Systems Incentives Program. The effect of the rule would be to: (1) reflect the transfer of program administration from the Department of Environmental Protection to the Florida Energy and Climate Commission; (2) revise application submission requirements and allow for the implementation of an online application for the Solar Energy Systems Incentives Program; The proposed rule provisions are a result of the enactment of HB 7135 during the 2008 Regular Session (Chapter No. 2008-227, Laws of Florida).

SUMMARY: 27N-1.100 (GENERAL) – Revised reference to grant program to include energy-efficient technologies.

27N-1.200 (DEFINITIONS) – Added reference to Florida Energy and Climate Commission.

27N-1.500 (SOLAR ENERGY SYSTEMS INCENTIVES PROGRAM)

- a) Revised application submission guidelines.
- b) Created online application process.

27N-1.900 (FORMS)

- a) Revised general contact information.
- b) Created new application form for Renewable Energy and Energy-Efficient Technologies Grant proposals that addresses pre-proposal and full proposal requirements.
- c) Updated contact information on application form for Solar Energy System Incentives Program.
- d) Updated contact information on application form for Renewable Energy Technologies Investment Tax Credit Program.
- e) Created new application form for Bioenergy Technologies Grant proposals that addresses pre-proposal and full proposal requirements.

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

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

RULEMAKING AUTHORITY: 377.6015, 377.804(3), 377.806(7), 220.192(3) FS.

LAW IMPLEMENTED: 377.6015, 377.801, 377.802, 377.803, 377.804, 377.806, 377.808, 220.192 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, October 18, 2010, 1:00 p.m. – 3:00 p.m.

PLACE: Toni Jennings Room, 110 Senate Office Building, 404 S. Monroe St., Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Brittany Cummins at (850)487-3800. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Brittany Cummins at (850)487-3800

THE FULL TEXT OF THE PROPOSED RULES IS:

27N-1.100 General.

This chapter implements the Florida Energy and Climate Protection Act, Florida Renewable Energy Technologies Act providing for grants for renewable energy and energy-efficient technologies and rebates for solar energy systems. This chapter also implements applications for corporate tax credits for renewable energy technologies provided for in Section 220.192, F.S.

Rulemaking Specific Authority 377.6015, 377.804(3), 377.806(7), 220.192(3) FS. Law Implemented 377.6015, 377.803, 377.804, 377.806, 377.808, 220.192 FS. History—New 10-22-07, Formerly 62-16.100, Amended _____.

27N-1.200 Definitions.

The words, terms and phrases used in this chapter, unless otherwise indicated, shall have the meaning set forth in Sections 377.803 and 220.192(1), F.S. In addition, when used in this chapter, the following words, phrases, or terms shall have the following meanings:

- (1) "Bioenergy" means energy derived from biomass.
- (2) "Biomass" means "biomass" as defined in Section 366.91(2)(a), F.S.
- (3) "~~Commission~~" means the Florida Energy and Climate Commission. "~~Department~~" means the Florida Department of Environmental Protection.

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

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

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

- 1. Rates for donated or volunteer services of any person must be consistent with their regular rate of pay, or the rate of pay of those paid for similar work at a similar level of experience in the labor market, including the value of fringe benefits.
- 2. The value of donated expendable property such as office supplies or workshop supplies must not exceed the fair market value of the property.
- 3. The value of donated real property such as land must not exceed the fair market value of the property.
- 4. Donated space must be valued at fair rental value of comparable space and facilities in a privately-owned building in the same locale.
- 5. The value of loaned equipment can not exceed its fair rental value.
- 6. In-kind travel expense must be valued at the approved State rate as specified in Section 112.061, F.S.

(5) "Purchase date" means, for the purchase of solar energy equipment, the date of execution of a loan agreement or the date of final cash payment.

(6) "Solar thermal pool heater" means a device that traps the heat produced by incident sunlight in collector tubing through which swimming pool water is pumped in order to raise the temperature of the swimming pool water.

Rulemaking Specific Authority 377.6015, 377.804(3), 377.806(7), 220.192(3) FS. Law Implemented 377.6015, 377.802, 377.804, 377.806, 220.192 FS. History—New 10-22-07, Formerly 62-16.200, Amended _____.

27N-1.500 Solar Energy Systems Incentives Program.

(1) APPLICATION. Applications for rebates pursuant to the Solar Energy Systems Incentives Program, Section 377.806, F.S., shall be submitted to the Florida Energy and Climate Commission, ATTN: Solar Energy System Incentives Program, 600 South Calhoun Street, Holland Building, Suite 251, Tallahassee, FL 32399-0001 ~~Department of Environmental Protection, ATTN: Solar Energy System Incentives Program, Florida Energy Office, 2600 Blair Stone Road, MS 21, Tallahassee, FL 32399-2400~~ as follows:

(a) Applications may ~~shall~~ be submitted in hard copy format, using application Form 27N-1.900(2) ~~62-16.900(2)~~, which is adopted and incorporated by reference. Applications submitted in hardcopy format ~~All applications~~ must be submitted by certified mail or hand delivered to the commission department, and must be received by the commission department no later than 5:00 p.m. on the 90th day after the purchase date of the solar energy equipment. If the 120th ~~90th~~ day after the purchase date of the solar energy equipment falls on a weekend or an observed holiday for which commission department offices have been closed, then the deadline shall be the next business day or,

(b) Applications may be submitted online at the Commission's website, using the online version of application Form 27N-1.900(2). Online applications must be completed no later than 5:00 p.m. on the 120th day after the purchase date of the solar energy equipment. If the 120th day after the purchase date of the solar energy equipment falls on a weekend or an observed holiday for which commission offices have been closed, then the deadline shall be the next business day. Online applications shall not be deemed completed until the commission receives all of the information requested on the online form.

(c)~~(b)~~ Rebates are limited to one solar photovoltaic system, one solar thermal system, and one solar pool heater per resident. A separate application must be submitted for each rebate.

(d)~~(c)~~ All applications must include the information required on the application form, a photocopy of the original purchase agreement for the equipment and installation of the solar energy system, a copy of the final receipt of payment if

different from the original purchase agreement, and a photograph of the installed system. All information provided to the commission department must be legible.

(e)(4) The commission department shall review each timely filed application to determine if the application includes all required information.

~~1. An application that is determined to be complete upon initial filing shall be considered for eligibility and placement in the first come, first serve order for allocation of rebates based upon the date and time the application is filed.~~

~~1.2.~~ If the commission department determines that the application does not contain all of the required information the commission department shall notify the applicant of the incompleteness of the application. Timely filed applications which do not include all required information shall not be considered as eligible for rebates and shall not receive a position in the first-come, first-serve order for allocation of rebates.

~~2.3.~~ Applicants who are notified of the incompleteness of a timely filed application may file subsequent information in order to make the application complete. Timely filed applications that are initially determined incomplete, but are subsequently determined complete, shall be considered for eligibility for the rebate and placement in the first-come, first-served order for allocation of rebates based upon the date and time the application is determined complete.

(2) ISSUANCE. The commission department shall issue each rebate after the commission department determines that all required information has been provided for each application to make the application complete, provided funds are available to do so.

Rulemaking Specific Authority 377.6015, 377.806(7) FS. Law Implemented 377.6015, 377.801, 377.802, 377.803, 377.806 FS. History--New 10-22-07, Formerly 62-16.500, Amended.

27N-1.900 Forms.

The following forms are adopted and incorporated by reference in this rule chapter. The form is listed by rule number, which is also the form number, and by the subject title and effective date. Copies of the form may be obtained by writing to the Florida Energy and Climate Commission, 600 South Calhoun Street, Holland Building, Suite 251, Tallahassee, FL 32399-0001 Department of Environmental Protection, Florida Energy Office, 2600 Blair Stone Road, MS-19, Tallahassee, FL 32399-2400.

(1) Renewable Energy and Energy-Efficient Technologies Grants Program Pre-proposal Application, Form 27N-1.900(1) ~~62-16.900(1)~~ (effective ~~10/07~~).

(2) Solar Energy System Incentives Program Application, Form 27N-1.900(2) ~~62-16.900(2)~~.

(3) Renewable Energy Technologies Investment Tax Credit Program Application, Form 27N-1.900(3) ~~62-16.900(3)~~.

(4) Renewable Energy and Energy-Efficient Technologies Grants Program for Bioenergy Pre-proposal Projects Application, Form 27N-1-900(4).

(5) Renewable Energy and Energy-Efficient Technologies Grants Program Full Proposal Application, Form 27N-1.-900(5).

(6) Renewable Energy and Energy-Efficient Technologies Grants Program for Full Proposal Bioenergy Pre-proposal Projects Application, Form 27N-1.900(6).

(7) Green Governments Grant Application, Form 27N-1.900(7).

Rulemaking Specific Authority 220.192(3), 377.6015, 377.804(3), 377.806(7) FS. Law Implemented 377.6015, 377.804, 377.806, 220.192 FS. History--New 10-22-07, Formerly 62-16.900, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Brenda Buchan

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alexander Mack

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

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-108.201
RULE TITLE: Sanitary Practices Relating to Correctional Facilities

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide a process for the processing of and response to complaints related to sanitary conditions in correctional facilities.

SUMMARY: The proposed rule specifies that the Office of the Inspector General is charged with inspecting correctional facilities, that facilities shall be inspected monthly, and that complaints regarding sanitary practices shall be forwarded to the Office of the Inspector General for review.

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

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

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.31 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-108.201 Sanitary Practices Relating to Correctional Facilities.

(1) Pursuant to Section 944.31, F.S., the Office of the Inspector General is charged with inspection of each correctional facility with reference to its physical conditions, cleanliness, sanitation, safety and comfort; the quality and supply of all bedding; the quality, quantity and diversity of food served and the manner in which it is served; the number and condition of the prisoners confined therein; and the general conditions of each institution.

(2) Each facility will be inspected monthly by the facility environmental health and safety officer and annually by the regional safety consultant and records of such inspections shall be maintained for three years in order to facilitate review in assuring maintenance of safety standards.

(3) Complaints regarding the matters outlined in subsection (1) above shall be forwarded to the Office of the Inspector General. Upon receipt of a complaint, the Office of the Inspector General shall review the complaint to determine whether further inspection of the facility is necessary in order to ensure compliance with state law and administrative regulations.

(3) If a determination is made that a violation exists, the Department will take the necessary steps to bring the facility into compliance with the applicable regulation.

Rulemaking Authority 944.09 FS. Law Implemented 20.15, 944.09, 944.31 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: George Sapp, Deputy Secretary of Institutions
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter A. McNeil, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 1, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2010

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.901
RULE TITLE: Confidential Records
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete those provisions related to medical and substance abuse files that are being moved to proposed Rule 33-401.701, F.A.C., via the rulemaking process.

SUMMARY: The rule is amended to remove language related to medical and substance abuse clinical files, as those provisions are being relocated to proposed Rule 33-401.701, F.A.C.

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

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

RULEMAKING AUTHORITY: 20.315, 944.09, 945.10 FS.

LAW IMPLEMENTED: 119.07, 944.09, 945.10, 945.25 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.901 Confidential Records.

(1) Inmate and offender access to records or information.

(a) No change.

(b) Inmate and offender access to their own medical or substance abuse clinical files is addressed in Rule 33-401.701, F.A.C records.

1. Definitions:

~~a. "Medical record" as used in this rule includes the inmate's medical, mental health, and dental files maintained by the department.~~

~~b. "Protected health information" or "PHI" as used in this rule means individually identifiable health information about an inmate or offender.~~

~~c. "Psychotherapy notes" as used in this rule means notes recorded by a mental health professional documenting or analyzing the contents of conversation during a private or group session. The term does not include medication prescription and monitoring, session start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests, and any summary of the following: diagnosis, functional status, treatment plan, symptoms, prognosis, and progress to date.~~

~~d. "Substance abuse clinical record" as used in this rule means the department inmate file containing all written documents and records, including department forms compiled to detail an inmate's substance abuse history, substance abuse screening, assessment, intervention, and other substance abuse services, including the results of urinalysis testing done for treatment, program participation, and admission and discharge summaries.~~

e. ~~“Substance abuse progress notes” as used in this rule means notes recorded by a substance abuse health care professional documenting or analyzing the contents of conversation during a private or group session. The term does not include session start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests, and any summary of the following: diagnosis, functional status, treatment plan, symptoms, prognosis, and progress to date.~~

2. ~~An inmate shall be allowed to have access to his own medical record and, if such exists, his own substance abuse clinical record. An inmate desiring access to his own medical record shall submit a written request to the health services administrator or his designee; an inmate desiring access to his own substance abuse clinical record shall submit a written request to the substance abuse program manager or his designee.~~

3. ~~The department does not maintain medical records or substance abuse clinical records on offenders under community supervision. Access to records maintained by treatment providers under contract with the department should be requested by contacting the treatment provider.~~

4.a. ~~Inmates shall have no access to psychotherapy notes or substance abuse progress notes maintained in the department’s records.~~

b. ~~Inmates and offenders shall have no access to health information compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding.~~

5. ~~The request for access shall be denied in whole or in part due to any of the following reasons:~~

a. ~~The request is for records or information identified in subparagraph 4. above.~~

b. ~~The request is for PHI that was obtained from someone other than a health care provider under a promise of confidentiality and the access requested would with reasonable likelihood reveal the source of the information.~~

c. ~~The request is for information not maintained or no longer maintained by the department in its files.~~

d. ~~There has been a determination by a licensed or certified health care professional that:~~

I. ~~The requested access is reasonably likely to endanger the life or physical safety of the inmate or another person;~~

II. ~~The requested access is to PHI that makes reference to another person (other than a health care provider) and such access is reasonably likely to cause substantial harm to such other person; or~~

III. ~~The access is requested by a personal representative of the inmate and such access is likely to cause substantial harm to the inmate.~~

6. ~~All requests shall be granted, including providing access or copies or both, or denied, in whole or in part, by the health services administrator or his designee or substance abuse program manager or his designee in writing within 30 days of the date of receipt of the request, except that where the~~

~~requested records are not maintained on-site, the department shall provide or deny access, in whole or in part, within 60 days from receipt of the request. If the department is unable to grant or deny, in whole or in part, the request for access within the 30 or 60 day time periods, the department is authorized to extend the time for such action an additional 30 days by providing the inmate a written statement that the time period has been extended for 30 days and the reason(s) for the extension. This extension is available only one time.~~

7. ~~Denials must provide:~~

a. ~~The basis for the denial;~~

b. ~~Information on where the requested information is maintained if sub subparagraph 5.c. applies, and the department knows where the information is maintained;~~

c. ~~Notification that the inmate may request a review of the denial by submitting a written request to the health services administrator or his designee in the case of medical records, or the substance abuse program manager or his designee in the case of substance abuse clinical records; and~~

d. ~~That the inmate may grieve the denial through the inmate grievance process pursuant to Chapter 33-103, F.A.C.~~

8. ~~Upon written request of the inmate to the staff member designated above, denials based on sub subparagraph 5.d. shall be reviewed by a licensed or certified health care professional who is designated by the health services administrator or his designee or substance abuse program manager or his designee, and who did not participate in the original decision to deny the request. Review of the denial must be completed within a reasonable time after receipt of the request for review. Immediately upon determination on review, the inmate shall be notified in writing of the decision. The determination on review shall be followed by the department.~~

9. ~~Where a request for access to an inmate’s medical record or substance abuse clinical record is denied in part, the department shall provide access to the requested record after excluding the information for which access was denied.~~

(c) ~~Copies will be provided upon receipt of payment as provided in subsection (2) of this rule, except that when providing the inmate a copy of the requested information would jeopardize either the health, safety, security, custody of the inmate or of other inmates; or the safety of any officer, employee, or other person at the correctional institution or a person responsible for the transporting of the inmate, no copies shall be provided. A denial of copies on this basis shall not be subject to review under subparagraph (b)8. above.~~

(2) ~~No change.~~

(3) ~~The following records or information contained in department files shall be confidential and shall be released for inspection or duplication only as authorized in this rule or in Rule 33-401.701, F.A.C.:~~

(a) ~~Medical reports, opinions, memoranda, charts or any other medical record of an inmate or offender, including dental and medical classification reports as well as clinical drug~~

treatment and assessment records; letters, memoranda or other documents containing opinions or reports on the description, treatment, diagnosis or prognosis of the medical or mental condition of an inmate or offender; the psychological screening reports contained in the admission summary; the psychological and psychiatric evaluations and reports on inmates or offenders; health screening reports; Mentally Disordered Sex Offender Status Reports. Other persons may review medical records only when necessary to ensure that the inmate's or offender's overall health care needs are met, or upon a specific written authorization from the inmate or offender whose records are to be reviewed, or as provided by law. If a request for inmate or offender medical records is submitted upon consent or authorization given by the patient inmate or offender, Form DC4-711B, the department's Consent and Authorization for Use and Disclosure, Inspection and Release of Confidential Information, ~~Form DC4-711B~~, or a legally approved, HIPAA compliant release of protected health information form from another governmental agency shall be utilized in accordance with Rule 33-401.701, F.A.C. Form DC4-711B is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, ~~Office of Research, Planning and Support Services~~, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is November 27, 2007. Offenders under supervision, or previously under supervision, who desire information from their own records, shall be referred to the agency or office originating the report or document to obtain such information.

(b) through (8) No change.

~~(9) Any information, whether recorded or not, concerning the identity, diagnosis, prognosis or treatment of any inmate or offender which is maintained in connection with the performance of any alcohol or drug abuse prevention or treatment function shall be confidential and shall be disclosed only as follows:~~

~~(a) With the prior written consent of the inmate or offender. The written consent shall include the following information:~~

- ~~1. The specific name or general designation of the program or person permitted to make the disclosure;~~
- ~~2. The name or title of the individual or the name of the organization to which disclosure is to be made;~~
- ~~3. The name of the inmate or offender;~~
- ~~4. The purpose of the disclosure;~~
- ~~5. How much and what kind of information is to be disclosed;~~
- ~~6. The signature of the inmate or offender; or, when required for an inmate or offender who is incompetent or deceased, the signature of a person authorized to sign in lieu of the inmate or offender;~~
- ~~7. The date on which the consent is signed;~~

~~8. A statement that the consent is subject to revocation at any time except to the extent that the program or person which is to make the disclosure has already acted in reliance on it.~~

~~9. The date, event, or condition upon which the consent will expire if not revoked before. This date, event, or condition must ensure that the consent will last no longer than reasonably necessary to serve the purpose for which it is given.~~

~~If a request for inmate medical records is submitted upon consent given by the patient inmate/offender, the department's Consent and Authorization for Use and Disclosure, Inspection and Release of Confidential Information, Form DC4-711B, or a legally approved, HIPAA compliant release of protected health information form from another governmental agency shall be utilized in order to obtain medical records held by the department.~~

~~(b) Pursuant to 42 C.F.R. Part 2, the department is authorized to disclose information about an inmate or offender to those persons within the criminal justice system who have made participation in the program a condition of the disposition of any criminal proceedings against the inmate or offender or of the inmate or offender's parole or other release from custody if:~~

~~1. The disclosure is made only to those individuals within the criminal justice system who have a need for the information in connection with their duty to monitor the inmate or offender's progress; and~~

~~2. The inmate or offender has signed Form DC4-711B meeting the requirements of paragraph (9)(a) except for the revocation provision in subparagraph (9)(a)8. This written consent shall state the period during which it remains in effect. This period shall be reasonable, taking into account:~~

- ~~a. The anticipated length of the treatment;~~
- ~~b. The type of criminal proceeding involved, the need for the information in connection with the final disposition of that proceeding, and when the final disposition will occur; and~~
- ~~c. Such other factors as the program, the inmate or offender, and the persons who will receive the disclosure consider pertinent. The written consent shall state that it is revocable upon the passage of a specified amount of time or the occurrence of a specified, ascertainable event. The time or occurrence upon which consent becomes revocable shall be no later than the final disposition of the action in connection with which consent was given.~~

~~(c) A disclosure may not be made on the basis of a consent which:~~

- ~~1. Has expired;~~
- ~~2. On its face substantially fails to conform to any of the requirements set forth in paragraph (9)(a) above;~~
- ~~3. Is known to have been revoked; or~~
- ~~4. Is known, or through a reasonable effort could be known, by the person holding the records to be materially false.~~

~~(d) Each disclosure made with the inmate or offender written consent shall be accompanied by the following written statement:~~

~~This information has been disclosed to you from records protected by federal confidentiality rules (42 C.F.R. Part 2). The federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 C.F.R. Part 2. A general authorization for the release of medical or other information is NOT sufficient for this purpose. The federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse patient.~~

~~(e) Whether or not the inmate or offender has given written consent, 42 C.F.R. Part 2 permits disclosure of information as follows:~~

- ~~1. To medical personnel to the extent necessary to meet a medical emergency and for continuity of care;~~
- ~~2. To qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, but such personnel shall not identify, directly or indirectly, any individual inmate or offender in any report of such research, audit, or evaluation, or otherwise disclose inmate or offender identities in any manner.~~
- ~~3. To communicate within a program or between a program and an entity having direct administrative control over that program;~~
- ~~4. To law enforcement officers concerning crimes on program premises or against program personnel, or when a threat to commit such a crime has been made;~~
- ~~5. Reports of suspected child abuse and neglect; and~~
- ~~6. If authorized by a court order.~~

~~(10) Each employee of the Department of Corrections shall maintain as confidential all medical and mental health, including substance abuse information, regarding any inmate or offender that the employee obtains in conjunction with his or her duties and responsibilities, and shall not disseminate the information or discuss the medical, mental health or substance abuse condition of the inmate or offender with any person except persons directly necessary to the performance of the employee's duties and responsibilities. An employee who has been designated as a member of the healthcare transfer team or is part of a mental health or substance abuse treatment team shall not disseminate inmate medical or substance abuse information or discuss the medical or mental health or substance abuse condition of an inmate with any person except other members of the healthcare transfer team, medical, mental health or substance abuse staff, upper level management at the institution or facility level, regional level and central office level, inspectors from the Inspector General's Office, or department attorneys. Breach of this confidentiality shall subject the employee to disciplinary action. Each employee shall acknowledge receipt and review of Form DC2-813,~~

~~Acknowledgement of Responsibility to Maintain Confidentiality of Medical Information, indicating that he understands the medical and substance abuse confidentiality requirements. Form DC2-813 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is 2-9-06.~~

~~(11) Each inmate assigned as an inmate worker, inmate assistant, substance abuse peer facilitator, or other assignment involving possible contact with health or substance abuse information about other inmates shall maintain as confidential all health or substance abuse information that he sees or hears while performing his duties and responsibilities, and shall not disseminate the information or discuss the medical or substance abuse information with any person except health care staff or substance abuse program staff. Failure to keep health or substance abuse information confidential and private shall subject the inmate to disciplinary action. Each inmate assigned as an inmate worker, inmate assistant, substance abuse peer facilitator, or other assignment involving possible contact with health or substance abuse information about other inmates shall acknowledge receipt and review of Form DC1-206, Inmate Acknowledgement of Responsibility to Maintain Confidentiality of Health or Substance Abuse Information, indicating that he understands the medical and substance abuse confidentiality requirements. Form DC1-206 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is 7-8-03.~~

~~Rulemaking Specific Authority 20.315, 944.09, 945.10 FS. Law Implemented 119.07, 944.09, 945.10, 945.25 FS., 42 USCS 290 ee 3, 45 CFR Parts 160 and 164. History—New 10-8-76, Amended 6-10-85, Formerly 33-6.06, Amended 1-12-89, 7-21-91, 9-30-91, 6-2-92, 8-4-93, 6-12-96, 10-15-97, 6-29-98, Formerly 33-6.006, Amended 9-19-00, 7-8-03, 2-9-06, 11-27-07, _____.~~

~~NAME OF PERSON ORIGINATING PROPOSED RULE:
Dean Aufderheide, Mental Health Services Director
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Walter McNeil, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: March 25, 2010
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: August 20, 2010~~

AGENCY FOR HEALTH CARE ADMINISTRATION**Health Facility and Agency Licensing**

RULE NO.: RULE TITLE:

59A-7.034 Alternate-Site Testing

PURPOSE AND EFFECT: The Agency is proposing to amend the rule that establishes criteria for alternate-site testing within hospitals to consider advancements in clinical laboratory testing equipment and clarify the requirements regarding internal needs assessments and the responsibilities of the laboratory director.

SUMMARY: Revisions are needed to address advancements in clinical laboratory testing equipment, who may perform clinical laboratory testing at alternate-sites within hospitals, what is required to be submitted to the Agency for review and approval and timeframes for reviews.

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

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

RULEMAKING AUTHORITY: 483.051 FS.

LAW IMPLEMENTED: 483.051, 483.181, 483.201, 483.221, 483.23 408.806, 408.813, 408.814, 408.816, 483.813 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: October 21, 2010, 2:30 p.m. – 5:00 p.m.

PLACE: Agency for Health Care Administration, Building 3, Conference Room D, 2727 Mahan Drive, 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: Karen Rivera, Laboratory Unit, 2727 Mahan Drive, Building 1, Mail Stop 32, Tallahassee, Florida 32308, (850)412-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Rivera, Laboratory Unit, 2727 Mahan Drive, Building 1, Mail Stop 32, Tallahassee, Florida 32308, (850)412-4500

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-7.034 Alternate-Site Testing.

(1) Agency Intent: This rule implements Section Alternate site testing shall include laboratory tests performed in a hospital facility licensed under Chapter 395, F.S., out of the physical or administrative confines of the central laboratory

~~which is licensed under Chapter 483.051(9), Part I, F.S., regarding criteria for alternate-site testing to be performed under the supervision of a clinical laboratory director. A clinical laboratory licensed under Chapter 483, Part I, F.S., may establish satellite locations under its administrative confines on the same or adjoining grounds of a hospital licensed under Chapter 395, F.S., that is not an alternate site. Clinical laboratory testing within the satellite locations shall be performed by clinical laboratory personnel licensed under Chapter 483, Part III, F.S., or exempt from licensure under that part, whereas testing at an alternate-site location shall be performed by personnel permitted under paragraph 59A-7.034(5)(a), F.A.C. Alternate-site testing allows specific personnel, who are not licensed clinical laboratory personnel, and are listed under subparagraphs 59A-7.034(5)(a)1. 7. and 9., F.A.C., to perform limited laboratory tests identified under paragraphs 59A-7.034(7)(a) (e), F.A.C. Locations of alternate-site testing include, patients' bedsides, nurses' stations as well as locations determined appropriate by the laboratory director in a written plan that meets the requirements of Rule 59A-7.034, F.A.C.~~

(2)(4) Location and Required Licensure of Alternate-Site Testing: All alternate-site testing must be performed on the same or adjoining grounds, and on the physical premises of, the hospital facility licensed under Chapter 395, F.S. referenced in Rule 59A-7.034, F.A.C. Alternate-sites are sites that are located outside of the physical or administrative confines of the central laboratory, but still under the administrative control of the hospital.

(a) Hospitals may hold more than one clinical laboratory license. For each clinical laboratory license held by the hospital, a licensed clinical laboratory director must supervise the laboratory and any alternate-sites of that licensed laboratory.

~~(2) A hospital laboratory licensed under Chapter 483, Part I, F.S., located in a hospital licensed under Chapter 395, F.S., shall be permitted to maintain under its supervision, one or more testing sites as authorized under this section provided the laboratory submits written notification of such testing to the agency. Such notification shall specify the categories of personnel as provided in subsection 59A-7.034(5), F.A.C., that perform alternate-site testing in that hospital facility. The laboratory director must maintain a current listing of all personnel authorized to perform alternate-site testing as required under subsection 59A-7.034(4), F.A.C.~~

(a) Alternate sites for testing authorized under Rule 59A-7.034, F.A.C., shall be noted on all laboratory licensure applications submitted to the agency.

(b) The laboratory must be licensed in all specialties or subspecialties in which testing is performed at the alternate-sites referenced in paragraph (a), above. Testing at these sites shall be limited to those tests for which the

laboratory supervising director or designated supervisory and laboratory personnel are licensed ~~qualified~~ pursuant to Chapter 64B3, F.A.C., and authorized under Chapter 59A-7, F.A.C.

(3) Supervision of Alternate-Site Tests: All alternate-site tests must be performed under the supervision of the clinical laboratory director who is responsible for all laboratory testing conducted under the hospital's clinical laboratory license(s).

(4) Hospital Internal Needs Assessment:

(a) The laboratory director in consultation with the appropriate medical staff shall prepare an internal needs assessment for alternate-site testing. Each testing site assessment shall include an evaluation of patient benefits and criteria for such testing, location of alternate-site, population to be served, and an evaluation of proposed instruments or testing methodologies to determine if the requirements listed in subsections (8) through (12) are met.

(b) The selection of alternate-site test methods shall assure that performance and operational characteristics meet the clinical requirements for the intended alternate-site testing location. The internal needs assessment shall include an evaluation of proposed methodologies for tests to be performed at the alternate-sites composed, at a minimum, of evaluation of accuracy, precision, comparison of test results with the hospital laboratory, instrument performance, maintenance requirements, reagent preparation, if applicable, storage and availability of supplies such as reagents, controls and proficiency samples for the testing site and a written validation procedure.

(c) Alternate-site testing shall only be conducted at sites where the director has established and documented in the internal needs assessment that such testing is necessary for the proper care and treatment of patients.

(d) The internal needs assessment must be reviewed and approved by the laboratory director prior to initiation of testing at any alternate-test site and biennially thereafter.

(e) All records related to the internal needs assessment for the purpose of alternate-site testing must be readily available for inspection by the Agency and any other surveying agency including accrediting organizations, if the laboratory is accredited, for a minimum of two years after testing is discontinued.

(5) Approval of Alternate-Site Testing:

(a) A request for approval of any new instrument or testing methodology not currently listed by the Agency's Internet site: http://ahca.myflorida.com/mchq/health_facility_regulation/laboratory_licensure/altsiterule.shtml and incorporated herein by reference, as approved for alternate-site testing, must be submitted to the Agency for review and approval prior to implementation. If the instrument is listed as an unapproved test, then it cannot be performed at an alternative-site. If a test is listed as approved under specific circumstances, those circumstances must be met in order for the test to be performed.

(b) A request for approval of any new instrument or testing methodology must include the location of the alternate-site, category of personnel who will perform the tests, name of the instrument or method to be used, instrument manufacturer and model number if applicable, and any other information necessary for the Agency to determine whether tests to be performed meet the criteria established in subsubparagraph 10.

(c) Requests must be sent to: Agency for Health Care Administration, Clinical Laboratory Unit, M.S. 32, 2727 Mahan Drive, Tallahassee, Florida 32308. The Agency will respond with either a request for additional information or approval within 30 days of receipt of the request.

(d) Instruments or testing methodologies previously approved and listed on the Agency's alternate-site testing website at: http://ahca.myflorida.com/mchq/health_facility_regulation/laboratory_licensure/altsiterule.shtml do not require prior approval.

(f) A listing of all alternate-site testing locations and laboratory tests performed at each site must be included with each laboratory license renewal application.

~~(3) Testing shall be the responsibility of the clinical laboratory director and shall be performed under the director's supervision and administrative control as specified under subsection 59A-7.035(1), F.A.C. The director shall be responsible for selecting the tests to be performed in accordance with Rule 59A-7.034, F.A.C. All such testing is subject to requirements specified in Chapter 59A-7, F.A.C. The laboratory director has the authority and responsibility to determine corrective action to be taken to maintain an equivalent standard of care for the entire hospital facility up to and including termination of alternate-site testing where there is documentation of noncompliance with Chapter 59A-7, F.A.C.~~

(6) Written Protocols and Quality Assurance Programs:

(a) A written protocol shall be established by the laboratory director and implemented according to by the service(s) being performed at the performing alternate-site testing as required under subsection 59A-7.029(3), F.A.C., applicable to tests performed.

1. There shall be a procedure manual at each site where alternate-site testing is performed.
2. The alternate-site procedure manual located at the alternate test site shall specifically address the alternate-site testing done at that location.
3. The procedure manual shall be reviewed and signed, documenting that it has been reviewed biennially by the laboratory director.

(b) The laboratory director is responsible for developing a quality assurance program that is appropriate for the test methods used at the alternate-testing site as required under Rule 59A-7.031, F.A.C. Criteria for repeating a result or

obtaining a sample for assay in the hospital laboratory must be outlined by the director and included in the quality assurance program.

~~(c)†~~ The laboratory must maintain the capability of verifying the validity of test results obtained at the alternate-test site as specified in Rule 59A-7.029, F.A.C.

~~2. Subparagraph 59A-7.034(3)(b)1., F.A.C., shall not be construed to prohibit the performance of Activated Clotting Time tests or referral of infrequently performed tests to another laboratory licensed under Chapter 483, Part I, F.S., for analysis.~~

~~(c) The director in consultation with the appropriate medical staff shall prepare an internal needs assessment for alternate-site testing for each testing site which shall include evaluation of patient benefits and criteria for such testing. The internal needs assessment shall also include an evaluation of proposed methodologies for tests to be performed at the alternate sites composed, at a minimum, of evaluation of accuracy, precision, comparison of test results with the hospital laboratory, instrument performance, maintenance requirements, reagent preparation, if applicable, and storage and availability of supplies such as reagents, controls and proficiency samples for the testing site.~~

~~1. The selection of alternate site test methods shall assure that their performance and operational characteristics meet the clinical requirements for the intended alternate site testing location.~~

~~2. A written procedure for validating alternate site test methods shall be developed which outlines the process and criteria used to conduct the required validation to maintain an equivalent standard of care for the entire facility.~~

~~3. The validation process shall ensure that all alternate-site test methods chosen demonstrate accuracy, precision, reliability, correlation, ease of operation, and maintenance capabilities given the environment in which each will be used.~~

~~4. In addition to requirements set forth in Rule 59A-7.029, F.A.C., each alternate site test method shall be evaluated relative to reporting time and error.~~

~~5. Alternate-site testing shall only be conducted at sites where the director has established and documented in the internal needs assessment that such testing is necessary for the proper care and treatment of patients.~~

~~6. The internal needs assessment must be reviewed and approved by the laboratory director prior to initiation of testing at any alternate test site and biennially thereafter.~~

~~7. Documentation of the initial and each biennial review and approval of the internal needs assessment must be maintained in the laboratory and available for review by the agency for each site for a minimum of two years after testing is discontinued.~~

~~(d) The director shall designate in writing, for each test site, a director, supervisor or technologist qualified under Chapter 483, Part III, F.S., who in the absence of the director, monitors the performance of testing personnel, reporting of results and compliance with established policies.~~

~~(7)(4) Recordkeeping Requirements: Records.~~

(a) All records of personnel authorized to perform alternate-site testing must be readily available for inspection by the Agency and any other surveying agency including accrediting organizations if the laboratory is accredited, agency for at least two years. These records shall include the name of each person performing such testing and documentation that each individual performing alternate-site testing is licensed by the state or certified by a national organization in a health care profession as required in subsection 59A-7.034(8)(5), F.A.C., initial and ongoing competency evaluations, in-service training, and any corrective actions ~~patient results, quality control, corrective actions, proficiency surveys, and instrument maintenance.~~

(b) Results of all testing performed shall be made a part of the patient's permanent medical record and shall meet the requirements specified in Rule 59A-7.028, F.A.C.

(c) Records of alternate-site tests, testing locations, quality control, evaluation of accuracy, precision, correlation studies, instrument performance, instrument maintenance, and the internal needs assessment for the tests, must be maintained for a minimum of two years after testing is discontinued and available to any surveying agency including an accrediting organization if the laboratory is accredited.

(8)(5) Alternate-Site Testing Personnel Requirements: Alternate-site testing personnel requirements. Staff performing the testing at these alternate-sites, as authorized under this subsection, are not required to be licensed under Chapter 483, Part III, F.S., as clinical laboratory personnel.

(a) Testing personnel shall have a high school diploma, or its equivalent, and have met the HIV/AIDS educational requirements pursuant to Section 381.0035, F.S. In addition, all testing personnel in the alternate-test site locations shall meet one of the following requirements:

1. Is licensed as an advanced registered nurse practitioner, a registered nurse or licensed practical nurse pursuant to Chapter 464, F.S.,

2. Is licensed as a radiologic technologist pursuant to Chapter 468, Part IV, F.S.,

3. Is licensed as a respiratory care practitioner certified in critical care services or a respiratory therapist pursuant to Chapter 468, Part V, F.S.,

4. Is a phlebotomist certified by the American Society of Clinical Pathologists (ASCP), National Certification Agency for Medical Laboratory Personnel (NCA), American Society of Phlebotomy Technicians (ASPT) or American Medical Technologists (AMT),

5. Is licensed as a physician assistant pursuant to Chapter 458 and 459, F.S.,

6. Is a perfusionist certified by the American Board of Cardiovascular ~~Perfusion~~ ~~Perfusionists~~,

7. Is a cardiovascular technician certified by the Cardiovascular Credentialing International (CCI),

8. Is licensed as a director, supervisor, technologist or technician under Chapter 483, Part ~~III~~ ~~IV~~, F.S., or exempt from such licensure as provided in that chapter, ~~or~~

9. Is a licensed Emergency Medical Technician (EMT) or Paramedic pursuant to Chapter 401, F.S., or

10. Meets the staff training and educational requirements set out in the alternate-site policy and procedure manual developed by the laboratory director for individuals performing tests categorized as waived.

(b) The laboratory director will determine if the above listed personnel are suitable to perform testing at the alternate-site.

~~(c)(b)~~ (c) The laboratory director shall, in consultation with medical staff designated by the hospital, establish the training needs for the test methods used at each site. This training at a minimum must ensure that alternate-site testing personnel have had instruction in the following areas:

1. Specimen collection, handling and storage including infection control procedures.

2. Instrument procedures including skills required to perform preventive maintenance, calibration and troubleshooting.

3. Skills required to implement quality control procedures and evaluate quality control results.

4. Skills required to perform specific test procedures.

5. Result reporting and documentation techniques including knowledge of reporting procedures for life threatening results.

7. Monitoring of systems and results for errors including instruction on corrective action including whether or not results can be reported.6. Awareness of the factors that influence test results including the skills required to assess and verify the validity of patient test results through the assessment and correlation of pre-analytical and post-analytical phases of testing with laboratory data generated during the analytical phase of testing as they relate to common physiological conditions and quality control, and

~~(d)(e)~~ (d) Successful completion of a training program approved by the Board of Clinical Laboratory Personnel provided under Section 483.811, F.S., shall meet the minimum training requirements specified in paragraph ~~(c)(b)~~, above.

~~(9)(6)~~ (9) Responsibilities of the Laboratory Director Pertaining laboratory director pertaining to the Alternate-Test Site: alternate-test site

(a) The laboratory director shall:

1. Ensure that testing personnel are limited to those who meet the requirements of paragraph 59A-7.034~~(8)(5)~~(a), F.A.C.; and

2. Establish methods for the evaluation of competency to verify that alternate-site testing personnel perform procedures and report test results promptly and accurately. Evaluation of competency shall include:

a. Sample handling skills;

b. Skills required to perform the test method;

c. Skills required to perform preventive maintenance, troubleshooting, and calibration procedures, applicable to the ~~testing~~ ~~test~~ methodologies;

d. Demonstration of knowledge of reagent stability and storage applicable to the test system in use;

e. Skills required to implement quality control policies and procedures and evaluate quality control results;

f. An awareness of the factors that influence test results;

g. Skills required to assess and verify the validity of patient test results through the assessment of quality control ~~testing outcomes~~ ~~results~~;

h. Demonstration of knowledge of patient preparation for each test performed;

i. Demonstration of knowledge of infection control procedures; and

j. Demonstration of knowledge of reporting procedures for life threatening results.

(b) Validation of personnel competency shall include review of test results, quality control records, proficiency testing results and preventive maintenance records; direct observation of test performance and instrument maintenance; and assessment of performance through testing previously analyzed specimens, internal blind samples, or proficiency testing samples.

(c) Evaluation of competency for alternate-site testing personnel must be performed prior to initiation of patient testing and at least annually thereafter.

(d) Documentation of licensure or certification, as applicable, pursuant to subsection 59A-7.034~~(8)(5)~~, F.A.C., and competency evaluations must be maintained during the tenure of all testing personnel and for a minimum of two years thereafter and made available to the agency at the time of inspection.

~~(10)(7)~~ (10) ~~Tests Performed: performed.~~ Only test procedures approved by the ~~Agency~~ ~~laboratory director~~ and documented in the internal needs assessment in accordance with Rule 59A-7.034, F.A.C., shall be performed at the alternate-test site.

(a) Tests performed at these sites shall not exceed moderately complex test procedures and must:

1. Employ whole blood specimens that require no specimen or reagent manipulation, treatment, extraction, separation or any other processing of any kind by the operator; and

2. Utilize automated test systems in which a specimen is directly introduced into the system. Such instrumentation shall automatically provide for instrument calibration without access by the operator to modify or adjust calibration limits. If the instrument has a requirement to establish quality control ranges, the ranges must be established by appropriately licensed clinical laboratory personnel.

(b) Alternate-test sites are also permitted to perform waived tests, activated clotting times, gastric occult blood, gastric pH and urine specific gravity by refractometer. Heparin concentration, heparin assay, heparin dose response and thrombelastograph tests are permitted to be performed only by perfusionists certified by the American Board of Cardiovascular Perfusion or laboratory personnel licensed as director, supervisor, or technologist under Chapter 483, Part III, F.S.

(c) Data output must be directly reportable in the final units of measurement needed for patient care without need for data conversion or other manipulation, with the exception of heparin concentration, heparin assay, heparin dose response and thrombelastograph tests, which shall be interpreted by the attending physician.

(d) Electronic instrumentation must have a mechanism whereby the operator is alerted when patient results exceed the reportable operating range of the test method and when calibration is not acceptable; such results shall not be used for the diagnosis, treatment, management or monitoring of patients as required under Rule 59A-7.029, F.A.C., and shall be validated through the central laboratory.

~~(e) Waived tests are permitted to be performed by hospital staff designated to provide the testing under the hospital's policies and procedures.~~

~~(11)(8)~~ The Agency shall take administrative action pursuant to Sections 483.201, 483.221, ~~408.813, 408.814, 408.816~~ and 483.23, F.S., up to and including revocation of the approval for operation of any or all alternate-testing sites where the agency determines that said sites have operated in violation of Chapter 483, Part I, F.S., and the provisions of Chapter 59A-7, F.A.C. In addition, pursuant to Sections 483.201, 483.221, and 483.23, F.S., in the event of such a violation, the Agency shall take administrative action up to and including revocation of the laboratory license of the laboratory maintaining the alternate-testing site.

Rulemaking Authority 483.051 FS. Law Implemented ~~408.806, 408.813, 408.814, 408.816~~, 483.051, 483.181, 483.201, 483.221, 483.23, ~~483.813~~ FS. History—New 12-27-95, Amended 12-8-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Karen Rivera

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Interim Secretary Dudek

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 13, 2010
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 23, 2010

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-2.027
RULE TITLE: Applications by Individuals
PURPOSE AND EFFECT: To incorporate forms into the applicable Florida Real Estate Commission license application rules.

SUMMARY: Changes the questions asked about treatment of mental impairment and alcohol and drug disorders.

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

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

RULEMAKING AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.17, 475.175, 475.451 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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-2.027 Applications by Individuals.

The application of a natural person for active licensure pursuant to Rule 61-35.0271, Florida Administrative Code, with respect to sales associates and pursuant to Rule 61-35.02711, Florida Administrative Code, with respect to brokers, both of which are incorporated herein by reference, whether the applicant expects to operate alone, or as a partner, or with a corporation, or as a sales associate, is governed by substantially the same rules and forms.

(1) The applicant must meet necessary personal qualifications as follows:

(a) No change.

(b) If the application is for broker:

1. Has been registered as an active sales associate for at least ~~24~~ 12 months during the preceding 5 years under one or more brokers;

2. Has held a current and valid real estate sales associate’s license for at least ~~24~~ 12 months during the preceding 5 years in the employ of a governmental agency for a salary and performing the duties authorized in Chapter 475, F.S.; or

3. Has held a current and valid real estate broker’s license for at least ~~24~~ 12 months during the preceding 5 years in any other state, territory, or jurisdiction of the United States, or in any foreign national jurisdiction.

(c) No change.

(2) The applicant must make it possible to immediately begin the inquiry as to whether the applicant is honest, truthful, trustworthy, of good character, and bears a good reputation for fair dealings, and will likely make transactions and conduct negotiations with safety to investors and to those with whom the applicant may undertake a relation of trust and confidence. The applicant is required to disclose:

(a) No change.

(b) In the last five years, have you been admitted or referred to a hospital, facility or impaired practitioner program for treatment of a diagnosed mental disorder or impairment? If now a patient of a mental health facility or similar institution for the treatment of mental disabilities, or

(c) In the last five years, were you admitted or directed into a program for the treatment of a diagnosed substance-related (alcohol/drug) disorder or, if you were previously in such a program, did you suffer a relapse within the last five years?

~~(d)(e)~~ If ever called by, or done business under any other name, or alias, than the name signed on the application, with sufficient information to enable the Commission to investigate the circumstances, or

~~(e)(d)~~ If ever had a broker’s or sales associate’s license revoked, suspended, or otherwise acted against, or had an application for such licensure denied, by the real estate licensing agency of another state, territory, or country.

(3) Each application shall be accompanied by digital fingerprint data ~~a completed FBI fingerprint card~~ for processing to determine if the applicant has a criminal history record, and

(4) All applicants for permits to instruct or be a permitholder for a real estate school must comply with Sections 475.451(2)(a) and (c), F.S.

Rulemaking Specific Authority 475.05 FS. Law Implemented 475.17, 475.175, 475.451 FS., Georgia Association of Realtors, Inc., et al. v. Florida Real Estate Commission, et al., Civil Case No. 87-15-Orl-Civ-18 (M.D. Fla. 1987). History–New 1-1-80, Formerly 21V-2.27, Amended 4-10-88, 5-20-90, 1-13-91, 7-15-92, 7-20-93, Formerly 21V-2.027, Amended 11-10-97, 1-18-00, 11-26-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Real Estate Commission

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 20, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 25, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.:	RULE TITLE:
61J2-3.020	Post-licensing Education for Active and Inactive Broker and Sales Associate Licensees

PURPOSE AND EFFECT: The proposed rule amendment deletes the exemption for a licensee who has a 4 year degree in real estate from the post-license education requirements.

SUMMARY: The proposed rule amendment deletes the exemption from the post-license education requirements of a licensee having a 4 year degree in real estate.

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

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

RULEMAKING AUTHORITY: 475.05, 475.17 FS.

LAW IMPLEMENTED: 475.04, 475.17, 475.182 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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-3.020 Post-licensing Education for Active and Inactive Broker and Sales Associate Licensees.

(1) through (9) No change.

~~(10) Any licensee who has received a 4 year degree in real estate from an accredited institution of higher education is exempt from the post license education requirements.~~

Rulemaking Specific Authority 475.05, 475.17 FS. Law Implemented 475.04, 475.17, 475.182 FS. History–New 1-1-89, Amended 1-4-90, 6-28-93, Formerly 21V-3.020, Amended 8-2-95, 12-30-97, 2-24-00, 7-23-00, 5-12-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Real Estate Commission

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

SUMMARY: This rule describes the ownership and other requirements for registering as a pain-management clinic and for maintaining that registration. It defines what constitutes practice at the clinic location and incorporates by reference the form required for registration.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will have an impact on small business. A SERC has been prepared by the agency. The SERC indicates the number of pain-management clinics that will be affected by the rule. The rule will require that certain clinics hire a new designated physician who is able to be present enough to establish acceptance of responsibility for the operation of the clinic.

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

RULEMAKING AUTHORITY: 456.004, 458.3265(4), 459.0137(4) FS.

LAW IMPLEMENTED: 456.037, 456.0635, 458.3265, 459.0137 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Executive Director, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-7.001 Pain Management Clinic Registration Requirements.

(1) Every practice location or clinic that is advertising pain-management services or employing a physician who is primarily treating pain by administering, prescribing or dispensing controlled substance medications, unless exempt under Sections 458.3265(1) or 459.0137(1), F.S., must register and maintain a valid registration with the Department. Every registered practice clinic location upon change of ownership must register and maintain a valid registration with the Department. To be eligible to register with the Department, the clinic must meet the statutory requirements, which include the requirement that the clinic be fully owned by a physician or group of physicians who are currently licensed pursuant to Chapter 458 or 459, F.A.C., or licensed as a health care clinic with the Agency for Health Care Administration pursuant to Part X of Chapter 400, F.S.

(2) The clinic's designated physician must have a full, active, and unencumbered license, which includes:

(a) Having a clear, active license as a medical doctor or osteopathic physician under Chapter 458 or 459, F.S., that permits the physician to perform all duties authorized by holding a license without restriction.

(b) Having a license that is not designated as limited, restricted, retired, temporary, training, or that includes other limitations.

(c) Having a license with no restrictions on practice and no current disciplinary or other unsatisfied obligations imposed by the Board of Medicine, Board of Osteopathic Medicine, or the Department that limits or restricts the practice of medicine or osteopathic medicine, which includes suspension, probation, or any other restrictions on practice.

(3) The designated physician "shall practice at the clinic location," which means retaining documentation of being physically present and practicing medicine or osteopathic medicine at that location for no less than at least 33% of the hours per week that the clinic is open for business. For clinic locations with 3 or more physicians administering, prescribing, or dispensing controlled substance medications, including the designated physician, or for those clinic locations administering, prescribing or dispensing more than half the maximum number of controlled substance prescriptions that the boards allow a clinic to issue over a 24-hour period, the designated physician must be present at least 67% of the hours per week that the clinic is open for business. When the designated physician is unable to be present to meet these requirements, any administering, prescribing or dispensing of controlled substance medications at the clinic must cease unless and until another designated physician is approved by the board.

(4) To register with the Department, the designated physician must submit Application for Pain Management Clinic Registration, Form #DH-MQA 1219, 10/10, incorporated herein by reference. This form can be obtained from the Department of Health, Division of Medical Quality Assurance, at: 4052 Bald Cypress Way, Bin C-01, Tallahassee, FL 32399 or on the Board of Medicine or Board of Osteopathic Medicine website, which can be accessed at: www.flhealthsource.com or at MQA_medicine@doh.state.fl.us. At this mail or electronic address, the clinic owner is responsible to provide notice of the departure of the designated physician and, within 10 days after termination, the identity of another designated physician for the clinic. At this mail or electronic address, the designated physician at a registered clinic also within 10 days of departure shall notify the board of the date of termination from employment.

Rulemaking Authority 456.004, 458.3265(4), 459.0137(4) FS. Law Implemented 456.037, 456.0635, 458.3265, 459.0137 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Larry McPherson
 NAME OF AGENCY HEAD WHO APPROVED THE
 PROPOSED RULE: Ana M. Viamonte Ros, M.D. M.P.H.
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: September 14, 2010
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: August 6, 2010

DEPARTMENT OF HEALTH

Division of Emergency Medical Operations

RULE NO.: 64J-2.019 RULE TITLE: Funding for Verified Trauma Centers
 PURPOSE AND EFFECT: This notice is to alert the public that the Office of Trauma is proposing rulemaking to revise Rule 64J-2.019, F.A.C. pursuant to the implementation of Chapter 2010-80, Laws of Florida (Enrolled CS/CS/HB 325) and Chapter 2010-161 (Enrolled HB 5311) passed during the 2010 Legislative Session.

SUMMARY: For the implementation of Chapter 2010-80, Laws of Florida, the proposed rule revisions add the new statutes (318.0083(1)(b)3.a. and 3.b.) for funds generated from the use of traffic infraction cameras to enforce violations of red-light running. Ten dollars of each citation generated from the implementation of these statutes are to be deposited into the DOH administrative trust fund for distribution to verified trauma centers pursuant to Section 395.4036(1), F.S.

Pursuant to the provisions of Chapter 2010-161, Laws of Florida, the proposed rule revisions remove reference to the DOH Administrative Trust Fund where referenced in this rule, and provides that all funds governed under this rule shall be distributed to verified trauma centers in the quarter following deposit into the Department’s trust funds.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The proposed revisions to this rule do not require additional regulatory costs to hospitals that operate a verified trauma center or to hospitals seeking to become a verified trauma center in the State of Florida. Therefore, a statement of estimated regulatory costs was not prepared.

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

RULEMAKING AUTHORITY: 395.4036 FS.

LAW IMPLEMENTED: 395.4036 FS.

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

DATE AND TIME: Tuesday, October 19, 2010, 10:00 a.m. – 11:00 a.m. (ET) and 9:00 a.m. – 10:00 a.m. (CT)

PLACE: Department of Health, Office of Trauma, Capital Circle Office Complex, 4025 Esplanade Way, Conference Room 301, Tallahassee, Florida, Conference Call Number: 1(888)808-6959, Conference Code: 2354440

If a hearing is not requested, the Office of Trauma will cancel the tentative hearing and move forward to request certification of the proposed revisions for adoption. The hearing cancellation will be noticed on the Office of Trauma Website at <http://doh.state.fl.us/demo/Trauma/notices.htm> and in the Traumacom List Serv. To subscribe to Traumacom: http://ww7.doh.state.fl.us/mailman/listinfo/office_of_trauma.

Pursuant to the provisions of 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: Janet Collins, (850)245-4440, ext. 2775. If you are 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: Susan McDevitt, Office of Trauma, Department of Health, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738, (850)245-4440, ext. 2760; Email: susan_mcdevitt@doh.state.fl.us; Fax: (850)488-2512

THE FULL TEXT OF THE PROPOSED RULE IS:

64J-2.019 Funding for Verified Trauma Centers.

(1) No change.

(2) Funds governed under this rule shall be distributed to verified trauma centers in the quarter following deposit into the Department’s trust funds. Funds collected under Sections 318.14(5), 318.18(5)(c) and (20) and 318.18(15), F.S., and deposited into the department’s administrative trust fund shall be distributed quarterly to the certified trauma centers.

(a) No change.

(b) Funds collected under Section 318.14(5), F.S., governed under this rule ~~and deposited into the department’s administrative trust fund~~ shall be distributed to the trauma centers as follows: [(0.5 x funds)/Current total number of trauma centers] + [(0.5 x funds) x (Caseload volume for the trauma center for the year/The sum of caseload volume for all trauma centers during the year)].

(c) Funds collected under Sections 318.18(15), 316.0083(1)(b)3.a. and 316.0083(1)(b)3.b., F.S., governed under this rule and deposited in accordance with ~~into the department’s administrative trust funds under~~ Section 395.4036(1), F.S., shall be distributed as follows:

1. through 3. No change.

(d) Funds collected under Section 318.18(5)(c) and (20), F.S., governed under this rule ~~and deposited into the department’s administrative trust fund~~ shall be distributed as follows.

1. through 3. No change.

(3) No change.

Rulemaking Authority 395.4036 FS. Law Implemented 395.4036 FS. History--New 4-25-06, Amended 1-9-07, Formerly 64E-2.040, Amended 10-22-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Susan McDevitt, Director, Office of Trauma

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana M. Viamonte-Ros, State Surgeon General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2010

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS.:	RULE TITLES:
65C-31.001	Definitions
65C-31.002	Case Management for Young Adults Formerly in Foster Care
65C-31.003	Aftercare Support Services for Young Adults Formerly in Foster Care
65C-31.004	Road to Independence Program (RTI)
65C-31.005	Transitional Support Services for Young Adults Formerly in Foster Care
65C-31.006	Young Adult Services Documentation Requirements
65C-31.007	High School Needs Assessment
65C-31.008	Post Secondary Needs Assessment
65C-31.009	Independent Living Benefits Due Process Notification
65C-31.010	Jurisdictional and Service Requirements for Young Adults Formerly in the Custody of the Department
65C-31.011	Independent Living Program Budget Management

PURPOSE AND EFFECT: The number of young adults formerly in foster care who are eligible for Independent Living services continues to increase. However, the FY 2010-2011 program funding allocation cannot be sustained at the previous year's level. Prior to July 1, 2010, Section 409.1451(10), F.S., specifically prohibited the Department from adopting rules relating to the reduction in Road-to-Independence awards. The Legislature amended this sub-section during the 2010 legislative session requiring the Department to adopt rules

governing the payments and conditions relating to payments for services to youth or young adults provided under Section 409.1451, F.S.

The purpose and effect of this rule is to ensure the equitable treatment of young adults formerly in foster care and to ensure their safety and well-being. These changes will provide increased fiscal oversight and accountability at all levels including the Department, Community-Based Care Lead Agencies, and young adults so as to maximize the effective and efficient operation of the Independent Living Program.

SUMMARY: This rule makes changes to permanent rule Chapter 65C-31, F.A.C., relating to the Independent Living Services Program. Chapter 65C-31, F.A.C., Definitions – Removes the word “scholarship” for Road to Independence to agree with the law and to clarify that this income is tax exempt. Defines “qualifying residential facility” to include juvenile or adult correctional facility

Rule 65C-31.002, F.A.C., Case Management for Young Adults Formerly in Foster Care – Clarifies that the Independent Living Program is not an entitlement program. Removes the word “scholarship” for Road to Independence to agree with the law and to clarify that this income is tax exempt. Requires the services worker in consultation with the young adult to determine the frequency of contact. Requires agencies to provide information to all youth regarding public assistance programs and to help the youth apply for these benefits. Reemphasizes that the youth must be advised verbally and in writing and must acknowledge in writing that the information supplied in the application is true and correct.

Rule 65C-31.003, F.A.C., Aftercare Support Services for Young Adults Formerly in Foster Care – Revises forms incorporated by reference.

Rule 65C-31.004, F.A.C., Road to Independence Program – Requires that postsecondary education institutions be covered by the Florida Tuition and Fee Exemption or be recognized by Workforce Florida, Inc. as a eligible training provider. Removes the word “scholarship” for Road to Independence to agree with current law and to clarify that this income is tax exempt. Clarifies that a Road To Independence recipient attending institutions of higher education meets the student eligibility criteria for the Food Assistance Program.

Rule 65C-31.005, F.A.C., Transitional Support Services for Young Adults Formerly in Foster Care – Revises forms incorporated by reference.

Rule 65C-31.006, F.A.C., Young Adult Services Documentation Requirements – Requires greater accountability for case managers and students in documenting enrollment and proof of attendance for students in a GED program. Requires students who participate in a GED program to take the full battery of GED exams that they have not previously passed at least twice per year and that the Community-based care lead agencies shall bear the costs.

Removes the word “scholarship” for Road to Independence to agree with current law and to clarify that this income is tax exempt.

Rule 65C-31.007, F.A.C., High School Needs Assessment – Students living in a qualifying residential facility should not be assessed for Road to Independence funding but shall be assessed for aftercare and/or transitional support services. SSA benefits shall be included in the student’s budget as a deduction.

Rule 65C-31.008, F.A.C., Post Secondary Needs Assessment – Provides that students living in a qualifying residential facility should not be assessed for Road to Independence funding but shall be assessed for aftercare and/or transitional support services. SSA benefits shall be included in the student’s budget as a deduction. Clarifies that federal financial assistance does not qualify for the \$1,500 disregard in determining the student’s needs.

Rule 65C-31.009, F.A.C., Independent Living Benefits Due Process Notification – This section was not considered an emergency as the only change was to remove the word “scholarship” for Road to Independence program.

Rule 65C-31.010, F.A.C., Jurisdictional and Service Requirements for Young Adults Formerly in the Custody of the Department – No change.

Rule 65C-31.011, F.A.C., Independent Living Program Budget Management – Clarifies that the contracted service providers must include all funding in their spending plan including prior funding that was not expended. Requires annual submission of a spending plan that outlines services to be provided to young adults formerly in foster care and stipulates it must be approved by the Department as well as any modification requests that are submitted throughout the year. Requires the Department to review all approved plans: six months after approval for accuracy and needed modifications and at the end of fiscal year to ensure final expenditures are allowable and clients served are eligible. Requires submission and approval of all across the board payment reductions to maximum awards to Road to Independence and/or terminations of Independent Living services due to the availability of funds. Establishes Review Team and outlines membership; requires the team to review the spending plans and modifications to the plans and make recommendations to the Director of Family Safety Program Office. Requires Lead Agencies to repay any payments that are disallowed during the Department’s six month or end of year review if they failed to comply with state or federal regulations; also requires the Lead Agencies to repay any incorrect claim discovered in any federal or state audit.

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

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

RULEMAKING AUTHORITY: 409.145(10) FS.

LAW IMPLEMENTED: 409.1451 FS.

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

DATE AND TIME: Thursday, October 21, 2010, 1:00 p.m. – 5:00 p.m.

PLACE: 1317 Winewood Boulevard, Building 4, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Julie Mayo, Office of Family Safety, 1317 Winewood Boulevard, Building 1, Tallahassee, Florida 32399, phone: (850)922-0375, Email: Julie_Mayo@dcf.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Marci Kirkland, Office of Family Safety, 1317 Winewood Boulevard, Tallahassee, Florida 32399, phone: (850)487-2464, Email: Marci_Kirkland@dcf.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

65C-31.001 Definitions.

(1) “Aftercare Support Services” means services intended to assist young adults in developing “the skills and abilities necessary for independent living”. These services specifically include temporary financial assistance, mentoring and tutoring, mental health services and substance abuse counseling, life skills classes, including credit management and preventive health activities, parenting classes, job skills training, and counselor consultations. Temporary assistance to prevent homelessness should be considered emergency assistance.

(2) “Approval Authority” means the staff member(s) designated by the district/region/Community-based care with fiscal authority to approve cash payments. (Note: reviewing and approval authorities may be the same person(s).)

(3) “Case File” means all information for a case contained in the department’s Statewide Automated Child Welfare Information System (SACWIS), i.e., HomeSafenet, as well as the supporting paper documentation gathered during provision of services to that family. The “case file” may also refer to a duplicate, paper copy of the electronic case file and the supporting paper documentation. The department’s SACWIS is the primary record for each investigation and case.

(4) “Contracted Service Provider” means a private agency that has entered into a contract with the department or with a community-based care lead agency to provide supervision of and services to dependent children and children who are at risk of abuse, neglect, or abandonment.

(5) “Denial” means full denial or partial denial, in cases where the department or its contracted service provider does not approve the full amount of funding or services requested.

(6) “Designated Staff” means those staff assigned by the district/region or its contracted service provider to work with youth age 13 up to the 23rd birthday to implement and conduct a program for independent living as mandated by Section 409.1451, F.S.

(7) “Education and Training Vouchers” (ETV) means federal funds provided to young adults formerly in foster care eligible to receive independent living services and youth who were adopted from foster care at age 16 or 17. Students receiving ETV funds must be attending an institution of higher education. ETV funds provide financial assistance to young adults to promote educational and vocational training opportunities.

(8) “Fair Hearings” means the appeals process federally mandated for the title IV-E independent living program by 45 C.F.R. 1356.10 and 45 C.F.R. 1355.30. The required details of this appeals process are provided in 45 C.F.R. 205.10. The Department of Children and Family Services has already incorporated this appeals process, in Chapter 65-2, F.A.C., for other federal public assistance programs. However, certain provisions for Independent Living Fair Hearings which differ from those for other programs will be listed in the [next] draft of Rule 65C-28.0200, F.A.C.

(9) “Interim Child Welfare Services Information System (ICWSIS)”, means the department’s automated system containing invoice data pertaining to services provided to children under the department’s supervision. The ICWSIS is the state’s primary audit record for client specific expenditures until such time that the system’s functionality is subsumed by SACWIS.

(10) “Independent Living Benefit” means any type of financial aid or service provided to eligible young adults pursuant to Section 409.1451(5), Florida Statutes. These benefits are categorized as either aftercare support services, transitional services, or the Road to Independence Program Scholarship.

(11) “Initial Application” means the “Initial Road to Independence Program Scholarship and/or ETV Funds Application” CF-FSP 5295, September 2010 2005, incorporated by reference, is required for the initial Road to Independence Program Scholarship, which can be made anytime prior to the young adult’s 21st birthday. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399.

(12) “Institution of Higher Education” means a school that awards a bachelor’s degree or not less than a two year program that provides credit towards a degree or, provides not less than one year of training towards gainful employment or, is a vocational program that provides training for gainful employment and has been in existence for at least two years. The school must be accredited or preaccredited and is authorized to operate in that state.

(13) “Qualifying residential facility” means a juvenile or adult correctional facility operated by, or licensed by, a governmental entity and which provides housing, including all utilities, and meals, without charge to the resident.

(14)(13) “Reinstatement Application” means the “Road to Independence Program Scholarship and/or Education Training Vouchers (ETV) Funds Reinstatement Application”, CF-FSP 5297, September 2010 2005, incorporated by reference, that must be submitted by a former recipient of the Road to Independence Program scholarship prior to his or her 23rd birthday in order to reinstate their scholarship award after an interruption of benefits. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399.

(15)(14) “Renewal Application” means the “Road to Independence Program Scholarship and/or ETV Funds Renewal Checklist” CF-FSP 5296, September 2010 2005, incorporated by reference, means the application that must be submitted by Road to Independence scholarship recipients on an annual basis in order to continue his or her stipend scholarship award. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399.

(16)(15) “Reviewing Authority” means the staff member(s) or committee head(s) designated by the district/region or community-based care to review the applications associated with Section 409.1451, F.S., and determine eligibility.

(17)(16) “Road to Independence Scholarship Program” means the financial educational assistance available to qualifying young adults under the eligibility requirements contained in Section 409.1451(5)(b), F.S.

(18)(17) “Services Worker” means an employee of the department or its contracted service provider who is accountable for service delivery regarding safety, permanency, and well-being for a caseload of children and families under supervision. This includes an individual assigned to assist a young adult formerly in the custody of the department who is receiving independent living services.

(19)(18) “Special Immigrant Juvenile Status” means an immigration benefit that allows undocumented children who have been abused, abandoned or neglected to petition for permanent resident status as long as he or she meets the following criteria:

(a) The child is eligible for long term foster care;

(b) It is in the best interest of the child to remain in the United States; and

(c) The child remains under the jurisdiction of the juvenile court.

~~(20)(19)~~ “Statewide Automated Child Welfare Information System (SACWIS)” (i.e., HomeSafenet), means the department’s statewide automated system containing all reports, investigations, special conditions referrals, child-on-child sexual abuse reports and related child safety assessments and safety actions or plans and cases regarding child abuse, neglect or abandonment and pertinent information regarding all activities involved in investigative and some case management functions, including the Child’s Resource Record. The SACWIS is the state’s primary record for each investigation and case and all documentation requirements of the system shall be met.

~~(21)(20)~~ “Transition Plan”, CF-FSP 5293, September 2010 ~~2005~~, incorporated by reference means the required written plan that contains specific strategies to assist the young adult with achieving self-sufficiency and developing a personal support system. This plan is created by the young adult with the assistance of the department or its contracted service provider. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399.

~~(22)(24)~~ “Transitional Support Services” means “other appropriate short-term services” to be provided if the young adult demonstrates that the services are critical to the young adult’s own efforts to achieve self-sufficiency and to develop a personal support system. These may include financial, housing, counseling, employment, education, mental health, disability, and other services. Financial transitional support services may be provided in increments of up to 3 months. The young adult must apply again to obtain further transitional funds. See paragraph 65C-31.005(4)(b), F.A.C.

Rulemaking Specific Authority 39.5075(8), 409.1451(10) FS. Law Implemented 39.5075, 409.1451 FS. History–New 7-27-06, Amended _____.

65C-31.002 Case Management for Young Adults Formerly in Foster Care.

(1) The services that shall be provided to young adults formerly in foster care to transition successfully to independent living shall include, as appropriate for the individual young adult:

- (a) Aftercare support services,
- (b) Road to Independence (RTI) ~~Scholarship~~ Program, and
- (c) Transitional support services, as specified in Section 409.1451(5)(c)1., F.S.

The Independent Living Program is not an entitlement program. Services provided to eligible youth are based on the availability of funds to provide these services.

(2) Case Management/Contact with Young Adults Formerly in Foster Care/Support by Services Worker.

(a) Depending upon the stated wishes and needs of the young adult formerly in foster care, services worker support through home visits, office visits, and other types of contact shall occur.

(b) A plan for transition is required for all recipients of RTI scholarship and/or transitional support funds.

(c) The services worker shall arrange and provide services to support young adults formerly in foster care between the ages of 18 and up to his or her 23rd birthday.

(d) The services worker shall provide young adults formerly in foster care with developmental disabilities, mental health needs, and/or other special needs more contact, as necessary, to assist in the ability of the young adult to transition successfully to independent living.

(e) The frequency of contact by the services worker with the young adult shall be determined by the services worker ~~young adult~~ in consultation with the young adult services worker.

(3) Preparation and Education of the Child/Youth Age 16-17 in Foster Care. The services worker shall arrange or provide the services necessary to ensure that preparation/education for the young adult formerly in foster care to achieve independence occurs.

(4) Initial Application, Renewal and Reinstatement for the RTI Program Road to Independence Scholarship. The RTI Road to Independence Act provides specific direction for young adults formerly in foster care to renew or continue receiving benefits and to reinstate, one time only, benefits for young adults whose ~~scholarship~~ benefits were interrupted and who wishes to begin receiving benefits again.

(5) Selecting the Appropriate Funding Source for Young Adult Services (Chafee or Education and Training Voucher [ETV]).

(a) Two major types of federal funding sources are available to support the program for young adults formerly in foster care: Chafee funds and ~~Education and Training Voucher (ETV)~~ funds. The services worker shall determine the appropriate fund in order to comply with federal regulations and to maximize available funding.

(b) ETV funds have more restrictions than Chafee funds and shall be used for eligible students as the first option.

1. ETV may be used only for eligible students attending a postsecondary (college, university or vocational) school either part-time or full-time.

2. Chafee funds may be used for any of the young adult services identified in Florida Statutes, though not for young adults age 21 or 22.

3. State funds must be used for young adults age 21 and 22 if they are not eligible for ETV funds.

(6) Young Adults Formerly in Foster Care with Children of Their Own.

(a) The services worker shall determine which funds may be used for children whose parents are young adults formerly in foster care.

(b) If the parent of a child in a dependency case is a young adult formerly in foster care, the processes required in Chapter 39, F.S., for any parent still apply. Case planning, case management and required contacts shall continue as with any other dependency case.

(7) Selection of Placements for Young Adults Formerly in Foster Care. Prior to his or her 18th birthday, each young adult formerly in foster care shall choose the placement that best suits his or her needs. The services worker assigned to work with a young adult shall provide information to the young adult so as to assist in the best decision making.

(a) If the young adult elects to reside in the same or different licensed placement after reaching age 18, the services worker assigned to work with the young adult shall assist both the placement provider and the young adult to understand the roles and the responsibilities of continuing this placement after the young adult's eighteenth birthday.

(b) A young adult who continues with the foster family shall not be included as a child in calculating any licensing restriction on the number of children in the foster home.

(8) Implementation Plan, Steps for Effective Implementation.

(a) Program for Young Adults Formerly in Foster Care. This plan shall be used in order to develop each departmental district/ region or contracted service provider specific implementation plan.

(b) Steps for Effective Implementation:

1. Departmental districts/regions and contracted service providers shall designate staff responsible for receiving inquiries about services available to young adults formerly in foster care. The departmental district/region and contracted service providers shall also develop methods to provide information about ETV, prior to their 18th birthday, to youth adopted from foster care at ages 16 and 17, and to perform outreach for those adopted since July 1, 1999.

2. District/region and/or contracted service providers shall develop a process with fiscal/budget staff to ensure expedited and/or emergency assistance is provided.

3. District/region and/or contracted service providers shall develop a tracking system for approved cash assistance payments until such time as Florida Safe Families Network (FSFN) HSN can capture this information.

4. Pursuant to Chapter 39 and Section 409.1451, Florida Statutes, district/region and community-based care agencies must inform all youth aging out of foster care, prior to age 18, of these benefits. In addition, the agencies must provide information to all youth about public assistance programs (cash assistance, food stamps, Medicaid, etc.) and help in applying for these benefits.

(9) ~~ETV Education and Training Voucher~~ Funds.

(a) ~~Education and Training Voucher (ETV) Program~~ Requirements.

1. Young adult must have been:

a. Adjudicated dependent, pursuant to Chapter 39, F.S., have been in the custody of the State of Florida on his or her 18th birthday and have spent at least 6 months in foster care prior to reaching his or her 18th birthday; or

b. Adopted from the Florida foster care system at age 16 or 17 as of July 1, 1999;

2. Young adults are potentially eligible for services from age 18 through age 22.

3. Initial application must be completed before 21st birthday.

4. Benefits from this and other federal educational assistance sources may not exceed the young adult's "cost of attendance" at an "institution of higher education," as defined by federal statute.

5. The young adult must be attending an institution of higher education.

6. The young adult may receive a maximum of \$5000 per year towards the payment of RTI stipend ~~Scholarship~~ awards.

7. For a student attending an institution of higher education on a part-time basis, ETV funds of up to \$5000 per year may be used to pay for Transitional Support Services.

8. The young adult shall provide proof of enrollment and satisfactory progress.

(b) Application for ETV Funds.

1. Students applying for the RTI Program Road to Independence (RTI) Scholarship will use the application form "Road to Independence Program Scholarship and/or ETV Funds Application", CF-FSP 5295, September ~~2010~~ 2005, incorporated by reference, unless they are attending school part-time. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399. If determined eligible for ETV, a portion of the student's RTI stipend ~~scholarship~~ award will be covered by ETV funds. The maximum per student per year is \$5000.

2. Students attending school at least part-time may receive ETV funds. These students shall complete the "Transitional Support Eligibility and/or Education Training Vouchers (ETV) Funds Application" CF-FSP 5292, September ~~2010~~ 2005, incorporated by reference, and can receive up to \$5000 per year, which may be funded by ETV. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399.

3. ETV funds are used for educational assistance currently authorized in Florida Statutes. The only new eligible group is young adults formerly in foster care adopted at age 16 or 17.

4. Chafee funds shall be used to cover the costs of RTI stipends ~~Road to Independence Scholarships~~ for high school/GED students, for those students attending institutions

not meeting the federal definition of higher education, for transitional support services (exclusive of support for attendance at institutions of higher education), and for aftercare services.

5. Upon application for any independent living services, youth shall be provided with information regarding the appeal process, as well as the "Independent Living Benefits Due Process Rights" brochure, CF/PI 175-11, September 2010 2005, incorporated by reference. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399. This includes applications for services made in anticipation of the youth's 18th birthday. In addition, the youth must be advised verbally and in writing and must acknowledge in writing that the information supplied in his/her application(s) for services must be true, complete, and correct.

Rulemaking Specific Authority 409.1451(10) FS. Law Implemented 409.1451 FS. History--New 7-27-06, Amended _____.

65C-31.003 Aftercare Support Services for Young Adults Formerly in Foster Care.

(1) The services worker shall provide support to young adults formerly in foster care through making of service referrals in the community to assist young adults in developing "the skills and abilities necessary for independent living".

(2) Eligibility for Aftercare Support. A young adult who leaves foster care at age 18 but requests services prior to his or her 23rd birthday shall be eligible for aftercare support services. There is no formal written application to receive aftercare support service referrals.

(3) Application Process for Aftercare Support Cash Assistance.

(a) The services worker shall assist the young adult to receive cash assistance for housing, electric, water, gas, sewer service, food, and any other provisions permitted under Section 409.1451(5)(a), F.S. Prior to arranging for the provision of cash assistance, the services worker shall explore the feasibility of agreements with community providers to waive fees, contacting relatives and other such options.

(b) The young adult shall complete the "Aftercare Support Services Cash Assistance Application", CF-FSP 5294, September 2010 2005, incorporated by reference.

(c) If a young adult requests further services, see Rule 65C-31.005, F.A.C., Transitional Support Services for Young Adults Formerly in Foster Care.

(4) Payment Requirements for Aftercare Support Services Recipients. The services worker responsible for the case shall choose between making one payment directly to the young adult formerly in foster care or, at the request of the young adult, paying all or a portion of the funds to a service provider.

Rulemaking Specific Authority 409.1451(10) FS. Law Implemented 409.1451(1), (2), (3)(a), (c), (d), (5)(a) FS. History--New 7-27-06, Amended _____.

65C-31.004 Road to Independence Program (RTI) Scholarship.

(1) Initial Application for RTI Program Scholarship Eligibility. Each student, with the assistance of the services worker if requested by the young adult, shall complete an RTI Program Scholarship Application. This application shall be completed and signed by the student, reviewing authority and approval authority and a copy must be placed in the case file.

(a) For the initial award, a young adult formerly in foster care must:

1. Be age 18, 19 or 20;
2. Have been a dependent child pursuant to Chapter 39;
3. Be or have been in the legal and/or physical custody of the Department of Children and Family Services at the time of his or her 18th birthday.

4. Have spent at least 6 months in foster care before reaching his or her 18th birthday, which may include the time the youth spent in shelter status in state custody;

5. Be a resident of Florida per Section 1009.40, F.S.; and

6. Meet one of the following educational requirements:

a. Earned a standard high school diploma or its equivalent as described in Section 1003.43 or 1003.435, F.S., or earned a special diploma or special certificate of completion as described in Section 1003.438, F.S., and has been admitted for full-time enrollment in an eligible postsecondary education institution as defined in:

(I) Section 1009.533, F.S., if the institution accepts the Florida Tuition and Fee Exemption provided in Section 1009.25, F.S. For good cause shown, the Secretary and/or designee may waive the requirement for educational institutions to comply with Section 1009.25, F.S.; or

(II) Section 445.09(7), F.S. that addresses eligible training providers recognized by Workforce Florida, Inc.

b. Is enrolled full time in an accredited high school, unless he or she has a documented disability and has provided documentation that part-time attendance is a necessary accommodation; or

c. Is enrolled full time in an accredited adult education program designed to provide the student with a high school diploma or its equivalent, unless he or she has a documented disability and has provided documentation that part-time attendance is a necessary accommodation.

(b) In addition, young adults age 18 up to their 23rd birthday who were adopted from foster care at age 16 or 17 and are attending an institution of higher education, whether on a full or part time basis, and meet the other criteria set forth for RTI Program scholarship eligibility are eligible to receive the RTI stipend scholarship award. The same application shall be used for children adopted at age 16 or 17 applying for ETV funds. These funds are intended to assist in meeting the student's living expenses or provide for basic personal needs.

(c) Application Process for RTI Program Scholarship.

1. The services worker shall assist each youth between the ages 17 years, 6 months and 18 years of age to apply for the RTI Program Road to Independence Scholarship. The youth shall:

- a. Complete the application.
- b. Obtain document of proof of enrollment.

2. Each departmental district/region or contracted service provider shall designate a services worker to assist each young adult applying for or receiving independent living services. The young adult shall submit his or her application to the Independent Living services worker designated by the department or its contracted service provider. The Independent Living services worker shall have 10 working days to review the application and approve or deny the RTI stipend scholarship award or, if not the approval authority, shall forward the request to the approval authority early enough to have it approved within the ten-day period.

3. If approved, the services worker or Independent Living services worker shall notify the youth in writing within 10 working days of the determination. The monthly RTI stipend scholarship award shall be distributed at the beginning of the month that the recipient turns 18 years of age or, if approval occurs after the youth's 18th birthday, at the beginning of the next month following approval of the application. For youth approved prior to their 18th birthday, the first monthly RTI stipend scholarship award shall not be prorated regardless of the day of the month recipient turns 18 years of age.

4. If the application is denied, the services worker or Independent Living services worker shall notify the youth in writing within 10 working days of the determination and shall provide the youth the procedure for filing an appeal and the "Independent Living Benefits Due Process Rights" brochure, CF/PI 175-11, September 2010 2005, incorporated by reference, and notify the youth of other available benefits, including transitional support services or aftercare support.

5. If a young adult formerly in foster care did not complete the application process prior to his or her 18th birthday, or if the application was not approved, the young adult may apply once prior to his or her 21st birthday. The eligibility requirements contained in paragraph 65C-31.004(1)(a), F.A.C., apply. No retroactive benefits are available due to delayed completion of the application process by the youth.

(2) RTI Program Scholarship Renewal. The services worker shall evaluate for renewal each RTI stipend scholarship award annually during the 90-day period before the student's birthday. In order to be eligible for a renewal award for the subsequent year the student shall:

(a) Complete the number of hours, or the equivalent considered full time by the educational institution, in the last academic year in which the young adult earned a RTI stipend scholarship, except for a young adult who meets the requirements of Section 1009.41, F.S.

(b) Maintain appropriate progress as required by the educational institution, except that, if the young adult's progress is insufficient to renew the RTI stipend scholarship at any time during the eligibility period, the young adult may restore eligibility by improving his or her progress to the required level.

(3) RTI Program scholarship Reinstatement. A student who has lost eligibility for the RTI stipend scholarship or who choose not to renew the award may apply for reinstatement one time only before his or her 23rd birthday using "Road to Independence Program scholarship and/or Education Training Vouchers (ETV) Funds Reinstatement Application", CF-FSP 5297, September 2010 2005, incorporated by reference. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399. In order to be eligible for reinstatement the student must meet the eligibility criteria and the criteria for RTI Program scholarship renewal.

(4) RTI Program Scholarship Needs Assessment. An RTI Program Needs Assessment must be completed on each student who has been awarded the RTI stipend scholarship.

(a) State Requirements. The amount of the award, whether it is being used by a young adult working toward completion of a high school diploma or its equivalent or working toward completion of a postsecondary education program, shall be determined based on an assessment of the funding needs of the young adult. This assessment shall consider the young adult's living and educational costs and other grants, scholarships, waivers, earnings, and other income to be received by the young adult.

(b) Federal Requirements. The total amount of ETV funds and any other federal educational assistance to the young adult shall not exceed the young adult's cost of attendance.

(5) Payment Requirements for RTI Program Scholarship Recipients.

(a) The services worker responsible for the case shall determine how the monthly RTI stipend scholarship awards will be paid according to either of the two following methods:

1. Direct payment to the young adult,
2. Payment of a portion of the RTI stipend scholarship award to a service provider and the balance to the young adult, if requested by the young adult. If the young adult makes this request, it must be made in writing.

(b) ETV funds are available pursuant to the following:

1. For students attending an institution of higher education, including community college, university or vocational education courses. High school or GED attendance does not qualify.
2. For youth adopted at age 16 or 17 from foster care who are attending an institution of higher learning.
3. Part-time attendance at an institution of higher education may qualify young adults under Florida's transitional support services component.

(c) Renewal of Road to Independence Program Scholarships.

1. Young adults formerly in foster care are required to renew their RTI stipends scholarships on an annual basis.

2. Departmental districts/regions or contracted service provider agencies shall develop a plan for renewal of RTI stipends scholarships. At a minimum, the plan shall address the tracking and scheduling of RTI Program scholarship renewals and those staff responsible for notifying for these activities as well as notifying the RTI Program scholarship recipient of his or her obligations during the renewal period.

3. Each approved award shall be evaluated and renewed during the 90-day period prior to the young adult's birthday.

4. If the young adult is awarded a RTI stipend scholarship within 90 days prior to his or her next birthday, he/she is not required to file for renewal until the following birthday.

5. For young adults who were adopted from foster care at age 16 or 17, the same procedures established above shall be followed when renewing their ETV funds.

(d) Eligibility to Renew RTI Stipend Road to Independence Scholarships. The young adult shall:

1. Make one application for the initial award prior to his or her 21st birthday.

2. Complete the number of hours, or the equivalent considered full time by the educational institution, in the last academic year in which the young adult earned a scholarship, except for a young adult who meets the requirements of Section 1009.41, F.S.

3. Maintain appropriate progress as required by the educational institution, except that, if the young adult's progress is insufficient to renew the scholarship at any time during the eligibility period, the young adult may restore eligibility by improving his or her progress to the required level.

(e) Documentation Requirements for RTI Program Scholarship Recipients. All eligible recipients shall:

1. Provide documentation of enrollment in a high school or institution of higher education; and

2. Provide documentation of progress made in his or her course of study during the most recently completed school term.

(f) RTI recipients attending institutions of higher education are participating in an activity equivalent to an acceptable food stamp employment and training program component as specified in 7 CFR 273.7. This activity meets the student eligibility criteria for the Food Assistance Program.

Rulemaking Specific Authority 409.1451(10) FS. Law Implemented 409.1451(1), (2), (3)(a), (c), (d), (5)(b) FS. History--New 7-27-06, Amended _____.

65C-31.005 Transitional Support Services for Young Adults Formerly in Foster Care.

(1) A young adult formerly in foster care may request Transitional Support Services in addition to aftercare referrals, cash assistance or the Road to Independence Scholarship if the young adult demonstrates that the services are critical to his or her own efforts to achieve self-sufficiency and develop a personal support system.

(2) Eligibility/Assessment for Transitional Support. In order to be eligible, the young adult shall:

(a) Be age 18, 19, 20, 21 or 22;

(b) Have been a dependent child pursuant to Chapter 39, F.S.;

(c) Be or have been in the legal and/or physical custody of the Department of Children and Family Services at the time of his or her 18th birthday.

(d) Have spent at least 6 months in foster care before his or her 18th birthday.

(e) Demonstrate that the services are critical to his or her own efforts to achieve self-sufficiency and to develop a personal support system. The young adult shall complete a "Transition Plan", CF-FSP 5293, September 2010 2005, incorporated by reference, with designated staff of the department or its contracted service provider.

(3) If at any time the services are determined by the services worker as no longer critical to the young adult's own efforts to achieve self-sufficiency and to develop a personal support system, they shall be terminated or reapplication denied.

(4) Application Process to Receive Transitional Support Services.

(a) A Transitional Support Services application shall be completed by the young adult with assistance from the assigned services worker. The "Transitional Support Eligibility and/or Education Training Vouchers (ETV) Funds Application" CF-FSP 5292, September 2010 2005, incorporated by reference, shall be used to apply for these services.

(b) An application for Transitional Support Services is limited to a maximum three-month benefit period. A young adult may re-apply for Transitional Support Services after the three-month period but must demonstrate that the services are vital for achieving self-sufficiency.

(5) Transition Plan. Each young adult requesting transitional support services shall prepare a transition plan using "Transition Plan", CF-FSP 5293, September 2010 2005, incorporated by reference. This plan shall:

(a) Outline the types of services being provided by the department and the types of activities that the young adult will complete in order to achieve self-sufficiency.

(b) Be reviewed a minimum of every three months, if the young adult intends to re-apply for services, and adjusted according to the young adult's needs at the time of review and reapplication.

(6) Service Worker and Young Adult Contact Requirements. The services worker shall work with the young adult formerly in foster care to determine the need for contact.

(7) Payment Requirements for Transitional Support Services Recipients. Payments shall be made directly to the young adult formerly in foster care unless the young adult requests all or a portion of the funds be paid to a service provider. This request shall be made in writing.

(8) Confidentiality. The youth's status as a former foster youth and recipient of public benefits is confidential and shall not be revealed to anyone without the youth's permission. Staff shall not have direct contact with the youth's landlords or third parties, unless the youth provides written permission.

(9) Mandatory Access to Application for Services.

(a) Services workers shall process a young adult's request for assistance. If a young adult requests assistance in completing the application, the services worker shall provide the requested assistance.

(b) Each office of the department or its contracted service provider involved in serving young adults formerly in the custody of the department shall maintain application forms for the Road to Independence Scholarship, Transitional Support Services and Aftercare Support Services in a visible area and shall assist the youth with completing the application forms.

(10) Youth with Disabilities. Youth who have disabilities shall be provided with an equal opportunity to participate in the continuum of independent living services.

(a) Though a youth who has a physical, emotional, or learning disability may need additional support, he or she still is eligible for all independent living and post-18 services.

(b) Each office of the department or its contracted service provider involved in serving young adults formerly in the custody of the department shall provide youth with disabilities with reasonable accommodations and appropriate services to ensure the equal opportunities and participation of these youth.

(11) Youth who are Pregnant or Parenting. Youth who are pregnant or who are parenting shall be provided with an equal opportunity to participate in the continuum of independent living and post-18 services. The services worker shall assist these youth with accessing needed services, such as prenatal care, daycare, other public benefits, and appropriate housing.

Rulemaking Specific Authority 409.1451(10) FS. Law Implemented 409.1451(1), (2), (3)(a), (c), (d), (5)(c) FS. History—New 7-27-06, Amended.

65C-31.006 Young Adult Services Documentation Requirements.

(1) General Documentation Requirements.

(a) Pursuant to federal documentation requirements, for each young adult receiving funding from the RTI Program Road to Independence Scholarship, transitional support services and/or aftercare support services the department or its contracted service provider shall have an active case and a case file containing at minimum:

1. A document that contains current demographic information on the student such as, name, address, DOB, social security number, school attending, etc.

2. Completed applications signed by the young adult and review and approval authorities.

3. Follow up renewal applications or evidence of review of transitional support services cases.

4. Completed Needs Assessments for RTI cases.

5. Documentation to support eligibility requirements for the services provided.

(b) When requesting documentation from the young adult, the services worker shall use "Request for Road to Independence Program Scholarship Documentation" CF-FSP 5302, September 2010 ~~2005~~, incorporated by reference. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399.

(2) Documentation Requirements for Aftercare Support Services. The following documentation requirements apply to both referrals and cash assistance.

(a) Requests for Aftercare Support service referrals shall be recorded in the young adult's case file.

(b) Requests for Aftercare support cash assistance shall be recorded in the young adult's case file. The application shall be kept in a hard copy file.

(c) The services worker shall verify the young adult is in need of services through an eviction notice; utility cut-off notice or similar document; estimate of move-in costs, or by assessing the situation through an interview with the young adult.

(3) Documentation Requirements for RTI Program Road to Independence Scholarship. The services worker or other designated staff of the department or its contracted service provider shall maintain the following documentation in the case file of each young adult receiving the RTI stipend Road to Independence Scholarship to verify the young adult's eligibility for the initial application, ongoing eligibility, at renewal and for reinstatement.

(a) Initial RTI Program Scholarship Approval Documentation Requirements. In order for a student to be eligible for the Road to Independence Scholarship.

1. Documentation of application(s) for the RTI Program Scholarship, including the initial, renewal and reinstatement applications. The services worker shall maintain the following documentation in the young adult's case file:

- a. Renewal checklists,
 - b. Chronological entries of contacts made,
 - c. All completed scholarship applications, including as appropriate, the initial, renewal and reinstatement applications,
 - d. A log of financial disbursements, and
 - e. Any other pertinent supporting documentation.
2. Documentation for Eligibility Requirements.

a. Each student, with the assistance of the services worker, shall complete an RTI Program Scholarship Application. This "application" shall be completed and signed by the student, reviewing authority and approval authority and a copy shall be placed in the case file.

b. Adjudication of dependency shall be documented by placement in the case file of at least one of the following documents:

(I) Adjudicatory Order if there is follow up documentation indicating that the student was placed in foster care.

(II) Dispositional Order if the order placed the student in foster care or if there is follow up documentation indication that the student was placed in foster care.

(III) Judicial Review Order if the order indicates that the student was adjudicated dependent and placed in foster care. The Judicial Review Social Study Report shall be an acceptable source of supporting documentation if information regarding adjudication of dependency and status in foster care are mentioned in the report.

(IV) A Criminal Justice Information System (CJIS) if it is a complete report that includes adjudication date and date placed in foster care.

c. Documentation that the student was living in licensed foster care at age 18 shall be provided by placement in the case file of at least one of the following documents:

(I) Judicial Review Order or other Court Order if the order indicates that the student was living in foster care on his or her 18th birthday. The order may contain language releasing child from foster care on 18th birthday. The Judicial Review Social Study Report shall be an acceptable source of supporting documentation if information regarding adjudication of dependency and status in foster care are mentioned in the report.

(II) An Integrated Child Welfare Services Information System (ICWSIS) printout showing child in placement on 18th birthday if other supporting documentation such as orders are in the file verifying that the child was in custody of the department.

d. Documentation that the student spent at least six months in foster care before reaching his or her 18th birthday shall be provided by placement in the case file of at least one of the following documents:

(I) An ~~Integrated Child Welfare Services Information System (ICWSIS)~~ printout providing at least six months of residing in licensed care prior to the students 18th birthday if other supporting documentation such as orders are in the file verifying that the child was in custody of the department.

(II) A Statewide Automated Child Welfare Information System (SACWIS) printout showing six months of licensed placement.

e. Documentation that the student is a Florida resident shall be provided by placement in the case file of at least one of the following documents:

(I) Driver's license or Florida Identification card.

(II) Document proving Florida residence, including but not limited to, a copy of an RTI check, an electric bill, a lease, a current school enrollment form.

3. Documentation for Educational Requirements.

a. Full-time enrollment by the student in university, college or community college shall be documented by placement in the case file of at least one of the following documents:

(I) A current enrollment form or letter from the institution clearly showing the student enrolled for at least 12 credit hours.

(II) If the student is enrolled fewer than 12 hours, a current enrollment form or letter from the institution stating that the student is enrolled full-time.

b. Full-time enrollment by the student in vocational school, high school or GED shall be documented by placement in the case file of an enrollment form or letter from the school that states that he or she is a full-time student.

(I) For students in a General Education Development (GED) program, this documentation shall also include documentation in the case file notes that a school official has been contacted and has verified continued full-time enrollment of the student and that the student meets any attendance requirements of the GED program to be considered enrolled full-time.

c. Students must be able to periodically prove that they continue to be enrolled and attending school full-time. This shall be verified by placement in the case file of at least one of the following forms of documentation:

(I) A progress report from the school.

(II) Document in case notes that a school official has been contacted and has verified continued full-time enrollment of the student. The name, title, school and phone number for the school official who has been contacted shall also be included in the case note.

d. At the end of each semester the student shall provide the following documents and a copy shall be placed in the case file:

(I) A report card showing completion of classes registered for previously; and

(II) An enrollment form or letter from the educational institution showing full-time enrollment for the following semester.

(III) If participating in a GED program, the student shall submit the results of the most recent exam attempt(s). Full time students must take the full battery of GED exams that they have not previously passed at least twice per year. Community-based care lead agencies shall bear the costs for students to take the exams as required by this provision.

(b) ~~RTI Program Scholarship~~ Renewal Documentation Requirements.

1. For each student the services worker shall complete a "Road to Independence ~~Program Scholarship and/or ETV Funds Renewal Checklist~~" CF-FSP 5296, September ~~2010~~ 2005, incorporated by reference. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399. The completed checklist shall be signed by the student, reviewing authority and approval authority and a copy shall be placed in the case file.

2. The case file shall also contain:

a. Proof of full-time enrollment at the institution, unless exempted, and

b. Proof of satisfactory progress at the institution.

(c) ~~RTI Program Scholarship~~ Reinstatement Documentation Requirements.

1. Each student who wishes to apply for reinstatement shall complete a "Road to Independence ~~Program Scholarship and/or Education Training Vouchers (ETV) Funds Reinstatement Application~~", CF-FSP 5297, September ~~2010~~ 2005, incorporated by reference. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399.

2. This application shall be completed and signed by the student, reviewing authority and approval authority and a copy shall be placed in the case file.

3. The case file shall also contain:

a. Proof of eligibility,

b. Proof of full-time enrollment at the institution, unless exempted, and

c. Proof of satisfactory progress at the institution.

(d) ~~Road To Independence Program RTI Scholarship~~ Needs Assessment. ~~A Road To Independence Program RTI~~ Needs Assessment shall be completed on each student who has been awarded the RTI stipend scholarship. See Rule 65C-31.007, F.A.C., High School Needs Assessment, and Rule 65C-31.008, F.A.C., Postsecondary Needs Assessment.

(4) Documentation Requirements for Transitional Support Services.

(a) A case shall be open in the ~~Statewide Automated Child Welfare Information System (SACWIS)~~ and a hard copy case folder is required for any documentation not contained in the electronic system.

(b) Staff are required to maintain the following documentation in the youth's case file: chronological entries to document face to face contacts, phone calls, and other contacts such as letters, facsimile transmissions or e-mail correspondence, documentation of referrals for services and documentation of young adults progress in attaining his or her transition plan, including:

1. Completing the attached application,

2. Obtaining a copy of documentation of grade point average,

3. Obtaining document of proof of enrollment,

4. Performing any other specific tasks identified in transition plan.

(c) Other required documentation for Transitional Support Services that shall be maintained in the case file is:

1. The completed transitional support services application,

2. The completed transitional plan, and

3. Documentation that the young adult meets the requirements for eligibility for transitional support services.

Rulemaking Specific Authority 409.1451(10) FS. Law Implemented 409.1451(1), (2), (3)(a), (c), (d), (5)(a), (c) FS. History--New 7-27-06, Amended.

65C-31.007 High School Needs Assessment.

(1) The Road to Independence ~~Program Scholarship~~ Needs Assessment for high school education has been developed to determine the funding needs of a young adult student formerly in foster care attending high school after considering other income sources. This section does not apply to any student who is living in a qualifying residential facility. These students shall be assessed for aftercare and/or transitional support services.

(2) Procedure:

(a) Before completing the Road to Independence ~~Program Scholarship~~ Needs Assessment, the services worker shall verify that the student has submitted a Road To Independence an RTI scholarship application and has been determined eligible to receive an award.

(b) The amount of the monthly scholarship award shall not exceed the federal minimum wage times 40 hours per week times 4.33 weeks per month.

(c) In order to complete the Road to Independence ~~Program Scholarship~~ Needs Assessment, the services worker shall meet with the student and explain the needs assessment process to the student and obtain the required information and, when applicable, supporting documentation. For students located out-of-state, a phone interview is sufficient.

(d) If the student has not provided all necessary documentation and information the services worker shall provide a written list of items needed for the needs assessment process to be completed. The written list shall also include a due date for all requested items to be submitted to ensure that benefits will not be reduced or interrupted. This list shall include:

1. A statement that the requested information is needed before the needs assessment tool is processed;
2. A date by which the information must be received; and
3. A statement that the student's benefits will be initially established or reduced to the minimum award amount of \$25 until the information is provided. Once the information has been provided the services worker shall have 7 calendar days to process the needs assessment.

(e) No later than 30 days prior to the student's 18th birthday, or, if the student is 18 years of age or older, within 30 days after receiving the application and all required documentation and information, the department shall notify the student, in writing, of the award amount and the anticipated date of first payment. This notification shall also include the process for appealing the amount of the award (See attachment E).

(3) Elements of the Tool: The elements listed below correspond to the elements in the "Road to Independence Program Scholarship High School Needs Assessment Tool" CF-FSP 5299, September 2010 ~~2005~~, incorporated by reference. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399. An explanation of each element and instructions for obtaining the correct figures are included. There is an electronic version of the form that will perform the required calculations as data is entered on the form.

(a) Total Cost of Attendance: The maximum award that a student can receive is equivalent to the amount one would earn by working a full-time federal minimum wage job. The monthly amount has been computed to a yearly amount and has been included in the "cost/need" column on the "Total Cost of Attendance" (COA) line. Deductions will be subtracted from this figure to establish the RTI award amount.

2. Funds received from aftercare and transitional support services do not count against the "cost of attendance" for high school students. 1. In addition to the RTI award, a high school student may apply for aftercare and/or transitional support services, when needed.

(b) Special Needs Allowance: If a student expects to incur special costs during the academic year, the services worker shall obtain documentation of the special needs from the student and enter the amount on the "Special Needs Allowance" line on the needs assessment tool.

1. Costs that can be included in the "Special Needs Allowance" include but are not limited to: costs associated with a special field of study requiring additional costs such as nursing uniforms for nursing students, special equipment or assistance needed for disabled students, child care costs for students with dependent children, and medical or dental expenses not covered by medical insurance.

2. The services worker shall determine the validity of the request for special needs allowance, determine that the cost is associated with assisting in educational achievement and that the costs are not already included in the cost of attendance figure.

(c) Earned Income: If the student is employed, a verification of his or her earned income is required.

1. The services worker shall provide the student with two options for verifying earned income:

a. The student may provide recent pay stubs. The pay stubs must be averaged to compute a monthly amount.

b. The student may instead submit a letter from his or her employer stating the average number hours to be worked per month and the hourly wage.

2. Include the amount in the "income" column on the "Student's Monthly Wages" line. The monthly amount will automatically be calculated into a yearly figure on the next box below.

(d) Income Protection Allowance: The "Income Protection Allowance" figure is already included on the needs assessment form. This figure is equal to what a student would earn by working 20 hours per week at Florida's minimum wage computed over 12 months. Any student income less than or equal to this amount is disregarded for purposes of computing the scholarship amount. This means that a student may work the equivalent of a part-time job at Florida's minimum wage without impacting his or her RTI award.

(e) Student's Available Income: This is the amount of student income after deducting the "Income Protection Allowance." The electronic version of the form calculates this amount automatically.

(f) Contribution from Income: The federal financial aid application process allows for half of the "Student's Available Income" to count as a deduction when determining financial need. The electronic version of the needs assessment form automatically calculates the "Contribution from Income" figure and enters it in the "deductions" column.

(g) Federal Income: The services worker completing the needs assessment shall inquire and verify through available resources whether the student is receiving funds from any other source including Supplemental Security Income (SSI) and Social Security (SSA). The student shall have a choice, based on his or her individual situation, whether or not to include SSI/SSA benefits in his or her budget as a deduction. SSA benefits shall be included in his or her budget as a deduction. The staff shall assist the student in maximizing all benefits to

attend school and for his or her living needs. Any child support or other funds received (i.e., WAGES, Food Stamps, etc.) on behalf of the student's child shall not be included as income in the needs assessment.

(h) Totals: The electronic version of the needs assessment form automatically calculates the totals in the "cost/need" column and the "deductions" column.

(i) Total Need: The electronic version of the needs assessment form automatically subtracts the "deductions" from "cost/need" to get the "total need" amount.

(j) Adjusted Total Need: If the "Total Need" figure exceeds the amount equal to a full-time federal minimum wage job computed over 12 months the electronic version of the needs assessment form will automatically adjust the figure to that amount and enter the adjusted figure in the "cost/need" column.

(k) Aftercare and Transitional Support Services Funds Provided – Year to Date: Indicate the amount of Aftercare and/or Transitional Support Services Funds that have been provided to the student during the fiscal year (July 1st through June 30th). These funds shall not be factored as a deduction for the monthly scholarship award.

(l) Monthly RTI Program Scholarship Award: The electronic version of the needs assessment form automatically calculates the monthly award amount by dividing the "adjusted total need" by 12 months. The electronic version of the form automatically adjusts the monthly award to \$25, in the following row, if the award calculates to less than \$25 per month.

(4) Needs Assessment Totals. The bottom of the electronic version of the needs assessment form displays calculations of the total income and benefits for the student. These totals are calculated automatically based on the information input by staff. The totals calculated are:

(a) Total Earned and Unearned Income: This shows the student's annual amount of Earned Income plus Other Income, without deductions.

(b) Annual RTI Program Scholarship Award: This is the monthly ~~scholarship~~ award multiplied by 12.

(c) Total Annual Income Available to the Student: This is the amount of income from all sources and represents the total amount of income available to the student for educational and living needs.

(d) Monthly Income Available to the Student: This is the amount of income available to the student on a monthly basis.

(5) Documentation and Signature.

(a) The services worker shall obtain the student's signature on the "Road to Independence (RTI Program Scholarship Needs Assessment Face to Face Consultation Form)", CF-FSP 5298, September ~~2010~~ ~~2005~~, incorporated by reference. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee,

Florida 32399. By signing the form the student is only certifying that he/she has had a face to face meeting and the appeals process has been explained and provided.

(b) Once each individual needs assessment tool has been fully completed, and an award amount determined, two copies shall be printed. One copy shall be maintained in the student's case file. The second copy shall be provided to the student, either in person or by mail, with a copy of the "Independent Living Benefits Due Process Rights" brochure, CF/PI 175-11, September ~~2010~~ ~~2005~~, incorporated by reference, attached to the needs assessment tool. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399.

Rulemaking Specific Authority 409.1451(10) FS. Law Implemented 409.1451(5)(b)4. FS. History–New 7-27-06, Amended.

65C-31.008 Post Secondary Needs Assessment.

(1) The Road to Independence Program (RTI) Scholarship Needs Assessment for post secondary education has been developed to determine the funding needs of young adults formerly in foster care attending a post secondary institution, after considering other income sources and educational scholarships. This section does not apply to any student who is living in a qualifying residential facility. These students shall be assessed for aftercare and/or transitional support services.

(2) Procedure:

(a) Before completing the Road to Independence Program Scholarship Needs Assessment, the services worker shall verify that the student has submitted an RTI ~~scholarship~~ application and has been determined eligible to receive an award.

(b) The amount of the monthly stipend scholarship award shall not exceed the federal minimum wage times 40 hours per week times 4.33 weeks per month. The total amount of federal educational assistance funds provided to a student from all federal sources shall not exceed the "total cost of attendance" figure determined by the educational institution.

(c) In order to complete the Road to Independence Program Scholarship Needs Assessment, the services worker shall meet with the student and explain the needs assessment process to the student. For students located out-of-state, a phone interview is sufficient.

(d) The student shall provide documentation evidencing the following:

1. Living and Educational Expenses.

a. An individual itemized "Cost of Attendance" (COA) for the academic year from the school the student will attend. The financial aid office at every university, college, community college, and vocational school establishes a COA, also referred to as a "student budget," for each of its students. Some institutions automatically factor into the individual COA certain qualifying costs, including dependent care and costs associated with a particular course of study. Other institutions

will consider adjustments to the COA for certain qualifying costs on a case-by-case basis upon request by the student. The COA will also indicate the length of the academic year considered.

b. It may be necessary for the student to formally request that the financial aid office make adjustments to his or her COA based on individual circumstances. The student is responsible for collecting and transmitting to the financial aid office any information relevant to the COA adjustments sought. The services worker shall make efforts to facilitate this process. The student shall execute such authorizations as may be necessary to enable the services worker to assist with financial aid issues.

c. In addition to establishing the individual COA for each student, many institutions publish an average or estimated COA. If a student fails to provide his or her individual COA, the services worker shall obtain the average or estimated COA published by the institution. The services worker shall make reasonable efforts to obtain the most current COA information by contacting the financial aid office. If COA information cannot be obtained via the financial aid office, the case worker shall use the most current COA information listed on the institution's website.

d. If the student is unable to obtain an individual COA, and an average or estimated COA is unavailable, the case worker shall contact DCF for further guidance.

2. Fee exemption for the academic year.
3. Federal scholarships received (including Pell Grants).
4. Other Federal Income (SSI, Social Security).
5. Earned Income (pay stubs or other documentation).
6. Other scholarships and grants from all sources.
7. Alternate sources of funds and services.

(e) If the student has not provided all necessary documentation the services worker shall provide a written list of items necessary for the needs assessment process to be completed. The written list shall also include a due date for all requested items to be submitted. The list shall include:

1. A statement that the requested information is needed before each needs assessment tool is processed; and
2. A date by which the information must be received; and
3. A statement that the student's benefits will be initially established at or reduced to the minimum monthly award amount of \$25 until the information is provided. Once the information has been provided the services worker shall have 7 calendar days to process the needs assessment.

(f) No later than 30 days prior to the student's 18th birthday or, if the student is 18 years of age or older, within 30 days after receiving the application and all required documentation and information, DCF shall notify the student, in writing, of the award amount and the anticipated date of first payment. This notification shall also include the process for appealing the amount of the award (See attachment E).

(3) Calculating Awards for Post Secondary Students. The award for post secondary students shall be calculated no less than twice each year, once for the academic year and once for the summer months. The award may also be recalculated upon a change of circumstance, as provided for under subsection 65C-31.008(5), F.A.C., below. The award shall be calculated as follows:

(a) Academic Year Needs Assessment. The services worker shall use the form "Road To Independence Program Post Secondary Needs Assessment ROAD TO INDEPENDENCE SCHOLARSHIP POST SECONDARY NEEDS ASSESSMENT – ACADEMIC YEAR (FSP 5300 – September 2010 May 2006)", incorporated by reference, DCF has supplied an electronic version of the form that will perform the required calculations as data is entered by the services worker. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399.

1. Living and Educational Expenses: Enter the total academic year COA. (See Rule 65C-31.008(2)(d)1., F.A.C.)

2. Fee Exemption (Tuition and Fees): Enter Tuition and Fee waiver amount. This amount is deducted from the Living and Educational Expenses.

3. Federal Scholarships Received: Enter the total amount of all Federal Scholarships received. This includes the amount of any Pell Grant received. Calculate the monthly amount of Federal Scholarships received by dividing the total amount by 12, then multiply the monthly amount by the number of months in the institution's academic year. This amount is deducted from the Living and Educational Expenses.

4. Other Federal Income: The services worker completing the needs assessment shall inquire and verify through available resources whether the young adult is receiving federal funds from any other source including Supplemental Security Income (SSI) and Social Security (SSA). The young adult shall have a choice, based on his or her individual situation, whether or not to include SSI/SSA benefits in his or her budget as a deduction. The staff shall assist the young adult in maximizing all benefits to attend school and for his or her living needs. If the young adult elects to have SSI or SSA benefits included as a deduction, the amount of such benefits shall be calculated on a monthly basis and deducted according to the number of months in the academic year. The SSA benefits received by the young adult must be included as a deduction and the amount of such benefits shall be calculated on a monthly basis and deducted according to the number of months in the academic year.

5. Available Income:

a. Earned income. Calculate the student's expected earned income for the academic year on a monthly basis. The student may verify his or her monthly income by providing recent pay stubs or a letter from his or her employer indicating the number of hours to be worked and the hourly wage. Enter the number

of months in the academic year. The months of a specific institution's academic year can be determined from the COA. Multiply to determine the "earned income" for the academic year.

b. Income protection allowance. Calculate 20 hours per week at Florida's minimum wage on a monthly basis. Multiply by number of months in the academic year to determine the income protection allowance.

c. Total available income is determined by subtracting the income protection allowance from the student's earned income. This amount is deducted from the Living and Educational Expenses.

6. Other Scholarships and Grants: Enter all other scholarships and grants to be received for the academic year. This amount is deducted from the Living and Educational Expenses, except that a \$1,500 disregard shall apply to offset any deduction to the award based on other scholarships and grants.-

7. Alternate Sources of Funds and Services: To the extent that any of the expenses contained in the COA can be reduced through alternate funding sources or services at a reduced cost, the services worker shall employ such alternate funding sources and/or services and assist the student as needed in applying for such funding and/or services. Enter the amount of funds from alternate sources employed to pay for any portion of the academic year Living and Educational Expenses. This amount is deducted from the Living and Educational Expenses.

8. Total Academic Year Award: The total academic year award is calculated by subtracting all the deductions from the Living and Educational Expenses.

9. Monthly Academic Year Award: The monthly academic year award is determined by dividing the total academic year award by the number of months in the institution's academic year.

(b) Summer Months.

1. Student attending school, including internships. The service worker shall use the form "Road To Independence Post Secondary Needs Assessment – Summer Months – ATTENDING SCHOOL ROAD TO INDEPENDENCE POST SECONDARY NEEDS ASSESSMENT – SUMMER MONTHS – Attending School (FSP 5300a – September 2010 ~~March 2006~~)," Incorporated by reference. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399. DCF has supplied an electronic version of the form that will perform the required calculation as the data is entered by the services worker.

a. Living and Educational Expenses: Enter the total summer school COA. The summer school COA is obtained in the same manner as the academic year COA. (See Rule 65C-31.008(2)(d)1., F.A.C., above.) If no summer school COA is available from the financial aid office or the institution's website, the summer Living and Educational expenses are

determined based on the student's academic year COA. The services worker shall reduce the academic year COA by the academic related costs and divide by the number of months in that institution's academic year to determine the monthly living expenses. Multiply the monthly living expenses by the number of summer months to determine the summer living expenses, then add the total summer educational expenses to be incurred, including tuition, fees, and books.

b. Fee Exemption (Tuition and Fees): Enter tuition and fee waiver amount. This amount is deducted from the Living and Educational Expenses.

c. Federal Scholarships Received: Enter the total amount of all Federal Scholarships received. This includes the amount of any Pell Grant received. Calculate the monthly amount of Federal Scholarships received by dividing the total amount by 12, then multiply the monthly amount by the number of summer months. This amount is deducted from the Living and Educational Expenses.

d. Other Federal Income: The services worker completing the needs assessment shall inquire and verify through available resources whether the young adult is receiving federal funds from any other source including Supplemental Security Income (SSI) and Social Security (SSA). The young adult shall have a choice, based on his or her individual situation, whether or not to include SSI-~~SSA~~ benefits in his or her budget as a deduction. The staff shall assist the young adult in maximizing all benefits to attend school and for his or her living needs. If the young adult elects to have SSI-~~or SSA~~ benefits included as a deduction, the amount of such benefits shall be calculated on a monthly basis and deducted according to the number of summer months. The SSA benefits received by the young adult must be included as a deduction and the amount of such benefits shall be calculated on a monthly basis and deducted according to the number of summer months.

e. Available Income:

(I) Earned income. Calculate the student's expected earned income for the summer on a monthly basis. The student may verify his or her monthly income by providing recent pay stubs or a letter from his or her employer indicating the number of hours to be worked and the hourly wage. Enter the number of summer months. The summer months are those not included in the institution's academic year. Multiply to determine the "earned income" for the summer months.

(II) Income protection allowance. Calculate 20 hours per week at Florida's minimum wage on a monthly basis. Multiply by the number of summer months to determine the income protection allowance.

(III) Total available income is determined by subtracting the income protection allowance from the student's earned income. This amount is deducted from the Living and Educational Expenses.

f. Other Scholarships and Grants: Enter all other scholarships and grants to be received for summer school. This amount is deducted from the Living and Educational Expenses, except that a \$500 disregard shall apply to offset any deduction to the award based on other scholarships and grants.

g. Alternate Sources of Funds and Services: To the extent that any of the summer Living and Educational expenses can be reduced through alternate funding sources or services at a reduced cost, the services worker shall employ such alternate funding sources and/or services and assist the student as needed in applying for such funding and/or services. Enter the amount of funds from alternate sources employed to pay for any portion of the summer Living and Educational Expenses. This amount is deducted from the summer Living and Educational Expenses.

h. Total Summer Award: The total summer award is calculated by subtracting all the deductions from the summer Living and Educational Expenses.

i. Monthly Summer Award: The monthly summer award is determined by dividing the total summer award by the number of summer months, which is the number of months not included in the institution's academic year.

2. Student not attending school. The case worker shall use the form "Road To Independence Program Post Secondary Needs Assessment – Summer Months – NOT ATTENDING SCHOOL ROAD TO INDEPENDENCE SCHOLARSHIP POST SECONDARY NEEDS ASSESSMENT – SUMMER MONTHS – Not attending school (FSP 5300b – September 2010 May 2006).," incorporated by reference. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399. DCF has supplied an electronic version of the form that will perform the required calculation as the data is entered by the services worker.

a. Summer Living Expenses: The summer living expenses are determined based on the student's academic year COA. The case worker shall reduce the academic year COA by the academic related costs and divide by the number of months in that institution's academic year to determine the monthly living expenses. Multiply the monthly living expenses by the number of summer months to determine the summer living expenses.

b. Federal Scholarships Received: Enter the total amount of all Federal Scholarships received. This includes the amount of any Pell Grant received. Calculate the monthly amount of Federal Scholarships received by dividing the total amount by 12, then multiply the monthly amount by the number of summer months. This amount is deducted from the Living Expenses.

c. Other Federal Income: The services worker completing the needs assessment shall inquire and verify through available resources whether the young adult is receiving federal funds from any other source including Supplemental Security Income (SSI) and Social Security (SSA). The young adult shall

have a choice, based on his or her individual situation, whether or not to include SSI/SSA benefits in his or her budget as a deduction. The staff shall assist the young adult in maximizing all benefits to attend school and for his or her living needs. If the young adult elects to have SSI or SSA benefits included as a deduction, the amount of such benefits shall be calculated on a monthly basis and deducted according to the number of summer months. The SSA benefits received by the young adult must be included as a deduction and the amount of such benefits shall be calculated on a monthly basis and deducted according to the number of summer months.

d. Available income:

i. Earned income. Calculate the student's expected earned income for the summer on a monthly basis. The student may verify his or her monthly income by providing recent pay stubs or a letter from his or her employer indicating the number of hours to be worked and the hourly wage. Enter the number of summer months. The summer months are those not included in the institution's academic year. Multiply to determine the "earned income" for the summer months.

ii. Income protection allowance. Calculate 20 hours per week at Florida's minimum wage on a monthly basis. Multiply by the number of summer months to determine the income protection allowance.

iii. Total available income is determined by subtracting the income protection allowance from the student's earned income. This amount is deducted from the Living Expenses.

e. Alternate Sources of Funds and Services: To the extent that any of the summer Living expenses can be reduced through alternate funding sources or services at a reduced cost, the services worker shall employ such alternate funding sources and/or services and assist the student as needed in applying for such funding and/or services. Enter the amount of funds from alternate sources employed to pay for any portion of the summer Living Expenses. This amount is deducted from the summer Living Expenses.

f. Total Summer Award: The total summer award is calculated by subtracting the deductions from the summer living expenses.

g. Monthly Summer Award: The monthly summer award is determined by dividing the total summer award by the number of summer months, which is the number of months not included in the institution's academic year.

h. A young adult not attending school is expected to obtain employment for the summer months, and if not employed, has the obligation to diligently seek employment.

i. A young adult seeking employment must provide the case worker with documentation of his or her job search consistent with the documentation required by the office of unemployment compensation on a monthly basis. If the unemployed young adult fails to provide such documentation in a given summer month, no award payment shall issue for the following summer month.

j. The young adult is required to inform the case worker of successful summer job placement within 7 days.

(4) Documentation and Signature:

(a) At the face-to-face meeting with the young adult, the services worker shall obtain the young adult's, signature on the "Road to Independence (RTI) Program Scholarship Needs Assessment Face to Face Consultation Form", CF-FSP 5298, September ~~2010~~ 2005, incorporated by reference. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399. By signing the form the young adult is only certifying that he or she has had a face-to-face meeting and the appeals process has been explained and provided.

(b) Once each individual needs assessment tool has been fully completed, and an award amount determined, two copies shall be printed. One copy shall be maintained in the young adult's case file. The second copy shall be provided to the young adult, either in person or by mail, with a copy of the "Independent Living Benefits Due Process Rights" brochure, CF/PI 175-11, September ~~2010~~ 2005, incorporated by reference, attached to the needs assessment tool. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399.

(5) Needs Assessment Recalculations.

(a) Changes in circumstances: The needs assessment may be recalculated at any time upon request by the young adult or the services worker to address material changes in the young adult's circumstances. Such a recalculation shall be completed within 7 working days of the request.

1. Changes in circumstances may include, but are not limited to, changes in the amount of grants, transfer to another academic institution, changes in the amount of earned income, and changes in living and educational expenses.

2. A change in circumstances is material if it is likely to result in a change in the amount of the monthly award of at least \$50 per month for the remainder of the award period.

Rulemaking Specific Authority 409.1451(10) FS. Law Implemented 409.1451(1), (2), (3)(a), (c), (d), (5)(b) FS. History—New 7-27-06, Amended _____.

65C-31.009 Independent Living Benefits Due Process Notification.

(1) The Independent Living program and its departmental or contracted service provider staff shall seek to treat all young adults fairly and to afford them due process. A young adult applying for or receiving Independent Living benefits has the right to receive adequate written notice of adverse actions by the department or its contracted service provider, to present grievances about adverse actions by the department or its contracted service provider, and to resolve issues about

eligibility by meeting informally with representatives of the department or its contracted service provider or through the fair hearing process.

(2) The services worker shall, at the time of application for independent living benefits, provide the applying young adult a copy of the brochure "Independent Living Benefits Due Process Rights", CF/PI 175-11, September ~~2010~~ 2005, incorporated by reference. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399. As stated in the brochure, the young adult's services worker shall be available to help with the request for a fair hearing at any time that an adverse decision is made regarding the benefit.

(3) Actions by the department or its contracted service provider that require due process notification:

(a) The young adult is for any reason initially determined to be ineligible for any Independent Living benefit;

(b) The young adult is denied an Independent Living benefit due to lack of available funding;

(c) The young adult's services are reduced or terminated for any reason other than at the request of the young adult;

(4) Actions by the department or its contracted service provider that require confirmation: Voluntary reductions or terminations of services by a young adult. Due process notification is not required for these voluntary actions on the part of the young adult.

(a) A voluntary decision made by a young adult to reduce, terminate, or suspend services does not require due process notification. A decision to reduce, terminate, or suspend services is voluntary when the young adult determines that he or she does not need the service or scope of the service at issue and requests a reduction or termination of the service without being pressured to do so by staff of the department or its contracted service provider.

(b) Each young adult who makes a voluntary reduction or termination shall be allowed ten calendar days from the date the letter of confirmation was sent to reconsider. If after ten calendar days the young adult has not contacted the services worker in response to the letter of confirmation, the reduction or termination shall take effect.

(c) If the young adult contacts the services worker within ten (10) days to indicate that he or she does not agree to a voluntary reduction or termination of services, then services shall continue.

(5) Common bases on which Independent Living funding requests may be denied, or otherwise acted on in a manner adverse to the beneficiary. Most often, a request for Independent Living funding may be adversely acted upon (i.e., denied, reduced, or terminated) for one of the three following reasons:

(a) The young adult does not qualify for post-foster care Independent Living benefits;

(b) The young adult is not eligible (or is no longer eligible) for the Road to Independence Program Scholarship, or is eligible only for a reduced amount; or

(c) There are no available funds for Independent Living benefits.

(6) Determination of Service Denial. A determination regarding eligibility or continued eligibility for an Independent Living benefit shall be made by the young adult's services worker.

(7) Supervisory review of the determination prior to issuance of a letter denying, terminating, reducing or suspending an Independent Living benefit shall occur as follows:

(a) Before a letter is issued that denies, terminates, or reduces an Independent Living benefit request, the supervisor of the Independent Living services worker shall review the letter.

(b) The supervisory review shall consist of a review of all documents relied upon in denying, reducing, or terminating the service request, to ensure that the necessary documentation is present and to ensure that the decision to deny the service is supported by the documentation and pertinent policies regarding the requested Independent Living benefit.

(c) The purpose of the supervisory review is to ensure that the correct decision has been made with respect to the request for services. If the supervisor determines that an incorrect decision has been made, the service shall not be denied, but rather approved. If the supervisor determines that the denial was appropriate, the supervisor shall document that the supervisory review has occurred.

(d) Only after the supervisory review is successfully completed, and a determination is made by the supervisor that the denial is appropriate, shall the due process notification letter regarding denial, reduction, or termination of Independent Living benefits be issued (See attached Sample Letters, Attachments "A" through "D"). A decision to deny, reduce or terminate benefits shall be documented on "Documentation of Supervisory Review for Notices of Denial, Reduction or Termination of Benefits" or an alternate form that provides the same information (See Attachment G).

(8) Signing the Letter/Notice of adverse action. After the supervisory review is successfully completed, the young adult's services worker shall sign the letter notifying the young adult of the intended adverse action and providing due process information.

(9) Notification of Adverse Action. The services worker shall provide written notice to the young adult regarding any of the actions listed in subsection 65C-31.009(3), F.A.C.

(a) In the Notice, the young adult shall be advised of his or her right to request a fair hearing in accordance with 45 CFR § 1355.30 and 45 CFR 205.10.

(b) The Notice shall notify the young adult of the adverse action and the date the young adult can expect that action to be implemented.

(c) The services worker shall inform a young adult of the adverse action regarding eligibility within the following time frames:

1. One (1) calendar day of receiving a request for aftercare assistance to prevent homelessness;

2. Five (5) business days of receiving a request for transitional benefits or aftercare benefits other than assistance to prevent homelessness; OR

3. Ten (10) business days of receiving a request and required documentation for the Road to Independence program.

(d) Notices regarding reduction or termination of benefits shall be sent at least 10 days in advance of the adverse action. The notices shall provide the day prior to the effective date of the reduction or termination as the deadline for a request for a fair hearing to continue benefits until the hearing process is complete. If the day prior to the effective date is on a weekend or holiday, the deadline must be on the effective date itself.

(10) Form of Notification. Notification shall be in writing. One of the attached sample letters shall be used to notify young adults of the adverse action (See Attachments "A" through "D"). All relevant reasons for the adverse action must be indicated on the appropriate notice.

(a) The completed notification shall include notice of action, reason(s) for action, and relevant citations. The form shall be completed in its entirety and all relevant blanks shall be filled in. If there are multiple reasons for denial, reduction, or termination, all shall be listed.

(b) A "Request for Fair Hearing on Denial, Termination, or Reduction of Independent Living Benefits", CF-FSP 5304, September ~~2010~~ 2005, incorporated by reference, and the brochure "Independent Living Benefits Due Process Rights", CF/PI 175-11, September ~~2010~~ 2005, incorporated by reference, shall be attached to the Notice. A copy of the forms are available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399.

(c) A Notice that pertains to fair hearing rights shall include the name, address and phone number of the services worker responsible for providing Independent Living Services to the young adult.

(d) The Notice shall be sent by Certified Mail or provided to the young adult by hand delivery. Documentation of hand delivery shall be made in the young adult's file contemporaneously with the hand delivery. The certified mail receipt shall also be placed in the young adult's file.

(e) Timeframes for response shall be clearly defined.

1. The request for a fair hearing shall be received by the services worker no later than thirty (30) calendar days from the date the notice was mailed or hand delivered to the individual.

2. If a request for hearing is received by the services worker on or before the day prior to the effective date of the reduction or termination of benefits, those benefits shall continue at their current level until the fair hearing process is completed. If the day prior to the effective date of the reduction or termination is on a weekend or holiday, the deadline to request a fair hearing and continue benefits shall be the effective date of the reduction or termination. The deadline shall be clearly stated in the Notice.

3. The right to request a fair hearing shall be exercised within thirty (30) days of the date the notice of adverse action was mailed or hand delivered. However, the issue of whether a request was timely made is one that shall be determined by the hearing officer. A request for a hearing can be rejected or dismissed only by the hearing officer. Therefore, if a request for a hearing is not within the given timeframes, the request shall not be refused. It shall be taken and forwarded to the Florida Department of Children and Family Services Office of Appeal Hearings with a notation on the "Independent Living Fair Hearing Request", which is used as a Fax cover sheet, (Attachment F) that the request was late. The Office of Appeal Hearings will handle late-filed requests from the central office.

(f) The request for a fair hearing may be made orally or in writing.

1. The form "Oral Request for Fair Hearing" CF-FSP 5303, September 2010 ~~2005~~, incorporated by reference, shall be used by the services worker to document oral requests for a fair hearing. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399.

2. Written requests shall be prepared by the young adult on "Request for Fair Hearing on Denial, Termination, or Reduction of Independent Living Benefits", CF-FSP 5304, September 2010 ~~2005~~, incorporated by reference. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399.

(11) Timeframes.

(a) Response to a Notice of Action of Termination or Reduction of Existing Benefits. When a young adult receives notice of recommended action from the services worker, the following time limitations to request a hearing shall apply:

1. The written or oral request for a fair hearing shall be made no later than thirty (30) days from the date a notice is mailed or hand delivered to the young adult.

2. When a request for a fair hearing is made at least one calendar day prior to the date of the reduction or termination of benefits, (See attached Sample Letters, Attachments "B" and "C"), the request shall suspend or stay the termination or reduction action until the conclusion of the hearing process. If the day prior to the date of the reduction or termination is a weekend day or holiday, a request for a fair hearing received on

the date of the reduction or termination shall also suspend or stay the reduction or termination action until the conclusion of the hearing process.

(b) Response to a Notice of Action of Denial of an Application for Benefits. When a young adult receives notice of denial of benefits (for benefits which have not yet been received, rather than the reduction or termination of benefits currently being received) from the services worker, the following time limitations to request a hearing shall apply:

2. The young adult shall not receive the denied services until the hearing officer rules in favor of the individual (but may receive other services for which he or she has not been denied). 1. The written or oral request for a fair hearing shall be made no later than thirty (30) days from the date a notice is mailed to the young adult.

(12) Transmittal of Hearing Request to the Department or Its Contracted Service Provider.

(a) The completed "Oral Request for Fair Hearing" form or the written request on the "Request for Fair Hearing on Denial, Termination, or Reduction of Independent Living Benefits" form and a copy of the Due Process notice letter shall be faxed by the services worker, using as a cover sheet the form "Independent Living Fair Hearing Request" (Attachment F), within one (1) business day of receipt to the District Legal Counsel, the Attorney General's Office and the Office of Appeal Hearings of the Department of Children and Family Services, whose address and fax number is noted on the cover sheet (Attachment F).

(b) The services worker receiving the request shall forward a copy of all documentation supporting the decision regarding the Independent Living benefit at issue to the District Legal Counsel and the Office of the Attorney General within three (3) business days.

(13) Additional Local Preparation for Fair Hearings.

(a) The services worker receiving the request shall immediately prepare copies of the young adult's complete Independent Living file to provide to both the young adult and the legal representative for the department or its contracted service provider. The services worker shall provide the complete file to both the young adult and the legal representative for the department or its contracted service provider, whether or not a request has been made.

(b) The Office of the Attorney General (~~OAG~~) will appear as counsel to defend the adverse action only if the OAG has received copies of the written request, the due process letter, and all the documentation supporting the decision at least 14 days before a scheduled hearing. Otherwise, the District Legal Counsel is responsible for the hearing.

(c) The services worker responsible for the young adult's Independent Living benefits case (the services worker in the county where the young adult's involvement in independent living services originated) shall coordinate and participate in

the Fair Hearing, even if the hearing takes place in a different county or district. The Fair Hearing will take place wherever the young adult lives.

(d) Staff in each departmental zone shall be available to provide technical assistance regarding Independent Living requirements to counsel for the department and its contracted service provider in preparation for the Fair Hearing. Therefore, the legal representative for the department and its contracted service provider shall be provided access to the young adult's Independent Living file by departmental zone staff when needed as part of trial preparation.

(14) Update to the department's Interim Child Welfare Services Information System (ICWSIS), or contracted service provider payment system:

(a) Update after initial notice of termination or reduction.

1. No update shall be made to the ICWSIS system to reduce or terminate funding for any service until the 11th day after the notice was sent to the individual, or the effective date of the reduction, whichever occurs later, and only if the individual has not requested a hearing and continuation or reinstatement of services.

2. If the young adult files for a hearing in accordance with the timeframes in subsection 65C-31.009(11), F.A.C., no adjustment shall be made to ICWSIS until after the appeal hearing decision is rendered.

(b) Update after Hearing Officer's decision.

1. If ICWSIS was not initially adjusted and the decision is in favor of the Department, ICWSIS will be adjusted within five days after the Department receives a copy of the order to reflect the decision of the officer.

2. If the decision is in favor of the individual and ICWSIS had not been adjusted because the individual requested a hearing in accordance with subsection 65C-31.009(11), F.A.C., then no change shall be made to ICWSIS and services will continue.

(15) Local [Informal] Review. Upon receipt of a Request for Hearing, an informal Local Review is mandated prior to the Fair Hearing itself.

(a) In view of the fact that a hearing may be scheduled fairly quickly, the Local Review shall occur no later than 10 days after receipt of the request for hearing. This Review shall mirror the supervisory review done prior to the issuance of the due process letter (subsection (7) above).

(b) The Local Review shall be done by the local department administrator or the administrator of its contracted service provider in charge of the Independent Living program in consultation with the services worker's supervisor.

(c) The Local Review shall include an informal meeting with the young adult and/or the young adult's legal representative, if the young adult requests such a meeting.

(d) The young adult or the young adult's legal representative shall be provided, without charge, with a copy of all of the records and documents of the department or its

contracted service provider relating to the denied, reduced, or terminated benefit within three (3) business days of the receipt of the Request for a Hearing by the department or its contracted service provider.

(e) If the Local Review or interview resolves the issue to the satisfaction of the young adult, the request for hearing shall be withdrawn. Should an error be discovered during the Local Review, immediate action shall be taken to rectify it, and the young adult or the young adult's legal representative shall be advised.

(f) The informal review determination by the department or its contracted service provider, including specific findings, shall be provided in writing to the young adult or the young adult's legal representative, the District Legal Counsel, the Office of the Attorney General and the Department's Office of Appeal Hearings.

(16) Hearing Officer Decisions for all due process actions regarding denials, reductions and terminations of service.

(a) Hearing Officer Rules in favor of the department or its contracted service provider.

1. If the hearing officer affirms the decision of the department or its contracted service provider to terminate or reduce services, the services worker shall terminate or reduce services if they were continued or reinstated during the appeals process. The services worker shall implement the order five (5) days after the date the order is received by the department or its contracted service provider. The services worker shall immediately notify the young adult or the young adult's legal representative in writing informing him or her of the hearing officer's order and the effective date of the termination or reduction.

2. If the hearing officer affirms the decision of the department or its contracted service provider to terminate or reduce services, and the services have not been continued during the appeal process, the department or its contracted service provider does not need to take any further action regarding the services at issue. The Final Order shall be sent directly to the young adult and the young adult's legal representative as well as to the services worker.

(b) Hearing Officer Rules in favor of the Individual.

1. If services were discontinued pending the hearing officer's review and the hearing officer's finding is in favor of the individual, then service(s) shall be reinstated according to the hearing officer's decision. This decision shall make clear the required corrective action, including retroactive payment. The services worker shall reinstate services according to the hearing officer's decision within five (5) business days of the date the department or its contracted service provider receives the order.

2. If services were continued or reinstated pending the hearing officer's review and the hearing officer's finding is in favor of the individual, then the service(s) shall continue in accordance with the hearing officer's decision.

3. If services were denied, the services worker shall provide those services, pursuant to the hearing officer's decision, within five (5) business days of receiving the order.

(17) Termination upon failure to renew Road to Independence ~~Program~~ Scholarship. When a services worker is unable to update a young adult's Road to Independence ~~Scholarship~~ during the 3 months prior to the young adult's birthday due to an inability to either locate or gain the cooperation of the young adult, the following action shall be taken:

(a) The services worker shall document in the case file "due diligence" in trying to locate or secure the cooperation of the young adult to update his or her continued eligibility for the Road to Independence ~~Program~~ Scholarship. This shall include checking with the post office for a forwarding address and sending the Request for Road to Independence Documentation form to the last known address, requesting forwarding by the post office, and allowing the individual 30 days from date of receipt (or 35 days from date the letter is mailed) to contact the services worker and renew the Road to Independence ~~Program~~ Scholarship.

(b) If after 35 days, there has been no contact by the young adult, or if it has been verified that the young adult has been terminated from the rolls of the post-secondary school, a letter (See Attachment "C") shall be sent by U.S. mail, certified, return receipt, to the last known address to notify the young adult that he or she is terminated from the program. The effective date of termination shall be calculated at 35 days following the date the oral request form was mailed.

Rulemaking Specific Authority 409.1451(10) FS. Law Implemented 409.1451(5)(e) FS. History--New 7-27-06, Amended _____.

65C-31.010 Jurisdictional and Service Requirements for Young Adults Formerly in the Custody of the Department.

(1) through (3) No change.

Rulemaking Specific Authority 39.012, 39.0121(13), 39.5075(8), 409.1451(10) FS. Law Implemented 39.013, 39.5075, 39.701(6)(a), 409.1451(5)(d) FS. History--New 7-27-06.

65C-31.011 Independent Living Program Budget Management.

(1) General Requirements. Based on the availability of funds, the department or its contracted service provider shall manage funding ~~and stay within the Independent Living Program's contracted amount~~ provided by the department to provide Independent Living service payments such as the Road To Independence Program scholarships, transitional support services, pre-independent living skills, subsidized independent living services, and aftercare support services to eligible young adults. Availability of funds shall include funds that have been appropriated by the Legislature of the State of Florida to the department for the current state fiscal year in which fall under the purview of child welfare services. Availability of funds

shall also include unexpended state funds from previous state fiscal years that had been appropriated by the Legislature of the State of Florida to the Department in which fell under the purview of child welfare services, for nonrecurring Independent Living services for the current state fiscal year. A plan shall be provided to the department of the contracted service providers' funding availability and projected Independent Living services to be provided by service type, with the main goal ~~The departmental district/region or its contracted service provider shall develop a fundamental methodology of projecting how much funding is needed to support the program, compared to the available contracted amount, and adjust accordingly. If a contracted service provider decides that the need is more than the contracted allocation, the contracted service provider has the flexibility to increase the Independent Living allocation within existing state funds within its contract, but this will not be considered part of the base allocation from the department. The goal of the contracted service provider shall be to provide as many services within the Independent Living Program within the funds available.~~

(2) Plan to Implement Services of Young Adults Formerly in Foster Care. Each contracted service provider shall provide a plan to the department of the services to be provided to young adults formerly in foster care who are determined eligible for such services. The Plan to Implement Independent Living Services to Young Adults Formerly in Foster Care (CF-FSP 5350, September 2010), incorporated by reference, shall be completed by each contracted service provider, and submitted to the department by July 31st for each state fiscal year. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399. Each plan shall be reviewed and approved by the department by August 31st of each state fiscal year. Plans not approved by the department will be returned to the contracted service provider for adjustments deemed necessary. Once a plan has been approved, a contracted service provider, at any time, may submit a modified plan to the department for approval. Each approved plan will be reviewed six (6) months after its approval date for accuracy and/or to allow for modifications needed at that time. Plans that require modification shall be reviewed and approved by the department. A final review of the approved plan will be completed at the end of the state fiscal year ~~for~~ to ensure allowability of final expenditures and eligibility of clients served.

(3) Review Team. The Review Team shall consist of Department representatives from budget, fiscal, contracts, legal, and the Family Safety Program Office. The Secretary may add additional representatives including but not limited to youth, advocates, and community-based care agencies. They will review and make recommendations to the Director of

Family Safety Program Office for all submitted Plans to Implement Independent Living Services to Young Adults Formerly in Foster Care.

~~(4)(2) Payment Adjustments. Once the Plan to Implement Independent Living Services to Young Adults Formerly in Foster Care has been reviewed and approved by the department, if across the board reductions in maximum awards to Road To Independence and/or terminations of Independent Living services are needed due to the availability of funds, a modified plan must be submitted and approved by the department before such reductions and/or terminations are made. Throughout the year a contracted service provider shall have the flexibility to make adjustments to payments in all Independent Living service areas in order to prevent a budgetary shortfall, within the following parameters:~~

~~(a) Reduction of new Road to Independence awards or other new benefits based on unavailability of funds. Upon a budget projection that no further full Road to Independence awards or other Independent Living benefits can be provided without impacting current Road to Independence awards, contracted care providers may:~~

~~1. Reduce new Road to Independence awards proportionally or down to a minimum award of \$25.00, based on projected availability of funds, AND/OR~~

~~2. Reduce or deny new requests for other Independent Living benefits, based on projected availability of funds.~~

~~(b) Reduction or termination of current transitional or aftercare financial services. Current transitional and aftercare financial services may be reduced or terminated based on unavailability of funds.~~

~~(c) Reduction of current Road to Independence awards.~~

~~1. Section 409.1451(10), F.S., specifically states: "The department shall not adopt rules relating to reductions in scholarship awards. The department shall engage in appropriate planning to prevent, to the extent possible, a reduction in scholarship awards after issuance." Therefore, it is clear that while awards may be reduced based on lack of available funding only as a last resort, guidance regarding that reduction may not be addressed in rule.~~

~~2. Current Road to Independence awards may be reduced at the time of the annual reassessment.~~

(5) Validation of Payments. At the six (6) month and end of the year reviews of the approved Plan to Implement Independent Living Services to Young Adults Formerly in Foster Care, a validation of eligibility may be required of the young adults who have received direct Independent Living services' payments. Validation of a client's eligibility could include, but is not limited to:

(a) Completion of Road To Independence – Client Education Verification (CF-FSP 5351, September 2010), incorporated by reference, by the contracted service provider

and submitted to the department. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, Florida 32399.

(b) Reconciliation of the Integrated Child Welfare Services Integrated System (ICWSIS) data fields by the department of clients invoiced to the department for accuracy and completeness of these data fields.

(c) Verification of progression in school, attendance document, end of semester grades, class schedules, highest grade of completion, reading assessments, substantial compliance of transition plan goals set in place have been achieved, and/or the client's demonstration of need.

(6) Disallowance of Funds Provided by the Department. At the time of the six (6) month and end of the state fiscal year reviews and validation of payments made on behalf of the Independent Living Program, as specified in the approved Plan to Implement Independent Living Services to Young Adults Formerly in Foster Care, the amount of disallowance caused by the Lead Agency's failure to comply with state or federal regulations or the amount of any incorrect claim discovered in any federal or state audit shall be repaid to the department by the Lead Agency upon discovery.

Rulemaking Specific Authority 409.1451(10) FS. Law Implemented 409.1451(5) FS. History--New 7-27-06, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Alan Abramowitz, State Director, Office of Family Safety

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Don Winstead

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 8, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 28, 2010, Vol. 36, No. 21

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.:
68A-13.004

RULE TITLE:
Open Season for Taking and Bag Limits for Non-Migratory Game and Issuance of Antlerless Deer Permits

PURPOSE AND EFFECT: The purpose of the proposed rule change is to better manage hunting opportunities in Florida by increasing hunting opportunities with crossbows. The effect would be to increase the length of the zonal crossbow season by 30 days in Zones A, B and C and by 33 days in Zone D, thereby having it coincide with zonal archery season and allow antlerless deer to be taken during the first 30 days of the crossbow season in Zones A, B and C and during the first 33 days in Zone D.

SUMMARY: The proposed rule changes would increase the length of the zonal crossbow season by 30 days in zones A, B and C and by 33 days in Zone D, thereby having it coincide with zonal archery season and to allow antlerless deer to be taken during the first 30 days of the crossbow season in zones A, B and C and during the first 33 days in Zone D on lands otherwise not established as a wildlife management area, wildlife and environmental area or miscellaneous area.

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

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

RULEMAKING AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-13.004 Open Season for Taking and Bag Limits for Non-Migratory Game and Issuance of Antlerless Deer Permits. The open season and bag limits for non-migratory game shall be as follows unless otherwise amended by the Commission, provided that regulations for hunting on wildlife management areas shall be as established by specific rule.

(1) Bag and possession limits:

(a) Deer: Possession limit, four; daily bag as follows:

1. Two (2) antlered deer during the antlered deer, crossbow (last 5 days), muzzleloading gun or archery/muzzleloading gun seasons.

2. No change.

3. Two (2) antlerless deer, or 2 antlered deer, or 1 antlered and 1 antlerless deer during the archery and crossbow seasons except that antlerless deer may not be taken during each zone's last 5 days of the crossbow season.

4. No change.

(b) through (c) No change.

(2) Open seasons:

(a) through (f) No change.

(g) Notwithstanding the provisions of paragraphs (2)(a)-(e)(~~g~~) deer of either sex, gobblers or bearded turkeys, gray squirrel and quail may be taken; ~~where same are legal game;~~

1. ~~During~~ an archery season opening 49 days prior to the first day of the antlered deer season and closing 29 days thereafter in Zones A, B and C and opening 33 days prior to the first day of the antlered deer season and closing 32 days thereafter in Zone D except that turkey may not be taken in Holmes County.

2. During a crossbow season opening 49 days prior to the first day of the antlered deer season and closing 34 days thereafter in Zones A, B and C and opening 33 days prior to the first day of the antlered deer season and closing 32 days thereafter and reopening 4 days after the fourth Thursday in November and closing 4 days thereafter in Zone D except that turkey may not be taken in Holmes County and antlerless deer deer may not be taken during each zone's last 5 days.

(h) Notwithstanding the provisions of paragraphs (2)(a), (b), (c), (d), (e), and (~~g~~)(~~h~~), antlered deer, gobblers or bearded turkeys, gray squirrel and quail may be taken:

1. ~~During a crossbow season opening 19 days prior to the first day of the antlered deer season and closing 4 days thereafter in Zones A, B and C and opening 4 days after the fourth Thursday in November and closing 4 days thereafter in Zone D except that turkey may not be taken in Holmes County.~~

2. through 3. renumbered 1. through 2. No change.

(3) Issuance of antlerless deer permits to landowners – Antlerless deer may be taken under permit from the executive director during the crossbow (last 5 days), muzzleloading gun, and antlered deer seasons in accordance with the following:

(a) through (d) No change.

PROPOSED EFFECTIVE DATE: January 1, 2011

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 8-1-79, Amended 5-19-80, 6-4-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-13.04, Amended 6-1-86, 5-10-87, 6-8-87, 5-1-88, 7-1-89, 7-1-90, 7-1-91, 7-1-92, 7-1-93, 3-1-94, 7-1-94, 7-1-96, 10-28-97, 4-27-98, 12-28-98, Formerly 39-13.004, Amended 7-1-01, 5-13-02, 10-16-02, 7-1-05, 7-1-06, 7-1-08, 7-1-10, 1-1-11.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 11, 2009

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF STATE

Division of Elections

RULE NO.:	RULE TITLE:
1S-2.0001	Designation of Division of Elections as Filing Office for Department of State

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 32, August 13, 2010 issue of the Florida Administrative Weekly.

Based upon written comments received from a supervisor of elections, the following changes have been made to the candidate loyalty oath forms, except those for write-in candidates, which are incorporated by reference in this rule. The forms now include a space for candidates to provide a phonetic spelling of their names for use on audio ballots for persons with disabilities and a second page provides a pronunciation guide which candidates may use in writing their names phonetically. The revised forms are located on the Division of Elections' webpage at <http://election.dos.state.fl.us/rules/proposed-rules/index.shtml>.

DEPARTMENT OF STATE

Division of Elections

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

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 32, August 13, 2010 issue of the Florida Administrative Weekly.

The following changes have been made in response to written comments made by a voting systems software vendor and a staff member in the Division of Elections.

1. Subsection (3)(b) has been changed to read:

(b) Form DS-DE 104 must be reproduced for use by candidates in its exact wording and format without any changes in its text or format, except the DS-DE 104 may be reduced or enlarged proportionally in size as a whole document. Candidates may have the DS-DE 104 translated into a minority language if the format of the form and its blank entries remain the same. If a translated version is made, the DS-DE 104 may be made into a two-sided form with one side in English and the other side in a minority language; however, a voter shall complete only one side of the form. If both sides

should be completed, the supervisor of elections to whom the DS-DE 104 is submitted shall verify only the signature on the English side of the form.

2. Subsection (5)(e) has been added to read:

(e) A signature on a candidate petition form shall not be counted toward the number of signatures required if the voter has previously signed a candidate petition form for the same candidate for the same office in the same election that had been verified as valid.

3. Subparagraph numbering in subsections (3) and (5) has been corrected.

**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

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-63.400	Purpose and Policy
40E-63.401	Scope of Program
40E-63.402	Definitions
40E-63.404	Forms, Instructions and References
40E-63.406	Delegation
40E-63.415	No Notice General Permits
40E-63.420	BMP Plan Pre-approvals
40E-63.430	General Permit Applications
40E-63.435	BMP Plans
40E-63.437	Alternative BMP Plans
40E-63.438	Early Implementation of Water Quality Improvement Activities
40E-63.439	Permit Modifications, Transfers and Renewals
40E-63.441	Permit Duration
40E-63.443	Permit Application Processing Fees
40E-63.444	Limiting Conditions for General Permits in the C-139 Basin
40E-63.446	C-139 Basin Compliance
40E-63.461	C-139 Basin Permit Compliance
40E-63.462	Permit Basin Discharge Monitoring Program
40E-63.464	Limiting Conditions for the Permit Basin Discharge Monitoring Program

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 26, July 2, 2010 issue of the Florida Administrative Weekly. Changes made to the materials incorporated by reference throughout this part of

Chapter 40E-63, F.A.C., are available online at www.sfwmd.gov or by contacting Carmela Bedregal, Section Leader, Everglades Regulation Division, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 2737 or (561)682-2737, email: cbedrega@sfwmd.gov.

40E-63.400 Purpose and Policy.

(1) through (2) No change.

(3) The objectives of this part of Chapter 40E-63, F.A.C., are as follows:

(a) No change.

(b) To provide a water quality monitoring program, performance measures and a compliance methodology to evaluate the effectiveness of the BMP program in reducing ~~phosphorus~~ phosphorus discharges;

(c) To establish a BMP compliance verification and enforcement program to ensure that phosphorus discharges from the basin do not exceed historic levels, based upon water quality monitoring data from the period October 1, 1978 to September 30, 1988, in accordance with Chapter 40E-63, F.A.C., Appendix B2, “C-139 Basin Performance Measure Compliance Methodology”, dated _____; and

(d) No change.

(4) No change.

(5) The BMP implementation requirements, performance measures and compliance methodology established in this part of Chapter 40E-63, F.A.C., pertain to phosphorus only. Should regulation of other nutrients or constituents be required to meet statutory requirements, including water quality standards, the District shall initiate rulemaking pursuant to Chapter 120, F.S.

~~(6)(5)~~ Unless otherwise provided by this part of Chapter 40E-63, F.A.C., nothing herein shall be construed to modify any existing state water quality standards, nor to otherwise restrict the authority granted to the District pursuant to Chapter 373, F.S.

~~(7)(6)~~ Section 403.067(7)(c)2., F.S., authorizes the Florida Department of Agriculture and Consumer Services (FDACS) to develop and adopt BMPs by rule ~~and assist with their implementation.~~

~~(8)(7)~~ The District’s sub-basin monitoring and maintenance program for data collection, performance measure assessment, and determination of when water quality improvement activities are required, as described in paragraphs 40E-63.446(2), (3)(a), (3)(e), and (4), F.A.C., ~~and~~ Appendices B3.1 and B3.2 (which are incorporated by reference in ~~paragraph subsection 40E-63.446(2)(a), 40E-62.404(7) and (8);~~ F.A.C.), ~~and~~ are an inseparable component of this part of Chapter 40E-63, F.A.C., for ensuring that landowners are responsible for their proportional share of phosphorus load discharged from the C-139 Basin. If these provisions are declared invalid, the District shall initiate rulemaking pursuant

to Chapter 120, F.S., to revise this part of Chapter 40E-63, F.A.C., to ensure that the proportional share objectives of the EFA, Section 373.4592(4)(f), F.S., are met.

Rulemaking Authority 373.044, ~~373.083, 373.085, 373.086,~~ 373.113, 373.4592 FS. Law Implemented ~~373.016, 373.085, 373.086, 373.451, 373.453,~~ 373.4592(4)(f) FS. History–New 1-24-02, Amended _____.

40E-63.401 Scope of Program.

(1) through (4) No change.

Rulemaking Authority 373.044, ~~373.083, 373.085, 373.086,~~ 373.113, 373.4592 FS. Law Implemented ~~373.016, 373.085, 373.086, 373.451, 373.453,~~ 373.4592(4)(f) FS. History–New 1-24-02, Amended _____.

(Substantial rewording of Rule 40E-63.402 follows. See Florida Administrative Code for present text.)

40E-63.402 Definitions.

(1) “Best Management Practice (BMP)” means a practice or combination of practices determined by the District, in cooperation with the Department of Environmental Protection (Department) and FDACS, based on research, field testing, and expert review, to be the most effective and practicable on-location means, including economical and technological considerations, of improving water quality in agricultural and urban discharges to a level that balances water quality improvements, and agricultural productivity, as applicable.

(2) No change.

(3) “BMP equivalent point” means the numerical value assigned to a BMP as provided in Appendix B1 (incorporated by reference in subsection ~~40E-63.435(1), 40E-63.404(3),~~ F.A.C.). The points are used for regulatory permit review to ensure a comparable level of effort in BMP implementation among permittees. The points are an indication of relative BMP effectiveness. The points were ~~are~~ based on expert review, technical publications, best professional judgment, and cooperative workshops with stakeholders.

(4) No change.

(5) “Demonstration project” means an investigation based on technical information to evaluate the feasibility and effectiveness of best management practices techniques offering phosphorus reduction ~~and financial~~ benefits. Criteria to be considered by the District for review are described in subsection 40E-63.437(3) and Rule ~~40E-63.438 40E-63.438,~~ F.A.C.

(6) through (12) No change.

(13) “Verification plan” means a water quality monitoring program to verify the expected effectiveness of a BMP Plan or proposed water quality improvement activities in accordance with subsection ~~40E-63.461(4) 40E-63.460(4),~~ F.A.C.

(14) through (15) No change.

(16) "Water quality improvement activities" means a combination of modifications to a BMP Plan proposed by a permittee to meet the required total phosphorus reduction requirements of Appendix B3.2.(incorporated by reference in paragraph subsection 40E-63.446(2)(a), 40E-63.404(8), F.A.C.). Improvement activities may include revising implementation methods to increase the effectiveness of existing BMPs or implementing additional BMPs.

(17) No change.

Rulemaking Authority 373.044, ~~373.083, 373.085, 373.086~~, 373.113, 373.4592 FS. Law Implemented 373.016, 373.085, 373.086, 373.451, 373.453, 373.4592(4)(f) FS. History–New 1-24-02, Amended _____.

40E-63.404 ~~Incorporation of~~ Forms, Instructions and References.

The documents listed in subsections (1) through ~~(9)(8)~~ are hereby incorporated throughout this part of Chapter 40E-63, F.A.C., by reference, and are available on the District's website (www.sfwmd.gov), or from the District's Clerk's Office at 3301 Gun Club Road, West Palm Beach, FL 33406, (561)686-8800, upon request.

(1) through (9) No change.

Rulemaking Authority 373.044, ~~373.083, 373.085, 373.086~~, 373.113, 373.4592, FS. Law Implemented 373.016, 373.085, 373.086, 373.451, 373.453, 373.4592(4)(f) FS. History–New 1-24-02, Amended _____.

40E-63.406 Delegation.

(1) The Governing Board delegates to and appoints the Executive Director and his or her designated agents to review and take final action on BMP Plan pre-approvals and applications for permits issued under Chapter 40E-63, F.A.C., including the addition of special conditions as necessary to implement the requirements of Chapter 40E-63, F.A.C., and the Everglades Forever Act, Section 373.4592, F.S., and other applicable provisions of Chapters 373 and 403, F.S., except when the staff recommendation is for denial of such applications.

(2) No change.

Rulemaking Authority 373.044, ~~373.083, 373.085, 373.086~~, 373.113, 373.4592 FS. Law Implemented 373.016, 373.085, 373.086, 373.451, 373.453, 373.4592(4)(f) FS. History–New 1-24-02, Amended _____.

40E-63.415 No Notice General Permits.

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

(c) The following BMPs are implemented by the landowner, lessees, and operators, if applicable, and the property must be made available for inspection by District staff or other delegated agents within 14 days after written notice:

1. Phosphorus is only applied to correct phosphorus deficiencies based on soil testing or tissue testing, or for turf and landscape areas, phosphorus is only applied to meet initial

establishment and growth needs (fertilizer composition less than 2% for an application rate not to exceed 0.25 lbs P₂O₅/1000 ft² per application, nor exceed 0.50 lbs P₂O₅/1000 ft² per year).

2. through 4. No change.

(2) through (4) No change.

(5) Notwithstanding the foregoing, the District shall require the submission of applications for General Permits from No Notice General Permit holders if the District determines that the property exceeds its proportional share of phosphorus loading based on representative water quality data for the property, as determined in Appendix B3.1.(incorporated by reference in paragraph subsection 40E-63.446(2)(a), 40E-63.404(7), F.A.C.). Notice of the requirement shall be provided to parcel owners in writing. Applications for new General Permits shall be submitted to the District within 45 days from the date of the notice.

Rulemaking Authority 373.044, ~~373.083, 373.085, 373.086~~, 373.113, 373.4592 FS. Law Implemented 373.016, 373.085, 373.086, 373.451, 373.453, 373.4592(4)(f) FS. History–New 1-24-02, Amended _____.

40E-63.420 BMP Plan Pre-approvals.

(1) For entities required to obtain a General Permit, a BMP Plan shall be submitted to the District within 30 days after the effective date of this part of Chapter 40E-63, F.A.C. Failure to provide a complete BMP Plan within 30 days from the effective date of this part of Chapter 40E-63, F.A.C., shall not justify a corresponding delay for full implementation of the approved BMP Plan as described in subsection 40E-63.420(2), F.A.C., and will result in enforcement action pursuant to Rule ~~40E-63.461, 40E-63.460~~, F.A.C.

(2) No change.

(3) In order to assure that the schedule mandated by subsection 40E-63.420(2), F.A.C., is met, the District ~~will may~~ pre-approve a BMP Plan by letter, as long as the BMP Plan is complete and meets the criteria required under Rules 40E-63.435 or 40E-63.437, F.A.C., as applicable. The District will attempt to make a final determination on the BMP Plan within 10 days of receipt of a complete plan and the applicant shall begin implementation in accordance with the approved implementation schedule.

Rulemaking Authority 373.044, ~~373.083, 373.085, 373.086~~, 373.113, 373.4592 FS. Law Implemented 373.016, 373.085, 373.086, 373.451, 373.453, 373.4592(4)(f) FS. History–New 1-24-02, Amended _____.

40E-63.430 General Permit Applications.

(1) No change.

(2) Within 45 days after the effective date of this part of Chapter 40E-63, F.A.C., applications for new General Permits or General Permit Renewals shall be submitted to the District. Applicants shall use Form 1045, dated _____, and the

“Guidebook for Preparing an Application for a C-139 Basin Pollutant Source Control Permit” (“Guidebook”), dated _____, (incorporated by reference herein in subsection 40E-63.404(1), F.A.C.), or the equivalent electronic permitting application (e-permitting) tool, with all required supporting documentation. Copies of Form 1045 and the Guidebook are available on the District’s website (www.sfwmd.gov), or from the District’s Clerk’s Office at 3301 Gun Club Road, West Palm Beach, FL 33406, (561)686-8800, upon request.

(3) through (5) No change.

Rulemaking Authority 373.044, ~~373.083, 373.085, 373.086~~, 373.113, 373.4592 FS. Law Implemented ~~373.016, 373.085, 373.086, 373.451, 373.453~~, 373.4592(4)(f) FS. History–New 1-24-02, Amended _____.

40E-63.435 BMP Plans.

In order to obtain a General Permit, applicants shall submit a BMP Plan that includes a multi-level approach to implementation and operation ~~including the following:~~ for each crop or land use within each permit basin. A BMP Plan shall take into account site-specific conditions, potential phosphorus sources, primary phosphorus species, and transport mechanisms based on available data; and ensure that a thorough approach to implementation and maintenance will be implemented. If a water management system is shared by multiple operating entities, each entity shall submit a separate BMP Plan for their land but the water management operational plan shall be consistent. The BMP Plan shall include the following:

(1) A description of a BMP Plan, including specific methods for implementation and maintenance, based on the BMPs described in “Appendix B1, BMP Description and Equivalent Points Reference Table”, dated _____, (incorporated by reference herein in subsection 40E-63.404(3), F.A.C.). To ensure that approved BMP plans have a comparable level of effort among permittees, the BMP Plan shall propose a minimum of 35 BMP equivalent points. A copy of Appendix B1 is available on the District’s website (www.sfwmd.gov), or from the District’s Clerk’s Office at 3301 Gun Club Road, West Palm Beach, FL 33406, (561)686-8800, upon request.

(2) Of the 35 BMP equivalent points, a minimum of 20 BMP equivalent points shall meet the following criteria:

(a) A minimum of 10 BMP equivalent points in nutrient control practices

(b) A minimum of 5 BMP equivalent points in water management practices

(c) A minimum of 5 BMP equivalent points in particulate matter and sediment control practices. Pasture management BMPs, as described in Appendix B1 (incorporated by reference in subsection ~~40E-63.435(1), 40E-63.404(3)~~, F.A.C.), can provide equivalent points towards this category, if applicable.

(3) If at the time a BMP Plan is proposed for approval, the District has previously determined the C-139 Basin to be out compliance, and the permit basin has an approved BMP Plan including water quality improvement activities, the proposed BMP Plan shall include continuation of the approved BMP Plan and water quality improvement activities; or propose an equivalent alternative for District consideration. The applicant shall provide reasonable assurance that the alternative contains the equivalent or greater phosphorus reduction effectiveness of the approved BMP Plan and water quality improvement activities. The proposal must provide the basis that the BMP Plan and water quality improvement activities would have met the criteria indicated in subsections ~~40E-63.461(3) and (4) 40E-63.460(3), and (4)~~, F.A.C., as applicable, for the years when the C-139 Basin was determined by the District to be out of compliance and water quality improvement activities were required.

(4) No change.

(5) A description of records and documentation to be maintained on-site or at a suitable location that is readily available for District review. The records and documentation shall be sufficient to verify BMP implementation, maintenance, and training, as described in the post-permit compliance section, Appendix C of the Guidebook (incorporated by reference in subsection ~~40E-63.430(2) 40E-63.404(2)~~, F.A.C.), on the form entitled “C-139 Basin Annual Report – Certification of BMP Implementation”.

(6) No change.

Rulemaking Authority 373.044, ~~373.083, 373.085, 373.086~~, 373.113, 373.4592 FS. Law Implemented ~~373.016, 373.085, 373.086, 373.451, 373.453~~, 373.4592(4)(f) FS. History–New _____,

See Rule 40E-63.442, F.A.C.

40E-63.437 Alternative BMP Plans.

Applicants who propose to satisfy the water quality requirements of this part of Chapter 40E-63, F.A.C., by employing a BMP Plan other than those described in subsections 40E-63.435(1) and (2), F.A.C., may seek approval for an equivalent alternative through the District permit process. The applicant shall provide reasonable assurance, through the information required below and the requirements indicated in subsections ~~40E-63.435(3), (4), (5), and (6)~~, F.A.C., that the alternative contains the equivalent or greater phosphorus reduction effectiveness of a 35-point BMP Plan. A BMP Plan shall take into account site-specific conditions, potential phosphorus sources, primary phosphorus species, and transport mechanisms; and ensure that a thorough approach to implementation and maintenance will be implemented. In order to seek approval of an alternative BMP Plan, applicants must submit the information specified for the applicable alternative as part of the permit application process.

(1) Alternative Type BMP. If an application proposes BMPs not listed in Appendix B1 (incorporated by reference in subsection ~~40E-63.404(3)~~, F.A.C.), ~~as required in subsection 40E-63.435(1)~~, F.A.C., the application shall also include the following information for District approval:

(a) through (d) No change.

(e) Technical basis for the reduction effectiveness of the proposed BMP. The applicant ~~shall~~ ~~may~~ be required to demonstrate effectiveness through a proposed monitoring program or through representative technical references including modeling approved by the District. If approved, the District will determine the appropriate BMP equivalent point credit consistent with Appendix B1 (incorporated by reference in subsection ~~40E-63.435(1)~~ ~~40E-63.404(3)~~, F.A.C.).

(2) Alternative BMP Points per Category. If the BMP Plan does not meet the minimum number of equivalent points per BMP category as required in subsection 40E-63.435(2), F.A.C., the application shall include a site assessment demonstrating that an alternative BMP Plan will provide an equivalent or greater reduction effectiveness than using the standard approach.

The site assessment shall evaluate phosphorus imports and transport in discharges; current BMPs and implementation methods; other activities for which practices not covered under BMPs are not being implemented; (e.g., grazing, irrigation, ~~nutrient and water management~~); and representative water quality and soil data. Water quality data that can be used for the assessment include those available from the District sub-basin or synoptic (grab) monitoring programs, or properly collected grab samples using field kits of adequate precision by the applicant.

(3) No change.

(a) through (c) No change.

(d) BMP equivalent points shall be initially determined by the District prior to issuance of a permit based on the BMP equivalent points established in Appendix B1 (incorporated by reference in subsection ~~40E-63.435(1)~~ ~~40E-63.404(3)~~, F.A.C.). Additional BMP equivalent points ~~will~~ ~~may~~ be approved by the District, if the applicant provides reasonable assurance through plans, test results, water quality data or other information, that the BMP project will demonstrate improvement in phosphorus removal efficiency in comparison to standard BMP implementation methods.

(e) Once the demonstration project is complete and a final report is submitted in accordance with the approved scope, the permittee shall submit a Letter Modification application requesting that the approved BMP Plan be modified to incorporate the BMP or water quality improvement activity if the District determines that they were successfully developed under the project. The application shall include the information described under Rules 40E-63.430, 40E-63.435, and 40E-63.437, F.A.C., as applicable, and shall describe how the report recommendations for BMP implementation will apply to

the applicable crops or land uses for District review. The District shall review the BMP equivalent points initially assigned and ~~will~~ ~~may~~ adjust them based on the reported phosphorus reduction levels and approved methods for implementation of the proposed BMP or water quality improvement activity. If the permittee decides that the BMP resulting from the demonstration project is not to be proposed for continued implementation, the permittee is required to submit a permit modification proposing a BMP Plan, as described in Rule 40E-63.435 or 40E-63.437, F.A.C., as applicable. The application for modification of the approved BMP Plan shall be submitted no later than 30 days after the project completion date pursuant to the District-approved scope.

Rulemaking Authority 373.044, ~~373.083~~, ~~373.085~~, ~~373.086~~, 373.113, 373.4592 FS. Law Implemented ~~373.016~~, 373.085, ~~373.086~~, ~~373.451~~, ~~373.453~~, 373.4592(4)(f) FS. History—New_____.

40E-63.438 Early Implementation of Water Quality Improvement Activities.

An applicant may request approval for early implementation by opting to submit a proposal for voluntary implementation of additional BMPs (early BMPs), or a voluntary demonstration project that includes a BMP performance verification plan. ~~Based on this early implementation, applicants may qualify for deferral from water quality improvement activities if the C-139 Basin is determined out of compliance in the future.~~ Applicants electing these approaches must submit for District review the following:

(1) Either proposal shall be submitted together with an application for a new permit, permit renewal, or as a Letter Modification.

(a) For optional early BMPs the application shall provide information for meeting the criteria below:

1. A description of the BMP or group of BMPs (early BMPs) that are proposed in addition to those required by rule at the time of application (Rule 40E-63.435 or subsection ~~40E-63.461(3)~~ ~~40E-63.460(3)~~, F.A.C., as applicable.) The proposal shall include the specific methods for implementation and maintenance of the early BMPs.

2. The proposal shall provide reasonable assurance through technical documentation, and the requirements indicated in subsections 40E-63.435(4) and (5), F.A.C., that the combined effect of the optional early BMPs and rule-required BMPs will ensure a phosphorus loading reduction for the identified permit basin or parcels sufficient for the C-139 Basin to consistently achieve ~~compliance with the performance measure's t~~Target, as described in Appendix B2 (incorporated by reference in subsection ~~40E-63.446(1)~~, ~~40E-63.404(4)~~ F.A.C.). The District will review whether the proposed loading reduction levels would be conducive to meeting the ~~t~~Target Unit Area Load (UAL) based on the most recent five years of water quality data.

3. The proposal shall include an implementation schedule. ~~To qualify for deferral, District approved early BMPs shall be fully implemented during the water year for which the deferral can be applied.~~

(b) For voluntary demonstration projects, the application shall propose a BMP or water quality improvement measure demonstration project that meets the following:

1. Complies with the criteria described under ~~paragraph section~~ 40E-63.437(3)(a), F.A.C.,

2. Projects estimated phosphorus reductions based on available technical references, and

3. Proposes a verification plan through a Permit Discharge Monitoring Program to confirm and quantify the estimated phosphorus reductions. The verification plan shall meet the criteria described in subsection ~~40E-63.460(4)~~ ~~40E-63.460(4)~~, F.A.C.

(2) Upon District approval of the voluntary early BMP implementation project or demonstration project with a verification plan, the permittee will be subject to the BMP reporting and verification requirements of this Chapter for those voluntary initiatives, as described in permit conditions. Permittees cannot be deemed out of compliance solely for failure to implement the early initiatives, however, ~~the District will deem the permittee cannot qualify with the conditions of paragraphs 40E-63.446(2)(b) and 40E-63.446(2)(c) unless unable to claim a deferral if:~~

1. The early BMPs are implemented.

~~2.~~ Reporting and verification requirements for the voluntary early implementation projects are ~~not~~ met, as determined by the District, and

~~3.~~ The permittee is ~~not~~ in compliance with the BMP Plan required by the permit.

~~(3) Early implementation plans that are approved to provide deferral from additional water quality improvement activities for a water year shall become permit requirements and lose their optional status.~~

Rulemaking Authority 373.044, ~~373.083, 373.085, 373.086~~, 373.113, 373.4592 FS. Law Implemented ~~373.016, 373.085, 373.086, 373.451, 373.453, 373.4592(4)(f)~~ FS. History–New _____.

40E-63.439 Permit Modifications, Transfers and Renewals.

(1) Applicants for permit modifications, transfers and renewals must use the appropriate Sections of Form 1045 (incorporated by reference in subsection ~~40E-63.430(2)~~ ~~40E-63.404(1)~~, F.A.C.), or equivalent electronic permitting application (e-permitting) tool.

(2) Modifications and Letter Modifications: Letter modifications are applicable for requesting approval for demonstration or verification plan projects for phosphorus reduction under Rule 40E-63.437, F.A.C., for early implementation of water quality improvement activities under Rule 40E-63.438, F.A.C., for implementing or modifying a

voluntary Permit Basin Discharge Monitoring Program under Rule 40E-63.462, F.A.C., and for water quality improvement activities in accordance with subsection ~~40E-63.461(3) or (4)~~ ~~40E-63.460(3) or (4)~~, F.A.C., if the C-139 Basin is determined to be out of compliance with the water quality requirements of this part of Chapter 40E-63, F.A.C., pursuant to Rule 40E-63.446, F.A.C. Applications for modifications are applicable to any other changes except for clerical changes as indicated in subsection 40E-63.443(3), F.A.C.

A permittee may apply for a modification or a letter modification to an existing General Permit issued under this part of Chapter 40E-63, F.A.C., unless the permit has expired or has been otherwise revoked or suspended. An application for modification or letter modification will not be processed as a complete application if the permit is not in compliance with applicable permit conditions, unless the permit modification is required to bring the permit into compliance. Modifications and letter modifications will be evaluated based on the criteria in effect at the time that the application to modify is submitted. Applications for permit modifications and letter modifications shall be subject to the following requirements and limitations:

(a) through (b) No change.

(3) Transfers: A permittee shall notify the District within ~~30~~ ~~90~~ days after any transfer, sale or conveyance of land or works permitted under this part of Chapter 40E-63, F.A.C., to allow time for processing the application. The permittee remains responsible for the requirements of the permit until the permit is transferred or closed at the request of the permit holder at the time the property is sold. A permittee or transferee may apply for a permit transfer, conveying responsibility for permit compliance. If an application for permit transfer is not received ~~within 90 days after the sale or conveyance of the property~~, the permit will become nontransferable and the transferee will be required to apply for a new permit. Permit transfers shall be subject to the following requirements and limitations:

(a) through (c) No change.

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

Rulemaking Authority 373.044, ~~373.083, 373.085, 373.086~~, 373.113, 373.4592 FS. Law Implemented ~~373.016, 373.085, 373.086, 373.451, 373.453, 373.4592(4)(f)~~ FS. History–New 1-24-02, Amended 6-20-07, _____.

See Rule 40E-63.432, F.A.C.

40E-63.441 Permit Duration.

Pursuant to the EFA, Section 373.4592(4)(f)2., F.S., permit renewals issued pursuant to this part of Chapter 40E-63, F.A.C., are valid for a 5-year term, beginning 90 days after the effective date of this rule amendment. Subsequent permit renewals are effective for 5-year renewal cycles from the previous expiration date, unless:

(1) No change.

(2) The permit is otherwise modified by enforcement actions pursuant to subsection ~~of~~ (40E-63.461(1) 40E-63.460(1), F.A.C.;

(3) through (7) No change.

Rulemaking Authority 373.044, ~~373.083, 373.085, 373.086~~, 373.113, 373.4592 FS. Law Implemented 373.016, 373.085, 373.086, 373.451, 373.453, 373.4592(4)(f) FS. History–New _____.

See Rule 40E-63.434, F.A.C.

40E-63.443 Permit Application Processing Fees.

(1) through (4) No change.

Rulemaking Authority 373.016, 373.044, ~~373.083, 373.085, 373.086~~, 373.113, 373.4592, FS. Law Implemented 373.016, 373.085, 373.086, 373.109, 373.451, 373.453, 373.4592(4)(f) FS. History–New _____.

See Rule 40E-63.436, F.A.C.

40E-63.444 Limiting Conditions for General Permits in the C-139 Basin.

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

(c) The permittee shall submit to the District an annual report certifying BMP implementation in accordance with the permit. The report is due February 1 of each year. Failure to submit the report by February 1, will result in onsite verification of BMP implementation by District staff and the requirement for the permittee to submit a detailed report documenting implementation of each BMP in the approved BMP Plan for the previous calendar year. Failure to submit the required annual report by April 30 of each year may result in revocation of the General Permit. The notification will be sent by certified mail and indicate that the permit will be revoked within 30 days after the date of the certified mailing unless the annual report is received within those 30 days. If the permit is revoked, the permittee shall be required to apply for a new General Permit and shall be subject to enforcement under subsection 40E-63.461(1) 40E-63.460(1), F.A.C. The new permit will include special conditions requiring that documentation certifying BMP implementation is submitted quarterly, at a minimum.

(d) through (e) No change.

(f) The permittee shall notify the District in writing within ~~30~~ 90 days of any transfer, sale or conveyance of land or works described in the permit.

(g) through (l) No change.

(m) The C-139 Basin is required to achieve compliance with the phosphorus load limitation requirement and performance measures as specified in Appendix B2 (incorporated by reference in subsection 40E-64.446(1) 40E-63.404(4), F.A.C.).

(n) through (p) No change.

(q) If the District determines that any permittee in a General Permit is not complying with the specific terms and conditions of the General Permit, or the water quality performance measures (including proportional share, in accordance with Chapter 40E-63, F.A.C.), the District will institute enforcement or corrective proceedings against the permittee, any co-permittees, or both, as applicable pursuant to Rules 40E-63.446 40E-63.450 and 40E-63.461 40E-63.460, F.A.C.

(r) Authorizations from other agencies for disposal or application of wastewater residuals (biosolids), animal manure, solid waste, fill material, or other materials containing phosphorus within the C-139 Basin, shall not relieve permittees from complying with the provisions of this Rule. Permittees will ~~Water quality monitoring data may~~ be required by the District to demonstrate no potential impacts on phosphorus loading.

(s) The permitted discharge shall not cause adverse water quality impacts ~~to~~ of receiving water and adjacent lands regulated by Chapter 373, F.S.

(t) through (u) No change.

Rulemaking Authority 373.044, ~~373.083, 373.085, 373.086~~, 373.113, 373.4592 FS. Law Implemented 373.016, 373.085, 373.086, 373.423, 373.451, 373.453, 373.4592(4)(f) FS. History–New 1-24-02, Amended _____.

40E-63.446 C-139 Basin Compliance.

(1) If the C-139 Basin is determined to not meet the performance measures developed in accordance with “Appendix B2, C-139 Basin Performance Measure Methodology”, dated _____, Appendix B2.1 “FORTRAN Program for Calculating C-139 Basin Flows and Phosphorus Loads”, and Appendix B2.2 “Flow Computation Methods Used to Calculate C-139 Basin Flows” (incorporated by reference ~~herein in subsection 40E-63.404(4)~~, F.A.C.), the basin as a whole will be deemed out of compliance with the water quality requirements of this part of Chapter 40E-63, F.A.C. Copies A copy of Appendix B2, B2.1 and B2.2 are available on the District’s website (www.sfwm.d.gov), or from the District’s Clerk’s Office at 3301 Gun Club Road, West Palm Beach, FL 33406, (561)686-8800, upon request.

(2) If the C-139 Basin is out of compliance, water quality improvement activities will be required for permit basins except in the following situations: to achieve their proportional share of the basin wide loading phosphorus load, as indicated in Appendices B3.1, and B3.2 (incorporated by reference in subsections 40E-63.404(7) and (8), F.A.C.). Exceptions are provided below in subsection (3).

~~(3) Upon the effective date of the amendments to this part of Chapter 40E-63, F.A.C., the first water year of compliance determination for which water quality improvement activities can be required is WY2013. The requirement for water quality~~

~~improvement activities in a permit basin will be deferred for one water year if the District determines that one or more of following conditions exist:~~

(a) The permit basin is located in a sub-basin that is determined to not exceed its proportional share of the basin-wide loading based on District-collected data for the sub-basin or, if applicable, its Permit Basin Discharge Monitoring Program results are determined not to exceed the proportional share in accordance with “Appendix B3.1, Permittee Annual Phosphorus Load Determination Based on Sub-basin Monitoring and the Permit Basin Discharge Monitoring Program”, dated _____, and “Appendix B3.2, Criteria for Required Phosphorus Reductions”, dated _____, both of which are incorporated by reference herein. Copies of Appendices B3.1 and B3.2 are available on the District’s website (www.sfwmd.gov), or from the District’s Clerk’s Office at 3301 Gun Club Road, West Palm Beach, FL 33406, (561)686-8800, upon request ~~(incorporated by reference in subsection 40E-63.404(7), F.A.C.).~~

(b) District approved early BMPs, as described in paragraph subsection 40E-63.438(1)(a), F.A.C., were fully implemented in the permit basin during a water year that was used to deem the C-139 Basin out of compliance (this provision applies, providing deferral only to the parcels where the early BMPs apply),

(c) A District approved demonstration project including a verification plan, as described in paragraph subsection 40E-63.438(1)(b), F.A.C., was conducted within the permit basin during a water year that was used to deem the basin out of compliance (this provision applies, providing deferral only to the land uses or crops to which the project applies),

(d) The permit basin, or portion thereof, has been issued and meets the conditions of a determination of impracticability as described in subsection 40E-63.461(6) 40E-63.460(6), F.A.C., (this provision applies providing deferral to the lands where the determination applies), or

(e) No change.

(3) Upon the effective date of the amendments to this part of Chapter 40E-63, F.A.C., the first water year of compliance determination for which water quality improvement activities can be required is WY2013.

(4) If the C-139 Basin is deemed out of compliance, the District will evaluate BMP program performance at the sub-basin level in accordance with Appendix B3.1 (incorporated by reference in paragraph subsection 40E-63.446(2)(a) 40E-63.404(7), F.A.C.).

(5) The District will determine annual phosphorus discharge performance for permit basins that have an individual discharge monitoring plan in accordance with Appendix B3.1 (incorporated by reference in paragraph 40E-63.446(2)(a) 40E-63.404(7), F.A.C.).

(6) The District will provide written notice to the C-139 Basin permittees on the C-139 Basin compliance based upon performance measure results (Appendix B2, incorporated by reference in subsection 40E-63.446(1) 40E-63.404(4), F.A.C.), and the sub-basin and permit basin performance results (Appendix B3.1, incorporated by reference in paragraph subsection 40E-63.446(2)(a) 40E-63.404(7), F.A.C.) and whether water quality improvement activities are required. The District shall attempt to transmit the written notices by August of each year. The notices shall describe permittees’ required actions for proposing water quality improvement activities based on these assessments including required total phosphorus reduction levels in accordance with Appendix B3.2 (incorporated by reference in paragraph subsection 40E-63.446(2)(a) 40E-63.404(8), F.A.C.). These actions are described in subsection 40E-63.461(2) 40E-63.460(2), F.A.C.

(7) In accordance with Appendix B2 (incorporated by reference in subsection 40E-63.446(1) 40E-63.404(4), F.A.C.), the District shall continue collecting monitoring data from the C-139 Basin for the purpose of determining compliance.

Rulemaking Authority 373.044, ~~373.083, 373.085, 373.086, 373.113, 373.4592~~ FS. Law Implemented 373.016, 373.085, 373.086, 373.451, 373.453, 373.4592(4)(f) FS. History–New _____.

See Rule 40E-63.4610, F.A.C.

40E-63.461 C-139 Basin Permit Compliance.

(1) No change.

(2) If the C-139 Basin is determined to be out of compliance with the water quality requirements of this part of Chapter 40E-63, F.A.C., pursuant to Rule 40E-63.446 40E-63.450, F.A.C., the permittee shall propose water quality improvement activities in accordance with the following:

(a) No change.

(b) The submittal shall include a proposal for water quality improvement activities along with the estimated phosphorus reductions to be achieved in accordance with subsection 40E-63.461(3) 40E-63.460(3), F.A.C., or a verification plan in accordance with subsection 40E-63.461(4) 40E-63.460(4), F.A.C. The phosphorus reductions shall be the minimum levels necessary to meet the permit basin’s proportional share of required total phosphorus reductions as determined by the District (Appendices B3.1 and B3.2, incorporated by reference in paragraph subsection 40E-63.446(2)(a) 40E-63.404(7) and (8), F.A.C.). The proposal shall include a schedule to ensure that full implementation of an approved BMP Plan incorporating any proposed water quality improvement activities is in effect as soon as feasible and no later than April 30 following the District’s transmittal of the notice that the C-139 Basin is not in compliance, unless otherwise approved by the District. An alternate implementation schedule, will ~~may~~ be approved by the District with justification based on the scope of the proposed activities. A permittee shall be required

to implement intermediate water quality improvement activities or BMPs, as applicable, if an alternate implementation schedule is approved.

(3) No change.

(a) Include a detailed description of the proposed improvements to the approved BMP Plan in comparison to the current implementation practices. The basis for the proposed BMP improvements shall consider pre-improvement conditions (e.g., current levels of BMP implementation, pre-BMP improvement water quality data) and the parameters affecting BMP performance and total phosphorus load (site-specific conditions, phosphorus speciation, flow). If the proposal includes implementation of additional BMPs not listed in Appendix B1 (incorporated by reference in subsection ~~40E-63.435(1)~~ ~~40E-63.404(3)~~, F.A.C.), the proposal shall also include the information indicated in subsection 40E-63.437(1), F.A.C. Note that in contrast with BMP Plans, additional improvements to an approved BMP Plan do not need to be proposed for each land use or crop within a permit basin if it is demonstrated that focus on selected land uses, crops, or acreage will be sufficient to achieve the required total phosphorus reduction of the basin wide load.

(b) Indicate the expected range of percent total phosphorus removal ~~efficiency~~ resulting from the proposal as follows:

a. No change.

b. The expected or assumed total phosphorus removal efficiency shall be based on data from the most current representative technical references including peer reviewed or published BMP research and demonstration projects, with consideration of permit basin specific conditions such as identified when a site-assessment is completed pursuant to subsection 40E-63.437(2), F.A.C.

c. No change.

(c) through (d) No change.

(4) If a permittee selects to or is required to conduct a monitoring program to confirm that required total phosphorus reductions will be achieved, a permittee shall propose a verification plan in addition to the proposal for improvements to an approved BMP Plan or water quality improvement activities. All verification plan proposals shall meet the following criteria for District review and approval:

(a) through (c) No change.

(d) The tools that will be used to verify total phosphorus reduction levels such as water quality and quantity monitoring to determine total phosphorus loading pre- and post-BMP improvement and to estimate total phosphorus reduction ~~efficiency~~. Total phosphorus and phosphorus speciation data collected at the District sub-basin monitoring locations may serve as representative monitoring.

(e) No change.

(f) A schedule not to exceed three calendar years from the date of District approval of the proposal. Once the confirmatory verification is completed and a final report is

submitted in accordance with the approved scope, the permittee shall either submit a Letter Modification application in accordance with Rule 40E-63.439, F.A.C., and subsections ~~40E-63.461(2) and (3)~~ ~~40E-63.460(2) and (3)~~, F.A.C., to either:

a. through b. No change.

(5) No change.

(6) Permittees may elect to demonstrate that water quality improvement activities are impracticable. Any such request for determination of impracticability must be submitted to the District under a permit modification application. For the District to consider the application for approval, the submittal shall:

a. Specify all of the BMPs and activities that were implemented previously and provide evidence to show that no additional BMPs and activities or refinements for the reduction of phosphorus can be reasonably accomplished at the site or sites of operation.

b. Propose the expected amount of phosphorus discharge in comparison to the C-139 Basin's phosphorus load targets and limits, calculated in accordance with Appendices B3.1 and B3.2 (incorporated by reference in paragraph subsection 40E-63.446(2)(a) ~~40E-63.404(7) and (8)~~, F.A.C.), for the range of historic rainfall conditions in accordance with Appendix B2 (incorporated by reference in subsection 40E-63.446(1) ~~40E-63.404(4)~~, F.A.C.). No increasing trend in phosphorus from the property, as determined by the District, will be allowed under any scenario. The District will review the proposed performance level in reference to available representative historic data.

c. Propose a discharge monitoring plan in accordance with Rule 40E-63.462, F.A.C., to verify that the proposed performance level is met. In the event that the farm configuration is not conducive to flow collection under a discharge monitoring program, the District may consider requests or the use of alternate representative locations or monitoring for concentration only. Upon District approval of the monitoring plan, special limiting conditions (such as applicable conditions from Rule 40E-63.464, F.A.C.) will be incorporated in the permit.

d. through e. No change.

f. Determinations of impracticability will be valid until the next permit renewal cycle. Permittees shall re-apply for a permit in accordance with Rule 40E-63.439, F.A.C. A previously permitted impracticability status shall not be automatically renewed. The District will review each request as a new request. All requests shall be reviewed to verify that there have been no increasing trends in phosphorus discharges in the previous 5 years and that the proposed levels of BMP implementation are in accordance with improved BMP implementation techniques based on the latest technical information, as described in Appendix B3.2 (incorporated by reference in paragraph subsection 40E-63.446(2)(a) ~~40E-63.404(8)~~, F.A.C.).

Rulemaking Authority 373.044, ~~373.083, 373.085~~, 373.113, 373.4592 FS. Law Implemented ~~373.016, 373.085, 373.086, 373.451, 373.453, 373.4592(4)(f)~~ FS. History–New 1-24-02, Amended _____.

See Rule 40E-63.470, F.A.C.

40E-63.462 Permit Basin Discharge Monitoring Program.

(1) In addition to implementing an approved BMP Plan, permittees may elect or be required to participate in a discharge monitoring program pursuant to Rules 40E-63.437, 40E-63.438, paragraph ~~40E-63.444(1)(r)~~ ~~40E-63.449(1)(e)~~, subsection ~~40E-63.461(4)~~ ~~40E-63.460(4)~~ or ~~40E-63.461(6)~~, ~~40E-63.460(6)~~ F.A.C., and be subject to:

(a) For permittees electing a discharge monitoring program or permittees required to implement a monitoring program pursuant to subsection ~~40E-63.461(6)~~, ~~40E-63.460(6)~~, F.A.C.: alternative, site-specific evaluations of compliance with phosphorus load targets and limits for the areas represented by the monitoring plan when the C-139 Basin is collectively determined to be out of compliance in accordance with Chapter 40E-63, F.A.C., Appendix B2 (incorporated by reference in subsection ~~40E-63.446(1)~~ ~~40E-63.460(6)~~, F.A.C.); and

(b) Compliance with permit conditions in accordance with Rule ~~40E-63.464~~ ~~40E-63.444~~, F.A.C.

(2) To implement a discharge monitoring program, permittees must submit a permit application with the following information:

(a) No change.

(b) All flow quantity discharge from the property shall be calculated using a proposed method by a Florida-Registered Professional Engineer in a flow calibration report approved by the District. A calibration report shall be required for each pump, culvert or other discharge structure. Uncontrolled off-site discharges, such as overland sheet flow, shall also be quantified in the report. Each calibration report shall contain, at a minimum: data collection methodology, instrumentation and procedures; the actual field data collected; the basis for the full operating range represented by the data; the methodology for development of the calibration equation; operational information needed to calculate flow with a temporary backup methodology to be used if the primary equipment becomes inoperable; and the final calibration equation and primary method for calculating the flow. A plan that includes the items specified in the “Flow Calibration Guidelines Developed in Support of Chapter 40E-63, F.A.C. Everglades BMP Permit Program” (incorporated by reference in ~~paragraph subsection~~ ~~40E-63.462(2)(d)~~ ~~40E-63.404(9)~~, F.A.C.), generally provides reasonable assurance that methods to measure water quantity will be reasonably accurate, however, other alternatives may be proposed by the applicant and authorized by the District;

(c) No change.

(d) Other site specific information required by Appendix B3.1, (incorporated by reference in ~~paragraph subsection~~ ~~40E-63.446(2)(a)~~ ~~40E-63.404(7)~~, F.A.C.).

Rulemaking Authority 373.044, ~~373.083, 373.085, 373.086~~, 373.113, 373.4592 FS. Law Implemented ~~373.016, 373.085, 373.086, 373.451, 373.453, 373.4592(4)(f)~~ FS. History–New _____.

See Rule 40E-63.456, F.A.C.

40E-63.464 Limiting Conditions for the Permit Basin Discharge Monitoring Program.

For those applicants proposing to implement the Permit Basin Discharge Monitoring Program, the District-approved monitoring plan will be incorporated into a modified ~~an amended~~ General Permit and the following limiting conditions shall be met in addition to the conditions indicated in Rule 40E-63.444, F.A.C. These limiting conditions will be attached to the General Permit.

(1) through (12) No change.

Rulemaking Authority 373.044, ~~373.083, 373.085, 373.086~~, 373.113, 373.4592 FS. Law Implemented ~~373.016, 373.085, 373.086, 373.451, 373.453, 373.4592(4)(f)~~ FS. History–New 1-24-02, Formerly 40E-63.458, Amended _____.

See Rule 40E-63.458, F.A.C.

AGENCY FOR HEALTH CARE ADMINISTRATION

Cost Management and Control

RULE NOS.:	RULE TITLES:
59B-9.034	Reporting Instructions
59B-9.038	Ambulatory Data Elements, Codes and Standards

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 35, September 3, 2010 issue of the Florida Administrative Weekly.

The correction is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee on September 10, 2010 to correct subsection numbering.

59B-9.034 Reporting Instructions.

(1) Ambulatory Surgical centers shall report data for:

(a) through (c) No change.

(d) Report one record for each visit, except pre-operation visits may be combined with the record of the associated ambulatory surgery visit. See subsection 59B-9.031(11), F.A.C.

Proposed Effective Date 7-1-2011

Rulemaking Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063, 408.07, 408.08, 408.15(11) FS. History–New 1-1-10, Amended 7-1-11.

Editorial note: see former Rule 59B-9.011.

The correction is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee on September 10, 2010 to properly code.

59B-9.038 Ambulatory Data Elements, Codes and Standards.

(1) No change.

(2) Patient Control Number. An alpha-numeric code containing standard letters or numbers assigned by the facility as a unique identifier for each record submitted in the reporting period to facilitate retrieval of individual's account of services (accounts receivable) containing the financial billing records and any postings of payment. The 'Patient Control Number' is defined as 'Record id' in the schema. Up to twenty four (24) characters. ~~A required field.~~ Duplicate patient control numbers are not permitted. The facility must maintain a key list to locate actual records upon request by AHCA. A required field.

(3) through (9) No change.

(10) Patient Country Code. The country code of residence. A two (2) digit upper case alpha code from the Code for Representation of Names of Countries, ISO 3166 or latest release. ~~A required entry for type of service "2".~~ Use 99 where the country of residence is unknown, or where efforts to obtain the information have been unsuccessful. ~~or if type of service is "1".~~ A required entry for type of service "2".

(11) No change.

(12) Source or Point of Origin of Admission. No change.

(a) 01 – Non-health care facility point source of origin – The patient presented to this facility for outpatient services. Includes patients coming from home, ~~physician office~~ or workplace. ~~The patient presents to this facility with an order from a physician for services or seeks scheduled services for which an order is not required. Includes non-emergent self-referrals.~~

(b) 02 – Clinic or Physician's Office. The patient presented ~~was referred~~ to this facility for outpatient services from a clinic or physician's office ~~or referenced diagnostic procedures.~~

(c) through (e) No change.

(f) ~~07 – Emergency Room.~~ ~~The patient received unscheduled services in this facility's emergency department and discharged without an inpatient admission. Includes self-referrals in emergency situations that require immediate medical attention. Excludes patients who came to the emergency room from another health care facility.~~

(g) through (k) renumbered (f) through (j) No change.

(13) No change.

(14) Principal Diagnosis Code. The code representing the diagnosis chiefly responsible for the services performed during the visit. Must contain a valid ICD-9-CM ~~or ICD-10-CM~~ diagnosis code if type of service is "1" indicating ambulatory surgery. Must contain a valid ICD-9-CM ~~or ICD-10-CM~~ diagnosis code if type of service is "2" indicating an

emergency department visit unless patient status is "07" indicating that the patient left against medical advice or discontinued care. A blank field is permitted if type of service is "2" and patient status is "07." If not space filled, must contain a valid ICD-9-CM diagnosis code ~~or valid ICD-10-CM diagnosis code~~ for the reporting period. A diagnosis code cannot be used more than once as a principal or other diagnosis for each visit reported. The code must be entered with a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code. Alpha characters must be in upper case.

(15) Other Diagnosis Code (1), Other Diagnosis (2), Other Diagnosis (3), Other Diagnosis (4), Other Diagnosis (5), Other Diagnosis (6), Other Diagnosis (7), Other Diagnosis (8), Other Diagnosis (9). A code representing a diagnosis related to the services provided during the visit. If no principal diagnosis code is reported, another diagnosis code must not be reported unless the patient discharge status is "07" indicating that the patient left against medical advice or discontinued care. No more than nine other diagnosis codes may be reported. Less than nine entries is permitted. If not space filled, must contain a valid ICD-9-CM code ~~or valid ICD-10-CM code~~ for the reporting period. A diagnosis code cannot be used more than once as a principal or other diagnosis for each visit reported. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code. Alpha characters must be in upper case.

(16) Evaluation and Management Code (1), Evaluation and Management Code (2), Evaluation and Management Code (3), Evaluation and Management Code (4), Evaluation and Management Code (5). A code representative of the patient acuity level for the services provided. If type of service is "2", must contain a valid Evaluation and Management (EM) Code range 99281-99285; 99288; 99291-99292; and G0380-G0384, even if the only service provided to a registered patient is triage or screening. If patient discharge status is "07" meaning the patient left against medical advice or discontinued care, or where a visit occurs resulting in zero charges, enter default code 99999 to indicate that the patient was not evaluated by a physician. No more than five EM codes may be reported. Less than five entries is permitted. Ambulatory surgical centers, type of service "1", should not report Evaluation and Management codes. A required field.

(17) through (39) No change.

(40) Patient Visit Ending Date. The date at the end of the patient's visit. A ten (10) character field in the format YYYY-MM-DD where MM represents the numbered months of the year from 1 to 12, DD represents numbered days of the month from 1 to 31, and YYYY represents the year in four digits. Patient visit ending date must equal or follow the patient visit beginning date. Patient visit ending date must occur within the calendar quarter included in the data report. ~~A blank~~

~~field is not permitted unless type of service is "2" indicating an emergency department visit and patient status is "07" indicating the patient left against medical advice or discontinued care.~~

(41) through (42) No change.

(43) Patient's Reason for Visit ICD-CM Code (Admitting Diagnosis). The code representing the patient's chief complaint or stated reason for seeking care ~~in the Emergency Department.~~ Must contain a valid ICD-9-CM code ~~or valid ICD-10-CM code~~ for the reporting period if type of service is "2" indicating an emergency department visit.

If not space filled, must contain a valid ICD-9-CM ~~or ICD-10-CM~~ diagnosis code. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code. Space fill if type of service is "1" indicating ambulatory surgery. Alpha characters must be in upper case.

(44) Principal ICD-CM Procedure Code. The code representing the procedure or service most related to the principal diagnosis. A blank field is permitted if type of service is "1" indicating ambulatory surgery. A blank or no entry is permitted consistent with the records of the reporting entity if type of service is "2" indicating an emergency department visit. Must contain a valid ICD-9-CM ~~or ICD-10-CM~~ procedure code for the reporting period. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code. Space fill if type of service is "1" indicating ambulatory surgery. Alpha characters must be in upper case.

(45) Other ICD-CM Procedure Code (1), Other ICD-CM Procedure Code (2), Other ICD-CM Procedure Code (3), Other ICD-CM Procedure Code (4) – A code representing a procedure or service provided during the visit. If no principal ICD-CM procedure is reported, another ICD-CM procedure code must not be reported unless the patient status is "07" indicating the patient left against medical advice or discontinued care. No more than four other ICD-CM procedure codes may be reported. A blank or no entry is permitted if type of service is "1." Less than four or no entry is permitted if type of service is "2." Must be a valid ICD-9-CM ~~or ICD-10-CM~~ procedure code for the reporting period. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code.

(46) External Cause of Injury Code. External Cause of Injury Code (1), External Cause of Injury Code (2) and External Cause of Injury Code (3). A code representing circumstances or conditions as the cause of the injury, poisoning or other adverse effects recorded as a diagnosis. Assign the appropriate E-code for all initial encounters or treatments, but not for subsequent occurrences. A Place of Occurrence E-code (E849.X) should be included to describe where the event occurred if documented in the patient medical

history. No more than three (3) external cause of injury codes may be reported. Less than three (3) or no entry is permitted. If not space filled, must be a valid ICD-9-CM ~~or ICD-10-CM~~ cause of injury code for the reporting period. An external cause of injury code cannot be used more than once for each encounter reported. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code. Alpha characters must be in upper case.

(47) No change.

(48) Patient Status. –

(a) through (h) No change.

(i) 21 – Discharged or transferred to court/law enforcement.

(i) through (p) renumbered (j) through (q) No change.

(49) No change.

Rulemaking Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History–New 1-1-10, Amended _____.

Editorial note: see former Rule 59B-9.018.

**AGENCY FOR HEALTH CARE ADMINISTRATION
Hospital and Nursing Home Reporting Systems and Other Provisions Relating to Hospitals**

RULE NO.: 59E-7.028
RULE TITLE: Inpatient Data Elements, Codes and Standards
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 35, September 3, 2010 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee on September 10, 2010 to properly code. In addition, subsection 59E-7.028(64) has been changed from Special Indicator Code to Condition Code upon comment from industry members.

59E-7.028 Inpatient Data Elements, Codes and Standards.

(1) No change.

(2) Patient Control Number. An alpha-numeric code containing standard letters or numbers assigned by the facility as a unique identifier for each record submitted in the reporting period to facilitate retrieval of the individual's account of services (accounts receivable) containing the financial billing records and any postings of payment. The 'Patient Control Number' is defined as 'Record id' in the schema. Up to twenty four (24) characters. Duplicate patient control numbers are not permitted. A required field. The hospital must maintain a key list to locate actual records upon request by AHCA.

(3) through (12) No change.

(13) Source or Point of Origin for Admission. No change.

(a) 01 – Non-health care facility ~~point source~~ of origin. The patient was admitted to this facility ~~upon an order of a physician~~. Includes a patient coming from home, ~~physician office~~ or workplace.

(b) 02 – Clinic ~~or Physician’s Office~~. The patient was admitted to this facility ~~from a clinic or physician’s office as a transfer or referral from a freestanding or non-freestanding clinic~~.

(c) through (e) No change.

~~(f) 07 – Emergency Room. The patient was admitted to this facility after receiving services in this facility’s emergency department. Excludes patients who came to the emergency room from another health care facility.~~

(g) through (k) renumbered (f) through (j) No change.

(4) Codes required for newborn admissions (Priority of Admission=4):

(l) through (m) renumbered (k) through (l) No change.

(14) through (17) No change.

(18) Patient Discharge Status.

(a) through (h) No change.

(i) 21 – Discharged or transferred to court/law enforcement.

(i) through (p) renumbered (j) through (q) No change.

(19) No change.

(20) Principal Diagnosis Code. The code representing the diagnosis established, after study, to be chiefly responsible for occasioning the admission. Principal diagnosis code must contain a valid ICD-9-CM ~~or ICD-10-CM~~ code for the reporting period. A diagnosis code cannot be used more than once as a principal or other diagnosis for each hospitalization reported. The code must be entered with a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code. A required entry. Alpha characters must be in upper case.

(21) Other Diagnosis Code (1), Other Diagnosis Code (2), Other Diagnosis Code (3), Other Diagnosis Code (4), Other Diagnosis Code (5), Other Diagnosis Code (6), Other Diagnosis Code (7), Other Diagnosis Code (8), Other Diagnosis Code (9), Other Diagnosis Code (10), Other Diagnosis Code (11), Other Diagnosis Code (12), Other Diagnosis Code (13), Other Diagnosis Code (14), Other Diagnosis Code (15), Other Diagnosis Code (16), Other Diagnosis Code (17), Other Diagnosis Code (18), Other Diagnosis Code (19), Other Diagnosis Code (20), Other Diagnosis Code (21), Other Diagnosis Code (22), Other Diagnosis Code (23), Other Diagnosis Code (24), Other Diagnosis Code (25), Other Diagnosis Code (26), Other Diagnosis Code (27), Other Diagnosis Code (28), Other Diagnosis Code (29), and Other Diagnosis Code (30). A code representing a condition that is related to the services provided during the hospitalization excluding external cause of injury codes. Report external cause of injury codes as described in

paragraph (61) below. No more than thirty (30) other diagnosis codes may be reported. Less than thirty (30) entries is permitted. If an Other Diagnosis Code is reported, a valid Principal Diagnosis code must be reported. Must contain a valid ICD-9-CM code ~~or valid ICD-10-CM code~~ for the reporting period. An Other Diagnosis Code cannot be used more than once as a principal or other diagnosis for each hospitalization reported. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code. Alpha characters must be in upper case.

(22) No change.

(23) Principal Procedure Code. The code representing the procedure most related to the principal diagnosis. No entry is permitted consistent with the records of the reporting entity. Must contain a valid ICD-9-CM ~~or ICD-10-CM~~ procedure code for the reporting period. If a principal procedure date is reported, a valid principal procedure code must be reported. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code.

(24) Principal Procedure Date. The date when the principal procedure was performed. If a principal procedure is reported, a principal procedure date must be reported. No entry is permitted if no principal procedure is reported. A ten (10)-character field in the format YYYY-MM-DD where MM represents the numbered months of the year from 01 to 12, DD represents numbered days of the month from 01 to 31, and YYYY represents the year in four (4) digits. The principal procedure date must be less than ~~seven (7) four (4)~~ days prior to the admission date and not later than the discharge date.

(25) Other Procedure Code (1), Other Procedure Code (2), Other Procedure Code (3), Other Procedure Code (4), Other Procedure Code (5), Other Procedure Code (6), Other Procedure Code (7), Other Procedure Code (8), Other Procedure Code (9), Other Procedure Code (10), Other Procedure Code (11), Other Procedure Code (12), Other Procedure Code (13), Other Procedure Code (14), Other Procedure Code (15), Other Procedure Code (16), Other Procedure Code (17), Other Procedure Code (18), Other Procedure Code (19), Other Procedure Code (20), Other Procedure Code (21), Other Procedure Code (22), Other Procedure Code (23), Other Procedure Code (24), Other Procedure Code (25), Other Procedure Code (26), Other Procedure Code (27), Other Procedure Code (28), Other Procedure Code (29) and Other Procedure Code (30). A code representing a procedure provided during the hospitalization. If a principal procedure is not reported, an Other Procedure Code must not be reported. No more than thirty (30) other procedure codes may be reported. Less than thirty (30) or no entry is permitted. Must be a valid ICD-9-CM ~~or ICD-10-CM~~ procedure code for the reporting period. The code must be

entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code.

(26) Other Procedure Code Date (1), Other Procedure Code Date (2), Other Procedure Code Date (3), Other Procedure Code Date (4), Other Procedure Code Date (5), Other Procedure Code Date (6), Other Procedure Code Date (7), Other Procedure Code Date (8), Other Procedure Code Date (9), Other Procedure Code Date (10), Other Procedure Code Date (11), Other Procedure Code Date (12), Other Procedure Code Date (13), Other Procedure Code Date (14), Other Procedure Code Date (15), Other Procedure Code Date (16), Other Procedure Code Date (17), Other Procedure Code Date (18), Other Procedure Code Date (19), Other Procedure Code Date (20), Other Procedure Code Date (21), Other Procedure Code Date (22), Other Procedure Code Date (23), Other Procedure Code Date (24), Other Procedure Code Date (25), Other Procedure Code Date (26), Other Procedure Code Date (27), Other Procedure Code Date (28), Other Procedure Code Date (29) and Other Procedure Code Date (30). The date when the procedure was performed. A required entry if a corresponding procedure code (26), (1) through (30) is reported. A ten (10) character field in the format YYYY-MM-DD where MM represents the numbered months of the year from 01 to 12, DD represents numbered days of the month from 01 to 31, and YYYY represents the year in four (4) digits. The procedure date must be less than seven (7) ~~four (4)~~ days prior to the admission date and not later than the discharge date.

(27) through (29) No change.

(30) Operating or Performing Practitioner National Provider Identification (NPI). A unique ten (10) character identification number assigned to a provider who had primary responsibility for the Principal Procedure performed. A required identification number for providers in the U.S. or its territories and providers not in U.S. or its territories upon mandated HIPAA NPI implementation date. For military physicians, medical residents, or individuals not required to obtain a NPI number, use 9999999999. No entry is permitted if no principal procedure is reported.

(31) No change.

(32) Other Operating or Performing Practitioner National Provider Identification (NPI). A unique ten (10) character identification number assigned to a provider who assisted the operating or performing practitioner or performed a secondary procedure ~~who had primary responsibility for the Principal Procedure~~. A required identification number for providers in the U.S. or its territories and providers not in U.S. or its territories upon mandated HIPAA NPI implementation date. For military physicians, medical residents, or individuals not required to obtain a NPI number, use 9999999999. No entry is permitted if no principal procedure is reported.

(33) No change.

(34) Nursery Level I Charges. Accommodation charges for well-baby care services which include sub-ventilation care, intravenous feedings and gavage to neonates. Report charges for revenue code 170 and 171, or 179 if applicable, as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no Nursery Charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(35) Nursery Level II Charges. Accommodation charges for services which include provision of ventilator services. Report charges for revenue code 172, or 179 if applicable, as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no Level II Nursery Charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(36) Nursery Level III Charges. Accommodation charges for services which include continuous cardiopulmonary support services, complex pediatric surgery, neonatal cardiovascular surgery, pediatric neurology and neurosurgery, and pediatric cardiac catheterization. Report charges for revenue code 173, 174, or 179 if applicable, ~~(Level III)~~, as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no Level III Nursery Charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(37) through (58) No change.

(59) Infant Linkage Identifier. The social security number of the patient's birth mother where the patient is less than two (2) years of age. A nine (9) digit field to facilitate retrieval of individual case records, to be used to link infant and mother records, and for medical research. Reporting 77777777 for the mother's SSN is acceptable for those patients where efforts to obtain the mother's SSN have been unsuccessful or the mother is known to be from a country other than the United States. Infants in the custody of the State of Florida or adoptions, use 333333333 if the birth mother's SSN is not available. A required field for patients whose age is less than two (2) years of age at admission. Zero fill ~~No entry is permitted~~ if the patient is two (2) years of age or older. A required entry.

(60) Admitting Diagnosis. The diagnosis provided by the admitting physician at the time of admission which describes the patient's condition upon admission or purpose of admission. Must contain a valid ICD-9-CM code ~~or valid ICD-10-CM code~~ for the reporting period. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code. A required entry. Alpha characters must be in upper case.

(61) External Cause of Injury Code (1), External Cause of Injury Code (2) and External Cause of Injury Code (3). A code representing circumstances or conditions as the cause of the injury, poisoning, or other adverse effects recorded as a diagnosis. Assign appropriate E-codes for all initial encounters or treatments, but not for subsequent occurrences. A Place of Occurrence E-code (E849.X) should be included to describe where the event occurred if documented in the patient medical history. No more than three (3) external cause of injury codes may be reported. Must be a valid ICD-9-CM ~~or ICD-10-CM~~ cause of injury code for the reporting period. An external cause of injury code cannot be used more than once for each hospitalization reported. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code. Alpha characters must be in upper case.

(62) through (63) No change.

(64) Condition Code. A two-character code that describes patients admitted to the inpatient facility after receiving treatment in the facility's emergency department. Do not use this code for patients admitted to the hospital through the ED when the registration department is closed. Report using the two-character indicator code 'P7'. Otherwise zero fill using "00." A required field.

~~(65)~~(64) No change.

Rulemaking Authority 408.061(1)(e), 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History—New 1-1-10, Amended _____.

Editorial note: see former Rule 59E-7.014.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

RULE NO.: RULE TITLE:
61B-20.005 Educational Resolution

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 26, July 2, 2010 issue of the Florida Administrative Weekly.

Subsection 61B-20.005(1)(a) is changed as follows:

(a) If, based on the complaint, the division has reasonable cause to believe that a statutory or rule violation may have occurred, a Warning Letter will be sent to the developer. The Warning Letter will give the developer 14 calendar days in which to address, correct, or dispute the violation. The Warning Letter will identify the violation, and provide a contact telephone number and an investigator's name so that the developer may contact the division for educational assistance or an educational conference in obtaining compliance. However, it is solely the responsibility of the

developer to take action, when applicable, to achieve statutory or rule compliance. Failure to respond to a Warning Letter, or take affirmative or corrective action as requested by the division, will lead to enforcement resolution ~~may result in the division proceeding with enforcement resolution~~. The Warning Letter shall not be considered final agency action.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

RULE NO.: RULE TITLE:
61B-21.002 Educational Resolution

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 26, July 2, 2010 issue of the Florida Administrative Weekly.

Subsection 61B-21.002(3)(a) is changed as follows:

(a) If, based on the complaint, the division has reasonable cause to believe that a statutory or rule violation may have occurred, a Warning Letter will be sent to the association. The Warning Letter will give the association 14 calendar days in which to address, correct, or dispute the violation. The Warning Letter will identify the violation, and provide a contact telephone number and an investigator's name so that the association may contact the division for educational assistance or an educational conference in obtaining compliance. However, it is solely the responsibility of the association to take action, when applicable, to achieve statutory or rule compliance. Failure to respond to a Warning Letter, or take affirmative or corrective action as requested by the division, will ~~may~~ lead to enforcement resolution. The Warning Letter shall not be considered final agency action.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE NO.: RULE TITLE:
61G14-19.001 Percentage of Gross Pilotage Assessed

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 29, of the July 23, 2010, issue of the Florida Administrative Weekly. The correction is as follows:

The effective date of the rule was incorrectly stated as October 1, 2010. The language should read: THIS RULE SHALL TAKE EFFECT NOVEMBER 1, 2010.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.:	RULE TITLE:
64B10-11.012	Notification of Change of Address or Employing Facility

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 38, September 25, 2009 issue of the Florida Administrative Weekly.

The correction amends the "DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW" to read correctly as August 7, 2009.

THE PERSON TO BE CONTACTED REGARDING THE ABOVE CHANGE IS: Bruce Deterding, Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NOS.:	RULE TITLES:
64B15-14.0051	Standards of Practice for Physicians Practicing in Pain Management Clinics
64B15-14.0052	Requirement for Pain Management Clinic Registration; Inspection or Accreditation

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 16, April 23, 2010 issue of the Florida Administrative Weekly.

The Board held public hearings on these rules on June 18, 2010; on August 20, 2010; and on September 13, 2010. The Board, at its meetings on August 20, 2010, and September 13, 2010 voted to make the following changes to the rules in response to comments received at the public hearings, and in response to written comments submitted by the staff of the Joint Administrative Procedures Committee (JAPC). The changes are as follows:

For Rule 64B15-14.0051

1. The preamble to the rule shall now read: "THIS RULE IS APPLICABLE TO PHYSICIANS PRACTICING IN PRIVATELY OWNED PAIN MANAGEMENT CLINICS THAT ARE REQUIRED TO BE REGISTERED PURSUANT TO SECTION 459.0137, F.S., WHO PRIMARILY ENGAGE IN THE TREATMENT OF PAIN BY PRESCRIBING OR DISPENSING CONTROLLED SUBSTANCE MEDICATIONS."

2. In subsection (1) of the rule the following language shall be inserted following the word "Definitions." "The following definitions apply to this rule only."

3. Paragraph (1)(d) of the rule shall be deleted in its entirety.

4. Paragraph (1)(e) shall be renumbered as (1)(d) and the word "currently" shall be deleted.

5. Paragraph (1)(f) shall be renumbered as (1)(e).

6. In subparagraph (2)(c)3., "i.e." shall be changed to "e.g."

7. The last sentence of subparagraph (2)(e) shall be changed to read as follows: "The management of pain in patients with a history of substance abuse or with a comorbid psychiatric disorder requires extra care, monitoring, and documentation, and requires consultation with or referral to an addictionologist or psychiatrist."

8. Subparagraph (2)(f)1., shall be changed to read as follows: "Referral to an outside laboratory. A physician shall send the patient to a Clinical Laboratory Improvement Amendments (CLIA)-certified laboratory or a collection site owned or operated by a CLIA-certified laboratory;"

9. In subparagraph (2)(f)3., the phrase "CLIA-certified test" shall be changed to "CLIA-approved test"

10. Subparagraph (2)(h)1., shall be reworded to read as follows: "If a patient's initial drug testing reflects the adulteration of the specimen or the presence of illegal or controlled substances (other than medications with approved prescriptions), or when the testing result is questioned by either the patient or the physician, the specimen will be sent to a CLIA-certified laboratory for gas or liquid chromatography/mass spectrometry (GC/MS or LC/MS or LC/MS/MS or GC/MS/MS) confirmation. If the result of the GC/MS or LC/MS or LC/MS/MS or GC/MS/MS testing is positive, the physician shall refer the patient for further consultation with a board-certified pain management physician, an addiction medicine specialist, or to a mental health addiction facility as it pertains to drug abuse or addiction. After consultation is obtained, the physician shall document in the medical record the results of the consultation. The treating physician shall not prescribe or dispense any controlled substances until there is written concurrence of medical necessity of continued controlled substance therapy provided by a board-certified pain management physician, an addiction medicine specialist, or from a mental health addiction facility. If the treating physician is a board-certified

pain management physician, or an addiction specialist, the physician does not need to refer the patient for further consultation. If the physician suspects diversion, then the patient shall be discharged and all results of testing and actions taken by the physician shall be documented in the patient's medical record."

11. In sub-subparagraph (2)(i)1.i., the words "Medical Director or" shall be deleted.

12. In sub-subparagraph (2)(j)3.d., the word "clinics" shall be changed to "clinic's."

13. In paragraph (2)(l), all references to "Medical Director or Designated Physician" shall be changed to "Designated Physician."

14. Paragraph (2)(m) shall be reworded to read:

"(m) Data Collection and Reporting.

1. Reporting of adverse incidents. The Designated Physician for each pain-management clinic shall report all adverse incidents to the Department of Health as set forth in Section 459.026, Florida Statutes.

2. The Designated Physician shall also report to the Board of Osteopathic Medicine, in writing, on a quarterly basis the following data:

a. Number of new and repeat patients seen and treated at the clinic who are prescribed or dispensed controlled substance medications for the treatment of chronic, non-malignant pain;

b. The number of patients discharged due to drug abuse;

c. The number of patients discharged due to drug diversion; and

d. The number of patients treated at the pain clinic whose domicile is located somewhere other than in Florida. A patient's domicile is the patient's fixed or permanent home to which he intends to return even though he may temporarily reside elsewhere.

3. All physicians practicing in pain-management clinics shall advise the Board of Osteopathic Medicine in writing, within 10 calendar days of beginning or ending his or her practice at a pain-management clinic."

15. Paragraph (2)(n) shall be reworded to read as follows:

(n) Training Requirements. Effective July 1, 2012, physicians who have not met the qualifications set forth in subparagraphs 1. through 6., below, shall have successfully completed a pain medicine fellowship that is accredited by the Accreditation Council for Graduate Medical Education (ACGME) or the American Osteopathic Association (AOA) or a pain medicine residency that is accredited by ACGME or the AOA. Prior to July 1, 2012, physicians prescribing or dispensing controlled substance medications in pain-management clinics registered pursuant to Section 459.0137(1), Florida Statutes, must meet one of the following qualifications:

1. Board certification by a specialty board recognized by the American Board of Medical Specialties (ABMS) and holds a sub-specialty certification in pain medicine; or a Certificate of Added Qualification in Pain Management by the American Osteopathic Association;

2. Board certification in pain medicine by the American Board of Pain Medicine (ABPM);

3. Successful completion of a pain medicine fellowship that is accredited by the Accreditation Council for Graduate Medical Education (ACGME) or the American Osteopathic Association (AOA) or a pain medicine residency that is accredited by the ACGME or the AOA;

4. a. Successful completion of a residency program in physical medicine and rehabilitation, anesthesiology, neurology, neurosurgery, or psychiatry approved by the ACGME or the AOA;

b. Successful completion of a residency program in family practice, internal medicine, or orthopedics approved by the AOA; or

c. Current Certificate of Added Qualification approved by the AOA in hospice, palliative medicine or geriatric medicine.

5. Current staff privileges at a Florida-licensed hospital to practice pain medicine or perform pain medicine procedures;

6. Three (3) years of documented full-time practice, which is defined as an average of 20 hours per week each year, in pain-management and within six months of the effective date of this rule, attendance and successful completion of 40 hours of in-person, live-participatory AMA Category I or AOA IA CME courses in pain management that address all the following subject areas:

a. The goals of treating both short term and ongoing pain treatment;

b. Controlled substance prescribing rules, including controlled substances agreements;

c. Drug screening or testing, including usefulness and limitations;

d. The use of controlled substances in treating short-term and ongoing pain syndromes, including usefulness and limitations;

e. Evidenced-based non-controlled pharmacological pain treatments;

f. Evidenced-based non-pharmacological pain treatments;

g. A complete pain medicine history and a physical examination;

h. Appropriate progress note keeping;

i. Comorbidities with pain disorders, including psychiatric and addictive disorders;

j. Drug abuse and diversion, and prevention of same;

k. Risk management; and

l. Medical ethics.

In addition to the CME set forth in subparagraph 6. above, physicians must be able to document hospital privileges at a Florida-licensed hospital; practice under the direct supervision of a physician who is qualified in subparagraphs 1. through 4. above; or have the practice reviewed by a Florida-licensed risk manager and document compliance with all recommendations of the risk management review.

7. Upon completion of the 40 hours of CME set forth above, physicians qualifying under 6. above, must also document the completion of 15 hours of in-person, live participatory AMA Category I or AOA Category IA CME in pain management for every year the physician is practicing pain management.

16. Paragraph (2)(o) shall be deleted.

17. The Rulemaking Authority citation shall be changed to Section 459.0137(4), F.S., and the Law Implemented citation shall be changed to 459.0137, F.S.

For Rule 64B15-14.0052:

1. All references in the rule to “Medical Director or Designated Physician” shall be changed to “Designated Physician.”

2. In paragraph (1)(a), the reference to Section 459.005(4) and (5), Florida Statutes, shall be changed to 459.0137(1), Florida Statutes.

3. Paragraph (1)(c) shall be changed to read as follows:

“(c) The Designated Physician must notify the Board within 10 calendar days, in writing, of any changes to the registration information, including the termination of his or her employment with the pain management clinic.”

4. Paragraph (2)(d) shall be changed to read as follows:

“(d) The inspector(s) shall determine compliance with the requirements of Rule 64B15-14.0051, F.A.C. This shall include review of a random selection of patient records for patients who are treated for pain, selected by the inspector(s) for each physician practicing in the clinic or who has practiced in the clinic during the past six months.”

5. In the third sentence of subparagraph (2)(e), the phrase “corrective action” shall be changed to “corrective action plan.”

6. The Rulemaking Authority citation shall be changed to Section 459.0137(4), F.S., and the Law Implemented citation shall be changed to 459.0137, F.S.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Jusevitch, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.:
64B16-30.001

RULE TITLE:
Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 39, October 2, 2009 issue of the Florida Administrative Weekly.

The correction is as follows:

The Notice of Change which published on July 2, 2010, in Vol. 36, No. 26 of the Florida Administrative Weekly incorrectly stated, “The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee.” It should have read, “The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee and by a vote of the Board at the June 8, 2010 board meeting.”

This correction does not affect the substance of the Notice of Change published on July 2, 2010.

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

Board of Pharmacy

RULE NO.:
64B16-30.001

RULE TITLE:
Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 39, October 2, 2009 issue of the Florida Administrative Weekly.

The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee.

The changes are as follows:

1. Sub-subparagraph (2)(e)1.h. shall now read as follows:

h. Failure to notify the board of or not to have a prescription department manager or consultant pharmacist.		
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2. Sub-subparagraph (2)(k)1.j. shall now read as follows:

j. Practicing nuclear pharmacy without being licensed as a nuclear pharmacist (Section 64B16-26.303, F.A.C.)	\$500 per month up to \$5000 fine (fine based upon the length of time the person is practicing without being licensed as a nuclear pharmacist)	Revocation
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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

Board of Pharmacy

RULE NO.: 64B16-30.003
 RULE TITLE: Citations

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 39, October 2, 2009 issue of the Florida Administrative Weekly.

The correction is as follows:

The Notice of Change which published on July 2, 2010, in Vol. 36, No. 26 of the Florida Administrative Weekly incorrectly stated, "The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee." It should have read, "The change is in response to a vote of the Board at the June 8, 2010 board meeting."

This correction does not affect the substance of the Notice of Change published on July 2, 2010.

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-1.004
 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. 36, No. 30, July 30, 2010 issue of the Florida Administrative Weekly.

(1) through (9) No change.

~~(10) Archery season—The calendar period during which certain game may be taken only by the use of a bow or crossbow when authorized by Commission rules.~~

(11) through (26) renumbered (10) through (25) No change.

~~(27) Crossbow season—The calendar period in a zone during which certain game may be taken only by the use of a bow or crossbow when authorized by Commission rules.~~

(28) through (49) renumbered (26) through (47) No change.

~~(50) Muzzleloading gun season—The calendar period in a zone during which certain game may be taken only by the use of a bow, crossbow, or muzzleloading gun when authorized by Commission rules.~~

(51) through (99) renumbered (48) through (96) No change.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-6.003
 RULE TITLE: Facility and Structural Caging Requirement for Class I, II and III Wildlife

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 12, March 26, 2010 issue of the Florida Administrative Weekly.

Proposed amendment to Rule 68A-6.003 has been changed to include the following modified subsection:

(2) In order to assure public safety, the facilities for the housing of Class I and Class II wildlife shall meet the requirements of this rule. Compliance with these requirements is a necessary condition for licensure. For the purposes of this rule, a "facility" means the site at which Class I or Class II wildlife are ~~permanently~~ kept or exhibited, except for those locations where the standard caging requirements are exempted under Rules 68A-6.0041 and 68A-6.005, F.A.C. Upon receipt of an initial application regarding Class I or Class II wildlife, the Florida Fish and Wildlife Conservation Commission shall notify the county or municipality wherein the proposed facility is to be located of a pending application. Current licensees that desire to expand their inventory to include a family of Class I or Class II species not previously authorized at their facility location shall comply with the requirements herein. Requests to upgrade wildlife classification authorizations shall be considered initial applications for license purposes. Applicants shall complete and submit a Facility Location Information form, FWCDLE 616IV(09-10), which is adopted and incorporated herein by reference. Forms may be obtained by submitting a request to: Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, or at www.myfwc.com/permits. Facilities housing Class I or Class II

~~wildlife must meet local building codes and valid local zoning requirements. The county or municipality wherein the facility is to be located has 25 days, from receipt of the notification from the Florida Fish and Wildlife Conservation Commission of a pending application regarding Class I or Class II wildlife, in which to determine whether the facility is in compliance with local building codes and zoning requirements. If the county or municipality determines that applicant is not in compliance with local building codes and zoning requirements, the applicant must provide proof, including but not limited to, written documentation from a local government entity or a court of competent jurisdiction, to the Florida Fish and Wildlife Conservation Commission indicating that the conflict between the applicant and the county or municipality has been resolved in favor of the applicant before the Florida Fish and Wildlife Conservation Commission will consider the application complete. If the county or municipality fails to notify the Florida Fish and Wildlife Conservation Commission of its determination of compliance in a manner prescribed by the agency within 25 days, the Florida Fish and Wildlife Conservation Commission will deem the application in compliance with local building codes and zoning requirements.~~

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

5. Zoning:

~~Facilities housing the following Class I wildlife may not be located on property within an area zoned solely for residential use. Changes in zoning subsequent to the issuance of the license or permit shall not be disqualifying provided the license is maintained in a current and valid status.~~

- a. ~~Primates (all listed species)~~
- b. ~~Cats (all listed species)~~
- e. ~~Bears (family *Ursidae*)~~
- d. ~~Elephants (family *Elephantidae*)~~
- e. ~~Rhinoceros (family *Rhinocerotidae*)~~
- f. ~~Hippopotamuses (family *Hippopotamidae*)~~
- g. ~~Cape Buffalo and Gaur (family *Bovidae*)~~
- h. ~~Hyenas and Aardwolf (family *Hyaenidae*)~~

- (d) through (e) No change.

(f) The above facility requirements relating to land area, buffer zones, and perimeter fencing, shall be effective January 1, 2008, but shall not apply to those facilities licensed to possess captive wildlife species prior to that date. After January 1, 2008, those licensees that desire to expand their inventory to include a family of Class I or Class II species not previously authorized at their facility location shall comply with the requirements here in. Requests to upgrade wildlife classification authorizations shall be considered new applications for license purposes.

No other changes were made to the rule amendments as proposed.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-12.002
 RULE TITLE: General Methods of Taking Game; Prohibitions

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 30, July 30, 2010 issue of the Florida Administrative Weekly.

- (1) through (2) No change.
- (3) Game birds, crows or game mammals may be taken with any of the following:
 - (a) No change.
 - (b) Rifle or pistol.
 - 1. through 5. No change.
 - 6. The take of game ~~specified, except migratory birds, for any muzzleloading gun season~~ with any gun other than a bow, crossbow or muzzleloading gun is prohibited except this subparagraph shall not limit the methods of take of game specified for any coinciding season during any special muzzleloading gun season.
- (c) Falcon.
- (d) Bow or crossbow.
 - 1. through 3. No change.
 - 4. The take of game ~~specified, except migratory birds, for any archery season~~ with any gun other than a bow or crossbow is prohibited during any special archery season except this subparagraph shall not limit the methods of take of game specified for any coinciding season.
 - 5. The take of game ~~specified, except migratory birds, for any crossbow season~~ with any gun other than a bow or crossbow is prohibited except this subparagraph shall not limit the methods of take of game specified for any coinciding season during any special crossbow season.
- (e) No change.
- (4) through (9) No change.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-15.004
 RULE TITLE: General Regulations Relating to Wildlife Management Areas

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 30, July 30, 2010 issue of the Florida Administrative Weekly.

Proposed amendment to Rule 68A-15.004 has been changed to include the following paragraph:

(6)(f) Taking wild turkey with firearms other than shotguns using number 2 or smaller diameter shot during the spring turkey season is prohibited except that muzzleloading rifles are not prohibited for taking wild turkey on Joe Budd and Raiford Wildlife Management Areas.

No other changes were made to the rule amendments as proposed.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-15.006
 RULE TITLE: Regulations Relating to Miscellaneous Areas
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 30, July 30, 2010 issue of the Florida Administrative Weekly.

- (1) No change.
- (2) Kissimmee River Public Use Area.
- (a) Open season:
 - 1. Non-migratory game – Zonal seasons established under Rule 68A-13.004, F.A.C., except that open season for rabbit shall be during the zonal squirrel season only and crossbow season shall be the last 5 days of the zonal crossbow season only.

- 2. through 4. No change.
- (b) No change.
- (c) General regulations:

1. Taking wildlife with guns shall be prohibited in the marshes and uplands except during the period beginning on the opening day of rail season established in Rule 68A-13.008, F.A.C., and ending on the closing day of spring turkey season established in Rule 68A-13.004, F.A.C. Taking wildlife with centerfire rifles is prohibited. ~~Taking wildlife with crossbows is prohibited during the archery season.~~ The marshes shall be those lands outside the Kissimmee River channel, the C-38 canal, and the Istokpoga canal. In posted archery/muzzleloading gun areas, only bows may be used during the zonal archery season, only muzzleloading guns may be used during the zonal muzzleloading gun season, only bows may be used during the antlered deer season, and only bows and muzzleloading guns may be used during other established seasons. The possession of guns shall be prohibited in the marshes and uplands in the northern portion of Bluff Hammock lying in the west 1/2 of Section 26 and the east 1/2 of Section 27, Township 34 South, Range 31 East, which are posted as closed to possession of guns.

- 2. through 10. No change.
- (3) No change.
- (4) Kissimmee Chain of Lakes Area.

(a) Open season:

1. Non-migratory game – During Zonal seasons established under Rule 68A-13.004, F.A.C., except deer and turkey shall only be taken during those seasons established for Zone B and crossbow season shall be the last 5 days of the Zone B crossbow season only.

2. through 3. No change.

(b) No change.

(c) General regulations:

1. through 15. No change.

~~16. Taking wildlife with crossbows is prohibited during the archery season.~~

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-17.004
 RULE TITLE: General Regulations Relating to Wildlife and Environmental Areas
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 30, July 30, 2010 issue of the Florida Administrative Weekly.

Proposed amendment to Rule 68A-17.004 has been changed to include the following paragraph:

(6)(e) Taking wild turkey with firearms other than shotguns using number 2 or smaller diameter shot during the spring turkey season is prohibited except that muzzleloading rifles are not prohibited for taking wild turkey on Santa Fe Swamp Wildlife and Environmental Area.

No other changes were made to the rule amendments as proposed.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-27.0001	Purpose and Intent
68A-27.001	Definitions
68A-27.0012	Procedures for Listing and Removing Species from Florida’s Endangered and Threatened Species List
68A-27.003	Florida Endangered and Threatened Species; Prohibitions
68A-27.005	Designation of Species of Special Concern; Prohibitions; Permits
68A-27.007	Permits and Authorizations for the Take of Florida Endangered and Threatened Species

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 2, January 15, 2010 issue of the Florida Administrative Weekly.

68A-27.0001 Purpose and Intent.

(1) The purpose and intent of this rule chapter, in concert with an objective that lawful nature-based recreational activities may be managed to be compatible with such species protection measures, is to conserve or improve the status of endangered and threatened species in Florida to effectively reduce the risk of extinction through the use of a science-informed process that is objective and quantifiable, that accurately identifies endangered and threatened species that are in need of special actions to prevent further imperilment, that identifies a framework for developing management strategies and interventions to reduce threats causing imperilment, and that will prevent species from being threatened to such an extent that they become regulated and managed under the federal Endangered Species Act of 1973, as amended, 16 U.S.C. §1531 et seq.

(2) No change.

(3) ~~The protections of~~ This rule chapter ~~is shall~~ not intended to preclude ~~prohibit~~ lawful hunting, fishing, boating or other nature-based recreational uses, even if activities when those activities result in the mere annoyance or disturbance of Florida Endangered or and Threatened Species, when such uses are conducted in a manner that does not constitute take as defined in Rule 68A-27.001, F.A.C.

(4) through (5) No change.

68A-27.001 Definitions.

When used in this rule chapter, the terms and phrases listed below have the meaning provided:

(1) Florida Endangered and Threatened Species – species of fish or wild animal life, subspecies or isolated populations of species or subspecies, whether vertebrate or invertebrate, that are native to Florida which are endangered and threatened under Commission rule as either: (a) Federally-designated Endangered and Threatened species by virtue of designation as endangered or threatened by the United States Departments of Interior or Commerce under the Endangered Species Act, 16 U.S.C. § 1531, et seq. and rules thereto or (b) as a State-designated Threatened species. Florida Endangered and Threatened species retain their status regardless of subsequent changes in scientific nomenclature or subsequent identification of species or subspecies within the species listed.

(2) No change.

(3) State-designated Threatened Species – As designated by the Commission, species of fish or wild animal life, subspecies, or isolated population of a species or subspecies, whether vertebrate or invertebrate, that are native to Florida and are classified as Threatened as determined by paragraph

(a), (b), (c), (d), or (e) below in accordance with Rule 68A-27.0012, F.A.C. The designation of a species as threatened shall include all subspecies unless stated otherwise in Commission rule.

(a) Reduction in population size based on any of the following:

1. No change.

2. An observed, estimated, inferred or suspected population size reduction of at least 30% over the last 10 years or three generations, whichever is the longer, where the reduction or its causes may not have ceased or may not be understood or may not be reversible, based on (and specifying) any of ~~sub-subparagraph~~ (a)1.a. to (a)1.e.; above.

3. A population size reduction of at least 30%, projected or suspected to be met within the next 10 years or three generations, whichever is the longer (up to a maximum of 100 years), based on (and specifying) any of ~~sub-subparagraph~~ (a)1.b. to (a)1.e.; above.

4. An observed, estimated, inferred, projected or suspected population size reduction of at least 30% over any 10 year or three generation period, whichever is longer (up to a maximum of 100 years in the future), where the time period must include both the past and the future, and where the reduction or its causes may not have ceased or may not be understood or may not be reversible, based on (and specifying) any of ~~sub-subparagraph~~ (a)1.a. to (a)1.e.; above.

(b) Geographic range in the form of either ~~subparagraph~~ (b)1. (extent of occurrence) or (b)2. (area of occupancy) or both:

1. Extent of occurrence estimated to be less than 20,000 square kilometers (7,722 square miles), and estimates indicating at least two of a--c-:

a. through c. No change.

2. Area of occupancy estimated to be less than 2,000 square kilometers (772 square miles), and estimates indicating at least two of a--c-:

a. through c. No change.

(c) Population size estimated to number fewer than 10,000 mature individuals and either:

1. An estimated continuing decline of at least 10% within 10 years or three generations, whichever is longer, (up to a maximum of 100 years in the future); or

2. A continuing decline, observed, projected, or inferred, in numbers of mature individuals and at least one of the following (a--b-):

a. through b. No change.

(d) through (e) No change.

(4) Take – to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in such conduct. The term “harm” in the definition of take means an act which actually kills or injures fish or wildlife. Such act may ~~shall~~ include significant habitat modification or degradation

~~where it acts that actually kills kill or injures injure~~ wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering. The term “harass” in the definition of take means an intentional or negligent act or omission which creates the likelihood of injury to wildlife by ~~by-~~ “Harass” shall include ~~annoying it to such an extent as to fish or wildlife only if the annoyance creates the likelihood of injury by~~ significantly ~~disrupt~~ disrupting normal behavioral patterns which include, but are not limited to, breeding, feeding or sheltering.

(5) No change.

(6) Management plan – a document ~~approved created or adopted~~ by the Commission with the purpose of providing guidance for the management of the species. The intent of management plans is to provide guidance to conserve species so that their status improves and the species can be removed from the Florida Endangered and Threatened Species list as well as to provide guidance to conserve the species so that they will not again need to be listed. It ~~may~~ shall be a comprehensive, single-species management plan; ~~or a document involving~~ a multi-species plan; ~~or a document referencing applicable~~ indicating the specified rule or rules; or a ~~document referencing~~ reference to a federal recovery plan that will be used for guidance in the management of the species. The management plan shall address biological status; identify measurable conservation objectives, including a time frame; identify any exempt activities if appropriate; identify conservation actions; identify incentives if appropriate; recommend rules for species if warranted; ~~identify permitting standards for incidental and intentional take to be established in rule; consider and evaluate~~ address anticipated economic, ecological, and social impacts of implementing or not implementing the management plan ~~including a projection of costs of implementing the management plan and identification of the funding sources for the costs as determined through involvement of affected stakeholders and public input; and include a revision schedule; and include a revision schedule.~~ For data deficient species, management plans may consist of ~~an acknowledgement that insufficient data exist to develop and implement species management and these plans may simply identify research needed to determine species status and management needs.~~

(7) through (10) No change.

68A-27.0012 Procedures for Listing and Removing Species from Florida’s Endangered and Threatened Species List.

(1) Federally-designated Endangered and Threatened Species. Species which are native to Florida and which are designated as Endangered or Threatened under the Federal Endangered Species Act (ESA), 15 U.S.C. § 1531 et seq. and rules thereto will be listed by the Commission as a Florida Endangered and Threatened Species by virtue of the federal designation. If a species native to Florida is added or

reclassified under the ESA, the species shall be so listed or reclassified in the Florida Endangered and Threatened Species rule pursuant to the notice provisions of ~~Subsection~~ Section 120.54(6), F.S., relating to adoption of federal standards. Before species that have been removed from the ESA are removed from the Florida Endangered and Threatened Species rule, they shall receive a biological status review according to subparagraph (2)(c)2.; to determine if the species warrants listing as a state-designated species. Prior to any species being removed from the Florida Endangered and Threatened Species list, the Commission shall develop a management plan that is intended to maintain or enhance the conservation of that species.

(2) State-designated Threatened Species.

(a) ~~Except as provided Notwithstanding the provisions contained in this subsection (1) above,~~ these procedures shall not ~~apply~~ be applied to the following species:

1. Federally-designated Endangered and Threatened species, ~~except when those species are scheduled to be removed from the federal list,~~

2. Species not native to Florida,

3. Harvested species that are monitored through periodic stock assessments or other techniques and are the subject of any rule in Title 68, F.A.C., that allows harvest.

4. Species whose occurrence in Florida is only accidental.

(b) Requesting the evaluation of a species for listing or removal from the State-designated Threatened species list.

1. through 2. No change.

3. Incomplete species evaluation requests, including requests which do not include or reference the best scientific and commercial data available, will be returned to the requestor with insufficiencies clearly noted in writing. Corrected species evaluation requests may be resubmitted for consideration outside the submission time period identified in 1. above if resubmitted within 30 days of being returned. Corrected species evaluation requests resubmitted more than 30 days after being returned must be submitted within the time period identified in ~~subparagraph 1.;~~ above.

4. through 5. No change.

(c) Determining ~~when changes in~~ ~~if listing status are~~ ~~is~~ warranted.

1. through 2. No change.

(d) through (e) No change.

(3) Criteria for removal from the State-designated Threatened species list are as follows:

(a) Species listed as State-designated Threatened species as of the effective date of this rule: Management plans will be developed for the species listed in this rule and the species will be evaluated under the listing criteria in subsection 68A-27.001(3), F.A.C. After a biological status review is conducted and a management plan is approved, the Commission will decide whether a species should remain listed

~~when the species is~~ Species that are determined to be data deficient pursuant to the Guidelines for Using the IUCN Red List Categories and Criteria shall not be removed from the State-designated Threatened species list.

(b) All State-designated Threatened species listed after the effective date of this rule: Individuals may submit species evaluation requests for removing species from the list as described in the species evaluation request process in ~~paragraph~~ (2)(b). Species shall be removed from the State-designated Threatened species list if they do not meet any of the criteria in Rule 68A-27.001, F.A.C., in accordance with the Guidelines for Using the IUCN Red List Categories and Criteria.

(4) No change.

68A-27.003 Florida Endangered and Threatened Species; Prohibitions.

(1) Federally-designated Endangered and Threatened species:-

(a) through (b) No change.

(c) Fish:

1. Gulf sturgeon (*Acipenser oxyrinchus* [= *oxyrinchus*] *desotoi*)(T),

2. through 4. No change.

(d) No change.

(e) Reptiles:

1. American alligator (*Alligator mississippiensis*)(T[S/A]); Listed only because of similarity of appearance to the American crocodile,

2. through 5. No change.

6. Green sea turtle ~~seaturtle~~ (*Chelonia mydas*)(E),

7. Hawksbill sea turtle ~~seaturtle~~ (*Eretmochelys imbricata*)(E),

8. Kemp's ridley sea turtle ~~seaturtle~~ (*Lepidochelys kempii*)(E),

9. Leatherback sea turtle ~~seaturtle~~ (*Dermochelys coriacea*)(E),

10. Loggerhead sea turtle ~~seaturtle~~ (*Caretta caretta*)(T),

11. No change.

(f) Birds:

1. No change.

2. Bachman's wood warbler (*Vermivora bachmanii*)(E),

3. through 8. No change.

9. Kirtland's wood warbler (*Dendroica kirtlandii*)(E),

10. through 12. No change.

13. Whooping crane (*Grus americana*)(XNE); Listed as experimental population in Florida,

14. No change.

(g) Mammals:

1. through 4. No change.

5. West Indian Florida manatee (*Trichechus manatus latirostris*)(E),

6. through 11. No change.

12. Key deer (*Odocoileus virginianus clavium*)(E). No person shall feed Key deer (~~*Odocoileus virginianus clavium*~~) by hand or by placing any food that serves to attract such species,

13. through 14. No change.

15. Lower Keys marsh rabbit (*Sylvilagus palustris hefneri*)(E),

16. through 20. No change.

~~21. Silver rice rat (*Oryzomys argentatus*)(E),~~

22. through 24. renumbered 21. through 23. No change.

(h) through (j) No change.

(k) Mollusks:

1. Chipola slabshell (mussel) (*Elliptio chipolaensis*)(T),

2. Fat ~~three~~ three ridge (mussel) (*Amblema neislerii*)(E),

3. Gulf moccasinshell (mussel) (*Medionidus penicillatus*)(E),

4. Ochlockonee moccasinshell (mussel) (*Medionidus simpsonianus*)(E),

5. Oval pigtoe (mussel) (*Pleurobema pyriforme*)(E),

6. Purple bankclimber (mussel) (*Elliptioideus sloatianus*)(T),

7. Shinyrayed pocketbook (mussel) (*Lampsilis subangulata*)(E),

8. Stock Island tree snail (*Orthalicus reses*) ~~[not incl. *nesodryas*]~~(T).

(2) State-designated Threatened species:-

(a) through (c) No change.

(d) Reptiles:

1. Florida ~~brownsnake~~ brown snake (*Storeria victa*); lower Keys population only,

2. No change.

3. Gopher tortoise: (*Gopherus polyphemus*). The Gopher tortoise (~~*Gopherus polyphemus*~~) shall be afforded the protective provisions specified in this paragraph. No person shall take, attempt to take, pursue, hunt, harass, capture, possess, sell or transport any gopher tortoise or parts thereof or their eggs, or molest, damage, or destroy gopher tortoise burrows, except as authorized by Commission permit or when complying with Commission approved guidelines for specific actions which may impact gopher tortoises and their burrows. A gopher tortoise burrow is a tunnel with a cross-section that closely approximates the shape of a gopher tortoise. Permits will be issued based upon whether issuance would further management plan goals and objectives.

4. through 7. No change.

(e) through (g) No change.

(h) Insects:

Miami blue butterfly (*Cyclargus* [~~= *Hemiargus*~~] ~~*thomasi bethunebakeri*~~). The Miami blue butterfly (~~*Cyclargus*~~ [~~= *Hemiargus*~~] ~~*thomasi bethunebakeri*~~), shall be afforded the

protective provisions specified in this subsection. No person shall take, harm, harass, possess, sell, or transport any Miami blue butterfly (~~Cyclargus~~ [~~=~~ ~~Hemiargus~~] ~~thomasi bethunebakeri~~), or parts thereof or their eggs, larvae or pupae except as authorized by permit from the executive director. Permits will be issued based upon whether issuance would further management plan goals and objectives.

68A-27.005 Designation of Species of Special Concern; Prohibitions; Permits.

(1) During the moratorium created in subsection 68A-27.0012(4), F.A.C: Management plans will be developed for the species listed in this rule and the species will be evaluated under the listing criteria in subsection 68A-27.001(3), F.A.C., for listing as a State-designated Threatened species. If the Commission determines that the species warrants listing as a State-designated Threatened species, final Commission action on the listing shall include removing reference to the species from this rule. If the species evaluation demonstrates the species does not qualify for listing as a State-designated Threatened species, the Commission will remove the species from this rule upon completion of a management plan. After a biological status review is conducted and a management plan is approved, the Commission will decide whether a species should remain listed when the species is ~~Species that are~~ determined to be data deficient pursuant to the Guidelines for Using the IUCN Red List Categories and Criteria ~~shall not be removed from the Species of Special Concern list.~~

(2) No change.

68A-27.007 Permits and Authorizations for the Take of Florida Endangered and Threatened Species.

(1) Permit requirements for the taking of Federally-designated Endangered and Threatened Species: The purpose of this subsection is to eliminate the need for both federal and state permits for take and incidental take of Federally-designated Endangered and Threatened Species. Activities that result in take or incidental take of Federally-designated Endangered and Threatened Species do not require a permit from the Commission when authorized by the U.S. Fish and Wildlife Service or the National Oceanic and Atmospheric Administration's National Marine Fisheries Service pursuant to 16 U.S.C. Section 1539, or other authorization provided by 16 U.S.C. Section 1536. The Commission permit or other authorization will only be issued to take or incidentally take Federally-designated Endangered and Threatened Species if specifically authorized under a written agreement or regulatory delegation by the U.S. Fish and Wildlife Service or the National Oceanic and Atmospheric Administration's National Marine Fisheries Service provided that the issuance shall not be inconsistent with federal law. The incidental take of a Federally-designated Endangered and Threatened Species that results from activities which the U.S. Fish and Wildlife Service or the National Oceanic and

Atmospheric Administration's National Marine Fisheries Service has determined in writing does not require a permit under 16 U.S.C. Section 1539, or other authorization provided by 16 U.S.C. 1536 does not require a permit under this section and is not prohibited under Rule 68A-27.003, F.A.C.

(2) The permit requirements for the taking of a State-designated Threatened species are as follows:

(a) Intentional take: The Commission may issue permits authorizing intentional take of Florida State-designated Threatened species for scientific or conservation purposes which will benefit the survival potential of the species except for species that have a permitting standard for intentional take in Rule 68A-27.003, F.A.C., and then that standard will apply. For purposes of this rule, a scientific or conservation purpose shall mean activities that further the conservation or survival of the species, including collection of scientific data needed for conservation or management of the species. The following factors shall be considered in determining whether there is a scientific or conservation purpose which will benefit the survival potential of the species;

(b) Incidental take: The Commission may issue permits authorizing incidental take of State-designated Threatened species upon a conclusion that the following permitting standards have been met: the standards for species when contained in Rule 68A-27.003, F.A.C., take precedence; for blackmouth shiner, striped mud turtle, Florida mastiff bat, and pillar coral, a permit may be issued if the permitted activity clearly enhances the survival potential of the species; for activities and all proposed mitigation will provide an overall other State-designated Threatened species, the permit may be issued when there is a scientific or conservation benefit and only upon a showing by the applicant that the permitted activity will not have a ~~for the species and no~~ negative impact on the survival potential of the species. Factors which shall be considered in determining whether a permit may be granted are:

1. through 7. No change.

(c) Land management activities that benefit wildlife ~~or agriculture, as defined in Section 570.02, Florida Statutes, conducted in accordance with Department of Agriculture and Consumer Service's adopted best management practices~~ and that are not inconsistent with Management Plans for species as defined in this rule chapter are authorized and do not require a permit authorizing incidental take despite any other provision of this section.

(d) Agriculture, as defined in Section 570.02, Florida Statutes, conducted in accordance with best management practices (BMPs) adopted by the Department of Agriculture and Consumer Service pursuant to Section 403.067 and Section 597.004, Florida Statutes, is authorized and does not require a permit authorizing incidental take despite any other provision of this section. The Commission will work cooperatively with the Florida Department of Agriculture and

Consumer Services, landowners, and other stakeholders to legislatively authorize, develop, and adopt BMPs to protect wildlife species within three years of the effective date of these rules.

(e)(4) Wildlands fire suppression actions necessary to ensure public safety during emergency circumstances, including but not limited to, setting counterfires, removing fences and other obstacles, digging trenches, cutting firelines, or using water from public and private sources are authorized and do not require a permit authorizing incidental take despite any other provision of this section, unless specified in management plans for species as defined in this rule chapter.

(f)(e) Take of a marine organism as defined in Chapter 68B-8, F.A.C., and life identified as a Florida Endangered and Threatened Species will be permitted pursuant to the provisions of Chapter 68B-8, F.A.C.

No other changes were made to the rule amendments as proposed.

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NO.: 69B-220.001 RULE TITLE: Pre-Qualification and Licensure of Emergency Adjusters

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 26, July 2, 2010 issue of the Florida Administrative Weekly.

- (1) through (5) No change.
- (6) (a) through (e) No change.
- (f) 1. through 3. No change.

4. If after the license licensure expires or is terminated, the Department has reason to believe there was a violation of any provision of the Florida Insurance Code or Chapter 69B, Florida Administrative Code, these rules by the former licensee while licensed, the Department is not precluded from filing administrative action against the former licensee, and from serving the charges by certified mail to the licensee, or by publication of notice of action in the legal notices section of a newspaper of general circulation in or near the city or county of permanent residence or place of business as shown on the licensee's application for emergency adjuster if certified mail service is unsuccessful.

The remainder of the rule remains as published on July 2, 2010.

**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 AGRICULTURE AND CONSUMER SERVICES

NOTICE IS HEREBY GIVEN THAT on September 7, 2010, the Department of Agriculture and Consumer Services, received a petition for Variance or Waiver from Charles J. DeGrange, Vice President of The Windsor at Bay Colony Condominium Association. The Petition requests a permanent variance or waiver from subsection 5F-11.002(1), F.A.C., which adopts the standards of the National Fire Protection Association for gas appliances and gas piping as published in NFPA No. 54, American National Standard National Fuel Gas Code (2006). The specific section of NFPA 54 for which the variance would apply is Section 7.9.2.2, NFPA 54, National Fuel Gas Code, 2006 (formerly, Section 3.10.2, NFPA 54, National Fuel Gas Code, 1996).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lisa M. Bassett, Chief, Bureau of Liquefied Petroleum Gas Inspection, 3125 Conner Boulevard, Suite N, Tallahassee, Florida 32399-1650 or by calling Lisa M. Bassett at (850)921-8001.

The Department of Agriculture and Consumer Services will accept comments concerning this petition for 14 days from the date of publication of this Notice. To be considered, the comments must be received by the end of business on the 14th day at the: Department of Agriculture and Consumer Services, Bureau of Liquefied Petroleum Gas Inspection, 3125 Conner Boulevard, Suite N, Tallahassee, Florida 32399-1650, Attn.: Lisa M. Bassett, Chief, Bureau of LP Gas Inspection.

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 September 9, 2010, the South Florida Water Management District (District) Governing Board has issued an order.

SFWMD Order No.: 2010-174-DAO-ROW was issued to Collier County Board of Commissioners (Application No.: 10-0216-1). The petition for waiver was received by the District on June 7, 2010. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 36, No. 25, on June 25, 2010. No public comment was received. This Order provides a waiver of the District's criteria to allow an existing pole-mounted safety camera, including foundation and buried conduits to remain within the west right of way of the C.R.951 Canal; Section 26, Township 49 South, Range 26 East, Collier County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6), paragraph 40E-6.221(2)(j), Florida Administrative Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District, incorporated by reference in subsection 40E-6.091(1), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank within works of lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the District's current ability to perform necessary construction, alteration, operation, and routine maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Petitioner from suffering a substantial hardship and would violate principles of fairness.

A copy of the Order may be obtained by contacting: Juli Russell, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6268 or by email at: jurussel@sfwmd.gov.

NOTICE IS HEREBY GIVEN THAT on September 9, 2010, the South Florida Water Management District (District) Governing Board has issued an order.

SFWMD Order No.: 2010-175-DAO-ROW was issued to Collier County Board of Commissioners (Application No.: 10-0216-2). The petition for waiver was received by the District on June 7, 2010. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 36, No. 25, on June 25, 2010. No

public comment was received. This Order provides a waiver of the District's criteria to allow an existing pole-mounted safety camera, including foundation and buried conduits to remain within the west right of way of the Airport Road Canal; Section 26, Township 49 South, Range 26 East, Collier County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6), paragraph 40E-6.221(2)(j), Florida Administrative Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District, incorporated by reference in subsection 40E-6.091(1), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank within works of lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the District's current ability to perform necessary construction, alteration, operation, and routine maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Petitioner from suffering a substantial hardship and would violate principles of fairness.

A copy of the Order may be obtained by contacting: Juli Russell, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6268 or by email: jurussel@sfwmd.gov.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on September 10, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from The Glens, filed April 5, 2010, and advertised in Vol. 36, No. 20, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until April 1, 2012, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-221).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 10, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a

Petition for Variance from Hillcrest Building, filed July 8, 2010, and advertised in Vol. 36, No. 30, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until August 1, 2011 because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-461).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 10, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from St. Anthony's Parking Garage, filed July 9, 2010, and advertised in Vol. 36, No. 30, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until August 1, 2011 because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-464).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 10, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from St. Anthony's SARC, filed July 9, 2010, and advertised in Vol. 36, No. 30, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until June 1, 2011, because the Petitioner has demonstrated that

the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-465).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 10, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from Riverdome Apartments, Inc., filed July 22, 2010, and advertised in Vol. 36, No. 33, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until October 31, 2010, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-483).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 10, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from Lemon Bay View East Condo Assoc., filed July 29, 2010, and advertised in Vol. 36, No. 33, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until July 1, 2015, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-492).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 10, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a

Petition for Variance from Springlake Business Center, filed July 30, 2010, and advertised in Vol. 36, No. 33, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 and 2.7.4 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations and restricted door openings until June 30, 2011, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-495).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 10, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from Renaissance Orlando at Seaworld, filed August 2, 2010, and advertised in Vol. 36, No. 33, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until January 30, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-502).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 10, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from John R. Kelly Generating Station, filed August 2, 2010, and advertised in Vol. 36, No. 33, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 111.5 ASME A17.1a, 1997 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for restricted door openings until September 30, 2010, because the Petitioner has demonstrated

that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-504).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 7, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

The Final Order was in response to a Petition for Variance from The Ocean Club, filed August 2, 2010, and advertised in Vol. 36, No. 34, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until July 1, 2015, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-505).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 2, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from The Ocean Club. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-505).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 4, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Sanctuary Center. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters'

emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-507).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 4, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from 330 Coconut Row Bldg. Petitioner seeks a variance of the requirements of ASME A17.3, Section 2.7.4 and 3.11.1, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for door restrictors and car emergency signal which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-508).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 4, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from PLACE. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.14.1.4, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires no more than two compartments per car which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-509).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 4, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from St. James Condo. Petitioner seeks a variance of the requirements of ASME A17.3, Section 2.7.4, 3.3.2, 3.9.3, 3.10.3, 3.10.4(u), 3.11.1 and 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for door restrictors, platform guards,

normal terminal devices, cartop operating devices, car stop switch, two-way communication and firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-510).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 4, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from St. John's River Power Park. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.1.6.2 and 2.7.4.2(a), as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that limits the size of the hoistway compared to the elevator car which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-511).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 5, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from The Legal Building. Petitioner seeks a variance of an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-513).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 6, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from City of Jacksonville. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters'

emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-514).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 9, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Siesta Towers. Petitioner seeks a variance of the requirements of ASME A17.3, Section 2.7.4, 3.3.2 and 3.11.1(a)(3), as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for restricted door openings, platform guards and a car alarm which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-516).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 9, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Crestmanor. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, 2.7.4 and 3.3.2 and of ASME A17.1, Section 8.6.5.0, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations, restricted door openings, platform guards and single bottom jack which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-517).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 10, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Acapulco Inn. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3 and 2.7.4, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative

Code, that requires upgrading the elevators for firefighters' emergency operations and restricted door openings which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-518).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 10, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Makai Beach Lodge. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3 and 2.7.4, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations and restricted door openings which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-519).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 10, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Best Western Mainsail. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3 and 2.7.4, as adopted by Chapter 30, Section 3001.2 Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires upgrading the elevators for firefighters' emergency operations and restricted door openings which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-520).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 10, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Surfside Hotel. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3 and 2.7.4, as adopted by Chapter 30, Section 3001.2 Florida Building Code

adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations and restricted door openings which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-521).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 11, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Atlantis Regency Condo. Petitioner seeks a variance of the requirements of ASME A17.3, Section 2.7.4 and 3.11.1, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for restricted door openings and car emergency signal which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-522).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 10, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from Atlantis Regency Condo, filed August 11, 2010, and advertised in Vol 36, No 34, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3, 2.7.4, 3.3.2 and 2.8.2 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations, restricted door openings, platform guards and re-opening device for car doors and gates until August 1, 2012, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-522).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 11, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Flamingo Bay. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.3.2 and 3.10.4(u), as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for platform guards and car emergency signal which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-523).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 11, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from J.H. Miller Health Science Center. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.3.2 and of ASME A17.1, Section 2.27.8, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations and switch keys which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-524).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 11, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Tallahassee Leon Co. Civic Center. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-525).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 11, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Wachovia Bank. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-526).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 11, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Bok Tower Gardens. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, 2.7.4, 3.10.6 and 3.3.2, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations, restricted door openings, phase reversal and failure protection and platform guards which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-527).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 10, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from Bok Tower Gardens, filed August 11, 2010, and advertised in Vol. 36, No. 34, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 and 2.7.4 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations

and restricted door openings because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-527).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 10, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from Christian Life Center, filed August 12, 2010, and advertised in Vol 36, No 36, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 and 2.7.4 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations and restricted door openings until June 30, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-530).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 10, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from YWCA, filed August 13, 2010, and advertised in Vol. 36, No. 36, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.7.4, 3.10.4(e), (q) & (u), 3.11.1(a)(2), 3.3.2, 2.2.2, 2.3.3 and 3.10.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for restricted door openings, top-of-car stop switch, normal terminal stopping devices, emergency stop switch, two-way communication, platform guards, machine room access and top-of-car operating devices until August 1, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-531).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 10, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That Final Order was in response to a Petition for Variance from El Capistrano Condo Assoc, filed August 16, 2010, and advertised in Vol. 36, No. 36 of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance from Rule 3.11.3, ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations because the Petitioner has not demonstrated that the purpose of the statute underlying the rule will be met (VW 2010-536).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, (850)488-1133.

NOTICE IS HEREBY GIVEN THAT on September 10, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from Bank of America Bldg., filed August 16, 2010, and advertised in Vol. 36, No. 36, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 and 3.10.4(u) ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations and emergency stop switch until August 1, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-537).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 10, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from Casa Del Mar III Condo, filed August 16, 2010, and advertised in Vol. 36, No. 36, of the Florida Administrative Weekly. No comments were received in

response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.7.4, 3.3.2 and 3.9.1 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for restricted door openings, platform guards and normal terminal stopping devices until February 15, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-538).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 10, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from Silver Sands Assoc. I, filed August 23, 2010, and advertised in Vol. 36, No. 36, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 and 3.3.2 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations and platform guards until August 15, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2010-548).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 23, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Club at Barefoot Beach. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.4.1.5 and 2.15.9.2, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that prohibits the car or bumper from hitting any part of the pit or equipment which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-550).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 25, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Crowne Plaza Jacksonville Riverfront. Petitioner seeks a variance of the requirements of ASME A17.3, Section 2.7.4, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for restricted door openings which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-551).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 26, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Maitland Forum. Petitioner seeks a variance of an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-552).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 26, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Park Center. Petitioner seeks a variance of an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-553).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 26, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Ybor City Business Condo Assoc. Petitioner seeks a variance of an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-554).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 27, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Palm Ave Parking Garage. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.20.4 and 2.24.2.1, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that specifies rope, material and grooves requirements which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-555).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 27, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from City of Tampa, Police Headquarters. Petitioner seeks a variance of the requirements of ASME A17.1, Section 5.3.7 and 8.6.8.3.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires a means to stop an escalator when an object becomes caught and specifies the step/skirt performance which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-556).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 27, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Raymond James Tower III. Petitioner seeks a variance of the requirements of Section 3003.1.5 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that specifies access to exits which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-557).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 27, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Florida Hospital. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.21.1.1 and 2.21.2.6, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires counterweight mounted in metal frames and secured as to prevent shifting which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-558).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 30, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Ocean Dunes Condo Assoc. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, 2.7.4 and 3.3.2 and ASME A17.1, Section 1001.2 and 2.7.3.4, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations, restricted door openings, platform guards, specifies access doors and openings and inspection test requirements which poses a significant economic/financial hardship. Any interested person may file

comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-559).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 31, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Citizens Building of West Palm Beach. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-560).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 31, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from American Building. Petitioner seeks a variance of an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-561).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 31, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Greater Orlando Aviation Authority. Petitioner seeks a variance of the requirements of ASME A17.1, Section 6.1.7.2, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires certain lighting levels over escalators which poses a significant economic/financial hardship. Any interested person may file comments within 14

days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-562).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 1, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Four Points Office Bldg. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.20.4, 2.18.5 and 8.11.2.1.3(cc)(1)(3), as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that specifies rope requirements which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-563).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 3, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Penthouse Beach Club Assoc., Inc. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-564).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 7, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Nordvind. Petitioner seeks a variance of an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this

notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-566).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 7, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from USF – Wellness & Nutrition Center. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.2.2.5, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators with a sump pump which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-567).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 7, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Morris Bridge Water Treatment Plant. Petitioner seeks a variance of an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-568).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 7, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from The Palace. Petitioner seeks a variance of the requirements of ASME A17.3, Section 2.7.4, 3.3.2, 3.4.3(d), 3.10.3, 3.10.4(q) and 3.11.1(a)(2), as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires restricted door openings, platform guards, sight guards, top-of-car operating devices, normal terminal stopping devices and two way communication which poses a significant economic/financial hardship. Any interested person may file

comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-569).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 8, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Coco Key Hotel and Water Resort. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-570).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on September 8, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from The Links Condo Phase II. Petitioner seeks a variance of the requirements of ASME A17.1a, Section 303.3d, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires a manual shutoff valve which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-571).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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 September 8, 2010, the Florida Department of Environmental Protection (Department) has issued an order.

On August 6, 2010, the Department received a petition for variance or waiver under Section 120.542, F.S., from the Pelican Landing Community Association. The Petitioner requested a variance from or waiver of certain provisions in Chapter 62B-36 of the Florida Administrative Code, as those provisions apply to cost sharing with eligible government entities for the implementation of beach management projects. Notice of receipt of this petition was published in the Florida Administrative Weekly on September 3, 2010. No public comment was received. On September 1, 2010, the Petitioner withdrew its petition for variance or waiver, and an order closing file was issued on September 8, 2010.

A copy of the Order may be obtained by contacting: N. West Gregory, Department of Environmental Protection, Office of General Counsel, 3900 Commonwealth Boulevard, MS #35, Tallahassee, FL 32399-3000, west.gregory@dep.state.fl.us.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on September 14, 2010, the Board of Optometry, received a petition for for waiver or variance filed by Yasmine Fozooni, O.D., from Rule 64B13-4.001, F.A.C., with regard to the licensure requirement of Rule 64B13-4.001, F.A.C., entitled "Examination Requirements." Specifically, the Petitioner, an out-of-state optometrist who has applied for an optometrist license in Florida, requests for reasons stated in the petition that the Board waives the requirement under Rule 64B13-4.001, F.A.C., pertaining to the National Examinations Requirements. Comments on this petition should be filed with the: Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Bruce Deterding, Executive Director, Board of Optometry, at the above address, or telephone (850)245-4355.

NOTICE IS HEREBY GIVEN THAT on September 15, 2010, the Board of Optometry received a petition for waiver or variance filed by Jack W. Harvey, II, O.D., from Rule 64B13-4.001, F.A.C., with regard to the licensure requirement of Rule 64B13-4.001, F.A.C., entitled "Examination Requirements." Specifically, the Petitioner, an out-of-state optometrist who has applied for an optometrist license in Florida, requests for reasons stated in the petition that the Board waives the requirement under Rule 64B13-4.001, F.A.C., pertaining to the National Examinations Requirements. Comments on this petition should be filed with the: Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257, within 14 days of publication of this notice.

For a copy of the petition, contact: Bruce Deterding, Executive Director, Board of Optometry, at the above address, or telephone (850)245-4355.

NOTICE IS HEREBY GIVEN THAT on August 31, 2010, the Board of Pharmacy, received a petition for Alan Oberlender, seeking a waiver of the requirements of paragraph 64B16-26.103(1)(h), Florida Administrative Code, which requires continuing education to be board approved prior to completion.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254. Comments on this petition should be filed with the Board of Pharmacy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on September 13, 2010, the Board of Psychology, received a petition for variance filed by Rob J. Rotunda, Ph.D., from Rule 64B19-12.0085, F.A.C., with regard to the amount of the delinquency fee for late renewal of an active license. Comments on this petition should be filed with the: Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3055, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allen Hall, Executive Director, Board of Psychology, at the above address, or telephone (850)245-4373.

NOTICE IS HEREBY GIVEN THAT on September 8, 2010, the Department of Health, received a petition for variance from Plaza 3300, Inc T/A Central and Harbour Mobile Home Park, requesting variance from the lot size requirements in paragraphs 64E-15.002(2)(a) and 64E-15.002(2)(b), Florida Administrative Code. Comments on the petition should be filed with: Sam Power, Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: David B. Wolfe, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1710, (850)245-4277.

NOTICE IS HEREBY GIVEN THAT on September 8, 2010, the Florida Department of Health, received a petition for an emergency variance from or waiver of Agency rule subsection 64F-12.015(7), F.A.C. from The Blood Alliance, Inc., 7595 Centurion Parkway, Jacksonville, Florida 32256. The petition seeks an emergency variance from or waiver of subsection 64F-12.015(7), F.A.C. That rule subsection provides application content requirements for licensure and renewal of licensure as a Prescription Drug Wholesale Distributor.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rebecca Poston, R.Ph, Executive Director, Drugs Devices and Cosmetics Program, 4052 Bald Cypress Way, Mail Bin #C-04, Tallahassee, FL 32399, (850)245-4294.

NOTICE OF CORRECTION – A petition was filed on June 1, 2010, by Manatee Technical Institute for a variance or waiver of paragraph 64J-1.0201(3)(a), Florida Administrative Code, as it relates to the minimum qualifications for Program Directors at Florida-approved EMS Training Programs. Subsequently, the Petitioner filed a letter of withdrawal on July 27, 2010. The Department filed an Order Closing File on August 20, 2010 based on the letter of withdrawal filed by Petitioner.

A copy of the Petition for Variance or Waiver may be obtained by contacting: John Bixler, Chief, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738, (850)245-4055, Fax: (850)488-9408, john_bixler@doh.state.fl.us.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN THAT on September 14, 2010, the Florida Housing Finance Corporation, received a petition for Waiver/Variance from subsection 9IER93-10(3), F.A.C., which requires “Interest payments, where applicable, on the HOME mortgage will be due to the servicer on the first day of the calendar quarter”, from Biscayne Apartments Associates, LTD. The petition is seeking a waiver of the required quarterly interest payments for loan financing provided through the HOME Investment Partnerships Program (“Disaster Relief”) (“HOME Program”).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Della Harrell, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing’s website at: www.floridahousing.org. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Section VI Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

State Board of Administration
Division of Bond Finance
Financial Services Commission:
 Office of Insurance Regulation
 Office of Financial Regulation
Agency for Enterprise Information Technology
Department of Veterans' Affairs
Department of Highway Safety and Motor Vehicles
Department of Law Enforcement
Department of Revenue
Administration Commission
Florida Land and Water Adjudicatory Commission
Board of Trustees of the Internal Improvement Trust Fund
Department of Environmental Protection

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

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Regular scheduled meeting of the Governor and Cabinet to act on all executive branch matters provided by law and to act on any agendas submitted for their consideration. The Governor and Cabinet will proceed through each agenda, item by item.

The **State Board of Administration** will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; reports on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968.

The **Division of Bond Finance** of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The **Financial Services Commission** will take action on matters duly presented on its agenda which may include, but not be limited to; matters relating to rulemaking for all activities of the **Office of Insurance Regulation** concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and matters related to rulemaking for all activities of the **Office of Financial Regulation** relating to the regulation of banks, credit unions, other financial institutions, finance companies, retail installment sales providers, title loan lenders, collection

agencies, mortgage brokers, mortgage lenders, certified capital companies, money services businesses, and the securities industry.

The **Agency for Enterprise Information Technology** will take action on matters duly presented on its agenda which may include, but not be limited to, the presentation and approval of the Agency's Annual Operational Work Plan as well as matters relating to rulemaking for all activities of the Agency.

The **Department of Veterans' Affairs** will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S. The **Department of Highway Safety and Motor Vehicles** will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The **Department of Law Enforcement** will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The **Department of Revenue** will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, administrative procedure matters, and consideration of other matters within its authority.

The **Administration Commission** will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to various statutes including Chapters 110, 215 and 216, F.S.

The **Florida Land and Water Adjudicatory Commission** will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The **Board of Trustees of the Internal Improvement Trust Fund** will take action on matters for which it is responsible pursuant to law (including duties pursuant to Title 18 of the

Florida Statutes and Title 18 of the Florida Administrative Code) and that are duly presented on its agenda, which may include such matters as aquacultural issues as presented by the Division of Aquaculture in the Department of Agriculture and Consumer Services; mineral leases or sales; state or sovereign land leases, sales, exchanges, dedications, and easements; conservation and preservation lands and other land purchases; land planning matters; rulemaking under Title 18 of the Florida Administrative Code and other matters within its authority.

The **Department of Environmental Protection** will present for consideration those matters required by law to be reviewed by the Governor and Cabinet, sitting as the Siting Board, which may include, but are not limited to siting of power plants and electric and natural gas transmission lines.

A copy of any of the above agendas submitted to the Governor and Cabinet for this meeting may be obtained by viewing the website of the Governor and Cabinet at <http://www.myflorida.com/myflorida/cabinet/> or by contacting each individual agency.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to provide at least 48 hours' notification before the meeting by contacting the Governor's Cabinet Affairs Office, (850)488-5152.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee

DEPARTMENT OF STATE

The **Friends of the Museums of Florida History, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 5, 2010, 9:00 a.m.

PLACE: R. A. Gray Building, 500 S. Bronough St., Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Elyse Cornelison, Museum of Florida History at (850)245-6400.

Pursuant to the provisions of 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: Elyse Cornelison, Museum of Florida History at (850)245-6400. If you are 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: Elyse Cornelison, Museum of Florida History at (850)245-6400.

The **Division of Historical Resources, Bureau of Historic Preservation**, the Great Floridians Ad Hoc Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, October 7, 2010, 10:30 a.m.

PLACE: Secretary of State's Conference Room, 1st Floor, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: To begin the nomination process for the designation of 2011 Great Floridians.

A copy of the agenda may be obtained by contacting: Susanne Hunt at (850)245-6333 or shunt@dos.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Susanne Hunt at (850)245-6333 or shunt@dos.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Susanne Hunt at (850)245-6333 or shunt@dos.state.fl.us.

The **Division of Historical Resources, Bureau of Historic Preservation, Florida Marker Council** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, October 12, 2010, 1:00 p.m.

PLACE: R. A. Gray Building, Room 404, Tallahassee, Florida 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review applications for the Florida Historical Marker Program.

A copy of the agenda may be obtained by contacting: Michael Zimny, Bureau of Historic Preservation at (850)245-6333 or email: mfmzimny@dos.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Michael Zimny at (850)245-6333 or email: mfmzimny@dos.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Michael Zimny at (850)245-6333 or email: mfzimny@dos.state.fl.us.

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: October 7, 2010, 11:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Committee.

DATE AND TIME: October 12, 2010, 11:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Awards and Recognition Task Force.

DATE AND TIME: October 12, 2010, 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: October 13, 2010, 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: October 13, 2010, 11:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Legislative Committee.

DATE AND TIME: October 14, 2010, 9:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Finance/Budget Committee.

DATE AND TIME: October 21, 2010, 1:00 p.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Mentoring Task Force.

DATE AND TIME: October 28, 2010, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Outreach Task Force.

DATE AND TIME: October 28, 2010, 11:30 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: FCSW Foundation.

NOTE: In the absence of quorum, items on this agenda will be discussed as workshop, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

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, (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 3 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, (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 at the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Fax: (850)921-4131.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Subcommittee on Imperiled Species** announces a public meeting to which all persons are invited.

DATE AND TIME: October 18, 2010, 2:00 p.m.

PLACE: Florida Department of Agriculture and Consumer Services, Bureau of Pesticides Conference Room, 3125 Conner Boulevard, Building #6, Tallahassee, Florida 32399-1650, (850)487-0532

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Subcommittee is charged with developing recommendations to the Coordinating Council for Mosquito Control regarding conduct of mosquito control that will: 1) allow for management and recovery of imperiled species by state and federal agencies and 2) allow the Mosquito Control Districts to continue to provide mosquito control as required by State Law under Chapter 388 of the Florida Statutes. This meeting will be used to discuss priorities of the subcommittee.

A copy of the agenda may be obtained by contacting: Bureau of Pesticides at (850)487-0532 or via e-mail (fekenm@doacs.state.fl.us). Instructions for joining via teleconference (webex) are also available.

For more information, you may contact: Mr. Max Feken, Bureau of Pesticides, 3125 Conner Boulevard, Building 6, Tallahassee, Florida 32399-1650, (850)487-0532.

The Department of Agriculture and Consumer Services, Division of Forestry announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 12, 2010, 9:00 a.m. – 1:00 p.m. (EST)

PLACE: Doyle Conner Building, Eyster Auditorium, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)414-9852

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the Off-Highway Vehicle Recreation Advisory Committee.

A copy of the agenda may be obtained by contacting: John Waldron, 3125 Conner Blvd., Tallahassee, Florida 32399, (850)414-9852.

Pursuant to the provisions of 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: John Waldron, 3125 Conner Blvd., Tallahassee, FL 32399, (850)414-9852. If you are 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: John Waldron, 3125 Conner Blvd., Tallahassee, FL 32399, (850)414-9852.

The Florida Motor Vehicle Repair Advisory Council announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 7, 2010, 1:30 p.m.

PLACE: Conference Room, 2005 Apalachee Parkway, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss proposed legislation for the 2011 Florida session addressing issues of interest to consumers; and issues to advise and assist the department.

A copy of the agenda may be obtained by contacting: LuAnn F. Stiles, Director, Division of Consumer Services, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)922-2966.

Pursuant to the provisions of 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: LuAnn F. Stiles at (850)922-2966. If you are

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 Aquaculture Review Council announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 4, 2010, 9:00 a.m.

PLACE: Division of Aquaculture Conference Room, 1203 Governor's Square Boulevard, 5th Floor, Tallahassee, FL 32301. For those unable to travel, the meeting teleconference number is: 1(888)808-6959, Conference Code: 4884033#

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss issues affecting the growth of aquaculture in Florida.

A copy of the agenda may be obtained by contacting: Kim Norgren at 1203 Governor's Square Boulevard, 5th Floor, Tallahassee, FL 32301, (850)488-4033.

Pursuant to the provisions of 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: Kim Norgren at (850)488-4033. If you are 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 Aquaculture Interagency Coordinating Council announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 12, 2010, 10:00 a.m.

PLACE: Division of Aquaculture Conference Room, 1203 Governor's Square Boulevard, 5th Floor, Tallahassee, FL 32301. For those unable to travel, the meeting teleconference number is: 1(888)808-6959, Conference Code: 4884033#

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss issues affecting the growth of aquaculture in Florida.

A copy of the agenda may be obtained by contacting: Kim Norgren, 1203 Governor's Square Boulevard, 5th Floor, Tallahassee, FL 32301, (850)488-4033.

Pursuant to the provisions of 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: Kim Norgren at (850)488-4033. If you are 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 COMMUNITY AFFAIRS

The **Florida Building Commission**, "the Commission" announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 7, 2010, 9:00 a.m.
 PLACE: MEETING TO BE CONDUCTED USING COMMUNICATIONS MEDIA TECHNOLOGY, specifically Webinar and Conference Call: Registration for Product Approval Program Oversight Committee Webinar. To Register: www2.gotomeeting.com/register/398041682, Conference Call: 1(888)808-6959, Code: 1967168#; Point of Access: Room 250L, 2555 Shumard Oak Boulevard, Tallahassee, Florida
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider and decide on approval of products and product approval entities and other business for the Commission.

A copy of the agenda may be obtained by contacting: Mrs. Suzanne Davis, Department of Community Affairs at (850)487-1824, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Department of Community Affairs at (850)487-1824. If you are 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: Mrs. Suzanne Davis, Department of Community Affairs at (850)487-1824, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399.

The **Department of Community Affairs, Division of Housing and Community Development** announces a public meeting to which all persons are invited.

The ENERGY TECHNICAL ADVISORY COMMITTEE (TAC)

DATE AND TIME: October 7, 2010, 1:00 p.m. – Until Completion

PLACE: MEETING TO BE CONDUCTED USING WEBINAR and TELECONFERENCE TECHNOLOGY, specifically Webinar access and Conference Call. Webinar: www2.gotomeeting.com/register/442843514; Conference Call: 1(888)808-6959, Code: 1967168#; Public point of access: Room 250L, 2555 Shumard Oak Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration and recommendation of Request for Relief from requirements of Chapter 13 of the Florida Building Code based on Section 13-101.1.5, Limited or Special Use Buildings, and other business for the Commission.

A copy of the agenda may be obtained by contacting: Ms. Ann Stanton, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, (850)487-1824 or Fax (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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. Mo Madani, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824 or Fax: (850)414-8436, Website: www.floridabuilding.org.

The **Department of Community Affairs, Division of Housing and Community Development** announces a public meeting to which all persons are invited.

The STRUCTURAL TECHNICAL ADVISORY COMMITTEE (TAC)

DATE AND TIME: October 7, 2010, 3:00 p.m. – Until Completion

PLACE: MEETING TO BE CONDUCTED USING WEBINAR and TELECONFERENCE TECHNOLOGY, specifically Webinar access and Conference Call. Webinar: www2.gotomeeting.com/register/760784858; Conference Call: 1(888)808-6959, Code: 1967168#; Public point of access: Room 250L, 2555 Shumard Oak Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration and recommendation of Declaratory Statements, and other business for the Commission.

A copy of the agenda may be obtained by contacting: Mr. Joe Bigelow, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, (850)487-1824 or

Fax: (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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. Mo Madani, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824 or Fax: (850)414-8436, Website: www.floridabuilding.org.

The Florida **Department of Community Affairs**, "the Department" announces a public meeting to which all persons are invited.

Building Energy Rating System (BERS) Steering Committee
DATE AND TIME: October 12, 2010, 8:30 a.m.

PLACE: Hilton Hotel, 1714 S. W. 34th St., Gainesville, Florida, (352)371-3600

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review the current Building Energy Rating System (statutes, rules and program functions) and the rater survey results; and provide recommendations to Department for consideration.

A copy of the agenda may be obtained by contacting: Mr. Mo Madoni, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824.

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. Mo Madoni, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824 or Fax: (850)414-8436, Website: www.floridabuilding.org.

The Training Task Force of the **State Emergency Response Commission (SERC) for Hazardous Materials** announces a public meeting to which all persons are invited.

DATE AND TIME: October 7, 2010, 9:30 a.m. (EDT)

PLACE: Betty Easley Conference Center, Southwood Campus, Room 152, 4075 Esplanade Way, Tallahassee, FL 32399-0950

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the activities and goals of the State Emergency Response Commission Training Task Force, and other hazardous materials training issues.

A copy of the agenda may be obtained by contacting: Division of Emergency Management, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9970.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 hours before the workshop/meeting by contacting: Division of Emergency Management at (850)413-9970. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Local Emergency Planning Committee, Chairpersons and Staff Contacts for the **State Emergency Response Commission (SERC) for Hazardous Materials** announces a public meeting to which all persons are invited.

DATE AND TIME: October 7, 2010, 1:30 p.m. (EDT)

PLACE: Betty Easley Conference Center, Southwood Campus, Room 152, 4075 Esplanade Way, Tallahassee, FL 32399-0950

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the activities and goals of the Local Emergency Planning Committee in implementing the Emergency Planning and Community Right-To-Know Act, also known as Title III of the Superfund Amendments and Reauthorization Act of 1986.

A copy of the agenda may be obtained by contacting: Division of Emergency Management, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9970.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Division of Emergency Management at (850)413-9970. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **State Emergency Response Commission**, Training Task Force announces a workshop to which all persons are invited.

DATE AND TIME: Thursday, October 7, 2010, 1:30 p.m. – 4:30 p.m.

PLACE: Betty Easley Conference Center, Southwood Campus, Room 180, 4075 Esplanade Way, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Follow up meeting to review Haz Mat Field Operations Guide, Sections 3 and 4.

A copy of the agenda may be obtained by contacting: Florida Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399, (850)413-9970.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Florida Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399, (850)413-9970. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **State Emergency Response Commission (SERC) for Hazardous Materials** announces a public meeting to which all persons are invited.

DATE AND TIME: October 8, 2010, 10:00 a.m. (EDT)

PLACE: Betty Easley Conference Center, Southwood Campus, Room 152, 4075 Esplanade Way, Tallahassee, FL 32399-0950

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the requirements of the Emergency Planning and Community Right-To-Know Act, also known as Title III of the Superfund Amendments and Reauthorization Act of 1986.

A copy of the agenda may be obtained by contacting: Division of Emergency Management, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9970.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Division of Emergency Management at (850)413-9970. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF TRANSPORTATION

The Florida **Department of Transportation**, District 3 announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 19, 2010, 5:30 p.m. – 6:30 p.m.

PLACE: Kingsway Church and Christian Center, 7895 Pensacola Boulevard, Pensacola, FL 32534

GENERAL SUBJECT MATTER TO BE CONSIDERED: This Public Meeting is being held to afford the public the opportunity to receive information and express opinions regarding the location, proposed design, social, economic and environmental impacts of Financial Project Number: 222476-1-32-02, the I-10/US 29 Interchange Project

Development and Environment (PD&E) Study Re-evaluation. The project limits of this study span SR 8 (I-10) from west of SR 95 (US 29) to west of the SR 8A (I-110) interchange.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Mr. John Smith at (850)415-9520 or by e-mail: john.smith@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Project information is available upon request from: Ralph S. Bove, Jr., Study Team Project Manager at (407)896-0594 or by email: rbove@drmp.com. Project maps and documents can be reviewed at: DRMP, Inc., 700 S. Palafox Street, #160, Pensacola, Florida 32502. Please call (850)469-9077 to schedule an appointment with project staff to review project information.

Project information may also be obtained by contacting Mr. Alan Vann, Project Manager, Florida Department of Transportation, District 3, Office of Environmental Management, 1074 Highway 90, Chipley, FL 32428, (850)415-9523, Toll-Free 1(888)638-0250, ext. 523, email: Alan.Vann@dot.state.fl.us.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: October 12, 2010, 9:30 a.m.

PLACE: Betty Easley Conference Center, Joseph P. Cresse Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on the conference agenda may be allowed to address the Commission, either informally or by oral argument, when those items are taken up for discussion at the conference, pursuant to Rules 25-22.0021 and 25-22.0022, F.A.C.

A copy of the agenda may be obtained by any person who requests a copy and pays the reasonable cost of the copy (\$1.00, see Copying Charges for Commission Records), by

contacting: The Office of Commission Clerk at (850)413-6770 or writing: Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. The agenda and recommendations are also accessible on the PSC Website: <http://www.floridapsc.com>, at no charge.

Persons deciding to appeal any decisions made by the Commission with respect to any matter considered at this conference will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact the Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: October 12, 2010, Immediately following the Commission Conference which commences at 9:30 a.m. in Joseph P. Cresse Hearing Room 148

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact the Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

*In the event of a change or cancellation, notice will be published at the earliest practicable time on the Commission's website at <http://www.psc.state.fl.us/agendas/internalaffairs/>.

The Florida **Public Service Commission** announces a public customer meeting in the following docket to which all persons are invited.

DATE AND TIME: Thursday, October 14, 2010, 10:00 a.m. (Central Time)

PLACE: Sunny Hills Community Center, 4083 Challenger Blvd., Chipley, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Docket No.: 100330-WS – Application for increase in water/wastewater rates in Alachua, Brevard, DeSoto, Hardee, Highlands, Lake, Lee, Marion, Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter, Volusia, and Washington Counties by Aqua Utilities Florida, Inc.

The purpose of the meeting is to give customers and other interested persons an opportunity to offer comments regarding the quality of service the utility provides, the proposed rate increase, and to ask questions and comment on other issues. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in this meeting.

For questions, contact: Commission staff, Katherine Fleming at (850)413-6199.

Emergency Cancellation of Customer Meeting: If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the meeting will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodation at this meeting because of a physical impairment is asked to advise the agency at least 48 hours before the meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770. If you are hearing or speech impaired, please contact the Agency using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

REGIONAL PLANNING COUNCILS

The **West Florida Regional Planning Council** and the **District 1 Local Emergency Planning Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 27, 2010, 10:00 a.m.; Exercise Design Subcommittee, 9:00 a.m.; Additional subcommittee meetings will be held via teleconference, Monday, October 18, 2010, 9:00 a.m. (CDT)

PLACE: Florida Gas Transmission Company, 13100 Munson Hwy., Milton, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The LEPC will meet to discuss regional hazardous materials planning and training issues for the seven counties in District:

Escambia, Santa Rosa, Okaloosa, Bay, Walton, Holmes and Washington. Agenda items also include the LEPC biennial exercise, training and a tour of the host facility.

Links to the agenda for the LEPC meeting and previous meetings minutes are located on the LEPC web calendar: <http://www.wfrpc.org/lepc>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: Kathy Ahlen at (850)332-7976, ext. 210 in the Pensacola calling area or 1(800)226-8914, ext. 210 outside Pensacola. If you are 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: Kathy Ahlen at (850)332-7976, ext. 210 in the Pensacola calling area, 1(800)226-8914, ext. 210 outside Pensacola.

The **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: October 6, 2010, 1:30 p.m.

PLACE: Board of County Commissioners Meeting Room, County Courthouse, 207 Northeast 1st Street, Jasper, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Hamilton County Transportation Disadvantaged Coordinating Board.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Northeast Florida Regional Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 4, 2010, 12:00 Noon

PLACE: 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: President, Officers and Committee Chairs Organizational Meeting for FY 2010/2011.

A copy of the agenda may be obtained by contacting: Brian Teeple at (904)279-0880.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Angela Giles at agiles@nefrfc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Northeast Florida Regional Council** announces a public meeting to which all persons are invited.

DATE AND TIMES: October 7, 2010, Personnel, Budget and Finance Committee, 9:00 a.m.; Planning and Growth Management Committee, 8:30 a.m.; Full Board of Directors, 11:00 a.m.; Legislative Committee immediately following the Board Meeting

PLACE: 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Meetings.

A copy of the agenda may be obtained by contacting: Sheron Forde at (904)279-0880 or sforde@nefrfc.org.

The **Northeast Florida Regional Council** announces a public meeting to which all persons are invited.

DATE AND TIMES: Thursday, October 7, 2010, Planning and Growth Committee, 8:30 a.m.; Personnel Budget and Finance Committee, 9:00 a.m.; Full Board, 10:00 a.m.; Legislative Committee immediately following Full Board

PLACE: 6850 Belfort Oaks Place, Jacksonville, Florida 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting of the Board and Committees.

A copy of the agenda may be obtained by contacting: Sheron Forde at (904)279-0880.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Sheron Forde at (904)279-0880. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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, October 11, 2010, 8:30 a.m.

PLACE: ECFRPC Offices, 309 Cranes Roost Blvd., Suite 2000, Altamonte Springs, Florida 32701

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting of the Executive Director Committee to discuss the upcoming October 20, 2010 Council Meeting.(visit our website at www.ecfrpc.org for map and directions).

A copy of the agenda may be obtained by contacting: Tuesdai Brunsonbyrd-Bowden at (407)262-7772 or email: tbyrd@ecfrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Tuesdai Brunsonbyrd-Bowden at email: tbyrd@ecfrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Apalachee Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 30, 2010, 10:30 a.m. (ET)

PLACE: Holiday Inn Hotel & Suites, 2725 Graves Road, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: In addition to its regular business, the agenda will include the review of any local government plan amendments received in a timely manner.

A copy of the agenda may be obtained by contacting: Janice Watson, ARPC, 20776 Central Avenue East, Blountstown, FL 32424, (850)674-4571 or arpc1@fairpoint.net.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Southwest Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 7, 2010, 10:00 a.m.

PLACE: Southwest Florida Regional Planning Council, 2nd Floor, Meeting Room, 1926 Victoria Avenue, Fort Myers, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The SWFRPC's Lower West Coast Watersheds Implementation Committee monthly meeting.

A copy of the agenda may be obtained by contacting: Mr. David Crawford at (239)338-2550, ext. 226 or dcrawford@swfrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ms. Deborah Kooi at (239)338-2550, ext. 210 or dkooi@swfrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Mr. James Beever at (239)338-2550, ext. 224 or jbeever@swfrpc.org.

WATER MANAGEMENT DISTRICTS

The **R.O. Ranch Inc.**, a Florida non-profit corporation announces a public meeting to which all persons are invited.

DATE AND TIME: October 7, 2010, 6:30 p.m.

PLACE: Morgan Fieldstation Office, Cooks Hammock, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Board of Directors meeting to discuss the development of equestrian facilities on Suwannee River Water Management District properties.

A copy of the agenda may be obtained by contacting: Pennie Flickinger, Business Resource Specialist at (386)362-1001 or pff@srwmd.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Pennie Flickinger, Business Resource Specialist at (386)362-1001 or pff@srwmd.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Brian Kauffman, Facilities Director at (386)362-1001 or bck@srwmd.org.

The **St. Johns River Water Management District**, Projects and Land Committee announces a public meeting to which all persons are invited.

Projects and Land Committee Business Meeting

DATE AND TIME: Monday, October 11, 2010, 4:00 p.m.

PLACE: District Headquarters, Room 162, Executive Building, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Projects and Land Committee will discuss agenda items, followed by committee recommendations to be approved by the full Governing Board.

NOTE: In the event a quorum of the Committee is not available for the business meeting at the date, time and place set forth above, the Committee shall meet on Tuesday, October 12, 2010, 8:00 a.m. at District Headquarters, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177. One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

A copy of the agenda may be obtained by contacting: Heather Barnes, 4049 Reid Street, Palatka, FL 32177, (386)329-4347, or by visiting the District's website: www.floridaswater.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 48 hours before the workshop/meeting by contacting: District Clerk at (386)329-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **St. Johns River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIMES: Tuesday, October 12, 2010

8:15 a.m. Chair's Meeting.

9:00 a.m. Finance, Administration and Audit Committee.

10:00 a.m. Regulatory Committee.

1:00 p.m. Governing Board Meeting and Public Hearing on Land Acquisition.

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters. Staff may recommend approval of external amendments which affect the adopted budget.

NOTE: One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Missy McDermont, 4049 Reid Street, Palatka, Florida 32177, (386)329-4101 or by visiting the District's website: www.floridaswater.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 48 hours before the workshop/meeting by contacting: District Clerk at (386)329-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 4, 2010, 3:30 p.m.

PLACE: Southwest Florida Water Management District, Conference Rooms A & B, 2379 Broad Street, Brooksville, Florida 34604

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of task force business for the Hernando County Task Force of the Citrus/Hernando Waterways Restoration Council. Hernando County residents are encouraged to attend and provide suggestions for restoration projects to enhance fish and wildlife habitat.

A copy of the agenda may be obtained by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604, (352)796-7211 or 1(800)423-1476 (Florida Only), Josie Guillen, extension 4227.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: (352)796-7211 or 1(800)423-1476 (Florida Only), extension 4702, TDD (Florida Only) 1(800)231-6103 or email: ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 5, 2010, 9:00 a.m.
PLACE: Tampa Service Office, 7601 US Highway 301 North, Tampa, Florida 33537-6749
GENERAL SUBJECT MATTER TO BE CONSIDERED:
Permit No. and Project Name:
20002486.004 Circle G Farm and Ranch, LLC
20000659.013 Farmland Reserve
20001836.008 Rood Family Limited Partnership
20006124.007 City of Mulberry
49000121.011 Hills Co. – Duck Pond Area Drainage Improvements
43027992.002 FDOT – SR 35 (US 17) from Sweetwater Road to 7th Avenue in Zolfo Springs
49035602.000 Cornerstone Communities Inc./Mondon Hill Plaza

A copy of the agenda may be obtained by contacting: Patty McLeod, Southwest Florida Water Management District, PMO, 2379 Broad Street, Brooksville, FL 34609-6749 or by visiting the District's website: www.watermatters.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: SWFWMD Human Resources Director at 1(800)423-1476(FL Only) or (352)796-7211, ext. 4702, TDD (FL Only) or 1(800)231-6103, email: ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Southwest Florida Water Management District (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 6, 2010, 9:00 a.m.
PLACE: Dunedin Community Center, 1920 Pinehurst Road, Dunedin, FL 34698

GENERAL SUBJECT MATTER TO BE CONSIDERED: Pinellas-Anclote River Basin Board Meeting: Consider Basin business. Some Board members may participate in the meeting via communications media technology.

A copy of the agenda may be obtained by contacting: WaterMatters.org – Boards, Meetings and Event Calendar at 1(800)423-1476 (FL Only) or (352)796-7211.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: SWFWMD Human Resources Director at 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4702, TDD (FL Only) 1(800)231-6103 or email: ADACoordinator@

swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Phyllis.Young@watermatters.org 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4615 (Ad Order EXE0076).

The Southwest Florida Water Management District announces a public meeting to which all persons are invited.

DATE AND TIME: October 6, 2010, 6:00 p.m.
PLACE: Southwest Florida Water Management District Headquarters, 2379 Broad St., Brooksville, FL 34604

GENERAL SUBJECT MATTER TO BE CONSIDERED: Proposed Rules to amend Rule 40D-8.041, F.A.C. to establish minimum flows for the Chassahowitzka River System which is located in Citrus County and Hernando County, pursuant to Section 373.042, Florida Statutes. Members of the District's Governing Board and Basin Boards may attend the meeting.

A copy of the agenda may be obtained by contacting: Mike Heyl, Southwest Florida Water Management District, Tampa Service Office, 7601 Highway 301 North, Tampa, FL 33637-6759, (813)985-7481, ext. 2211.

Pursuant to the provisions of 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 Southwest Florida Water Management District (Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899, (352)796-7211, ext. 4702 or 1(800)423-1476 (FL Only), ext. 4702, TDD (FL Only) 1(800)231-6103 or email: ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Mike Heyl, Southwest Florida Water Management District, Tampa Service Office, 7601 Highway 301 North, Tampa, Florida 33637-6759, (813)985-7481, ext. 2211.

The Southwest Florida Water Management District (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 7, 2010, 9:00 a.m.
PLACE: SWFWMD Tampa Service Office, 7601 US Highway 301 North, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: Alafia River Basin Board Meeting.

DATE AND TIME: Thursday, October 7, 2010, 1:30 p.m.
 PLACE: SWFWMD Tampa Service Office, 7601 US Highway 301 North, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: Hillsborough River Basin Board Meeting: Consider Basin business. Some Board members may participate in the meeting via communications media technology.

A copy of the agenda may be obtained by contacting: WaterMatters.org – Boards, Meetings and Event Calendar at 1(800)423-1476 (FL Only) or (352)796-7211.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: SWFWMD Human Resources Director at 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4702, TDD (FL Only) 1(800)231-6103 or email: ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Dianna.Brass@watermatters.org 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4604 (Ad Order EXE0075).

The **Water Resources Advisory Commission (WRAC)** announces a public meeting to which all persons are invited.

DATE AND TIME: October 7, 2010, 9:00 a.m. – 4:00 p.m.
 PLACE: SFWMD, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Public Meeting of the Water Resources Advisory Commission (WRAC) regarding water resources protection, water supply and flood protection issues. The public is advised that it is possible that one or more members of the Governing Board of the South Florida Water Management District may attend and participate in this meeting.

A copy of the agenda may be obtained by contacting: Rick Smith at (561)682-6517 or at our website: <http://my.sfwmd.gov/wrac>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The District's Clerk Office, Jacki McGorty at

(561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Special Governing Board Meeting, October 8, 2010, 10:00 a.m.

PLACE: SFWMD Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406 (All or part of these meetings may be conducted as a teleconference in order to permit maximum participation by Governing Board members. The Governing Board may take official action at the meeting on any item appearing on the agenda and on any item that is added to the agenda as a result of a change to the agenda approved by the presiding officer of the meeting pursuant to Section 120.525, Florida Statutes.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to conduct Attorney Client Sessions regarding pending District litigation and for the Governing Board to discuss and consider District business, including regulatory and non-regulatory matters, and may include an amendment to the District's Fiscal Year 2010-11 budget to revise revenues and expenditures.

A copy of the agenda may be obtained by contacting: Jacki McGorty at (561)682-2087 or website: https://my.sfwmd.gov/portal/page/portal/pg_grp_sfwmd_governingboard/pg_sfwmd_governingboard_agendasminutes.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District Clerk's Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: District Clerk's Office at (561)682-2087.

REGIONAL UTILITY AUTHORITIES

The **Peace River Manasota Regional Water Supply Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: October 6, 2010, 9:30 a.m.

PLACE: Manatee County Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will convene to conduct regular business of the Authority.

A copy of the agenda may be obtained by contacting: Peace River Manasota Regional Water Supply Authority, 6311 Atrium Drive, Suite 100, Bradenton, Florida 34202.

Pursuant to the provisions of 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: (941)316-1776. If you are 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: (941)316-1776.

DEPARTMENT OF ELDER AFFAIRS

NOTICE OF CHANGE – The **Department of Elder Affairs, Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: October 14, 2010, 10:00 a.m. – 12:00 Noon (EDT)

PLACE: Regency Park Library, Meeting Room, 9701 Little Road, New Port Richey, Florida 34654 (NOTE: Meeting location has changed since original submission that was published in the 8/20/10, Vol. 36, No. 33 issue of the F.A.W.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Pasco and North Pinellas District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Lynn Penley, Department of Elder Affairs, 11351 Ulmerton Road, Ste. 110, Largo, FL 33778, (727)518-3065 or email: penleyl@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: Lynn Penley, Department of Elder Affairs, 11351 Ulmerton Road, Ste 110, Largo, FL 33778, (727)518-3065 or email: penleyl@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Lynn Penley, Department of Elder Affairs, 11351 Ulmerton Road, Ste 110, Largo, Florida 33778, (727)518-3065 or email: penleyl@elderaffairs.org.

DEPARTMENT OF MANAGEMENT SERVICES

The **Agency for Workforce Innovation**, Early Learning Information System, Project Steering Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 12, 2010, 2:00 p.m. – 3:30 p.m.

PLACE: Caldwell Building, Conference Room B49, 107 E. Madison Street, Tallahassee, Florida 32399; Conference Call: 1(888) 808-6959, Conference Code: 9997256#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular recurring meeting to review project status and act on any decisions required of the Committee.

A copy of the agenda may be obtained by contacting: <http://www.floridajobs.org/earlylearning/index.html>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Dianne Corbett at (850)245-7285. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Construction Industry Licensing Board** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, October 12, 2010, 10:00 a.m. or soon thereafter

PLACE: Via Telephone Conference Call. To connect, dial: 1(888)808.6959, Conference Code: 4879516#

GENERAL SUBJECT MATTER TO BE CONSIDERED: CE/Exams/Public Awareness committee meeting of the board.

A copy of the agenda may be obtained by contacting: Amanda Wynn, Government Analyst II, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)922-2701.

Pursuant to the provisions of 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: Amanda Wynn, Government Analyst II, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)922-2701. If you are 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: Amanda Wynn, Government Analyst II, 1940 North Monroe Street, Tallahassee, FL, 32399-1039, (850)922-2701.

The **Construction Industry Licensing Board** announces a public meeting to which all persons are invited.

DATES AND TIMES: Wednesday, October 13, 2010, 2:00 p.m.; Thursday, October 14, 2010, 8:30 a.m.; Friday, October 15, 2010, 8:30 a.m. or soon thereafter

PLACE: Doubletree Hotel Tampa Westshore Airport, 4500 W. Cypress Street, Tampa, FL 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business, disciplinary and committee meetings of the board.

A copy of the agenda may be obtained by contacting: Amanda Wynn, Government Analyst II, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)922-2701.

Pursuant to the provisions of 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: Amanda Wynn, Government Analyst II, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)922-2701. If you are 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: Amanda Wynn, Government Analyst II, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)922-2701.

The **Board of Pilot Commissioners**, Pilotage Rate Review Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 4, 2010, 11:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 4878197#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Pilotage Rate Review Committee is meeting to consider the adoption of emergency rules related to procedures for rate application filing, determination, and adjudication.

A copy of the agenda may be obtained by contacting: Board of Pilot Commissioners, 1940 N. Monroe St., Tallahassee, Florida 32399-0773.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by

contacting: The Board Office. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Building Code Administrators and Inspectors Board** announces a public meeting to which all persons are invited.

DATES AND TIME: October 27, 28, 29, 2010, 9:00 a.m. each day

PLACE: Hampton Inn & Suites, 101 S. E. 1st Avenue, Gainesville, FL 32601

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee meetings, probable cause panel (portions may be closed to the public), and general board business.

A copy of the agenda may be obtained by contacting: Building Code Administrators and Inspectors Board, 1940 N. Monroe St., Tallahassee, FL 32399-2211.

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Florida Real Estate Appraisal Board** announces a public meeting to which all persons are invited.

DATES AND TIME: Monday, October 11, 2010; Tuesday, October 12, 2010, 8:30 a.m. or soon thereafter

PLACE: Division of Real Estate, Conference Room N901, North Tower, 400 West Robinson Street, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Appraisal Board: Topics include, but not limited to, proposed legislation affecting Chapter 475, Part II, F.S., Florida Administrative Code 61J1 rule amendments, disciplinary actions, and general subject matter.

A copy of the agenda may be obtained by contacting: Beverly Ridenauer, Florida Real Estate Appraisal Board, 400 W. Robinson Street, Suite N801, Orlando, FL 32801-1757.

Pursuant to the provisions of 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 (5) days before the workshop/meeting by

contacting: Department of Business and Professional Regulation at (407)481-5632. If you are 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 **Florida Real Estate Appraisal Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 13, 2010, 9:00 a.m. or soon thereafter (Portions of the probable cause proceedings are not open to the public)

PLACE: Division of Real Estate, Room N901, North Tower, 400 West Robinson Street, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found. Portions of the probable cause proceedings are not open to the public. All or part of this meeting may be conducted by teleconference in order to permit maximum participation of the Board members or its counsel.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Division of Real Estate, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772. Only public portions of the agenda are available upon request.

Pursuant to the provisions of 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 (5) days before the workshop/meeting by contacting: Beverly Ridenauer at (407)317-7171. If you are 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 State Boxing Commission** announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 13, 2010, 10:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 4137430#

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business and discuss rules in Chapter 61K1, F.A.C.

A copy of the agenda may be obtained by contacting: Mary Horne at (850)488-8500.

Pursuant to the provisions of 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: Mary Horne at (850)488-8500. If you are 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 Horne at (850)488-8500.

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 **Acquisition and Restoration Council** announces a public meeting to which all persons are invited.

DATE AND TIME: October 4, 2010, 6:00 p.m.

PLACE: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899

GENERAL SUBJECT MATTER TO BE CONSIDERED: To take public testimony on all Florida Forever land acquisition projects and new proposals.

A copy of the agenda may be obtained by contacting: Office of Environmental Services at (850)245-2784 or Teresia Whalen at teresia.whalen@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: The Office of Environmental Services at (850)245-2784 or Teresia Whalen at teresia.whalen@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).

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 Office of Environmental Services at (850)245-2784 or Teresia Whalen at teresia.whalen@dep.state.fl.us.

The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: September 29, 2010, 1:30 p.m. – 4:00 p.m.
PLACE: Fran Carlton Center, 11 North Forest Avenue, Apopka, FL 32703

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a Basin Working Group meeting to discuss issues related to the Wekiva Basin Management Action Plan (BMAP). The Wekiva Basin Working Group was formed to provide a forum for stakeholders to provide recommendations to the Department of Environmental Protection regarding development of the Wekiva BMAP. The BMAP is the means for implementation of the adopted Total Maximum Daily Loads (TMDLs). The primary topic of discussion during this meeting will be the continued discussion of the BMAP development process.

A copy of the agenda may be obtained by contacting: Ms. Samantha Budd, Watershed Planning and Coordination Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS #3565, Tallahassee, Florida 32399-2400, email: samantha.budd@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Samantha Budd at (850)245-8418. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF HEALTH

The **Board of Hearing Aid Specialists** announces a public meeting to which all persons are invited.

DATES AND TIMES: November 11, 2010, 3:00 p.m. – 5:00 p.m. (Reconsiderations); November 12, 2010, 9:00 a.m. – 3:00 p.m. (General Business)

PLACE: Hilton Ft. Lauderdale Airport, 1870 Griffin Road, Ft. Lauderdale, FL 33004, (954)920-3300

GENERAL SUBJECT MATTER TO BE CONSIDERED: PCP with Reconsiderations and General Business Meeting.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, BIN #C08, Tallahassee, FL 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster, (850)245-4474 at least one week prior to meeting date.

The **Board of Medicine** and Osteopathic Medicine Pain Management Clinic Standards of Practice Joint Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 14, 2010, 8:00 a.m.

PLACE: Tampa Airport Marriott, 4200 George Bean Parkway, Tampa, FL 33607. Hotel phone #: (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss criteria for the recognition of nationally recognized agencies accrediting pain management clinics and the maximum number of prescriptions for schedule II or III controlled substances or Alprazolam that may be written at any one register pain management clinic during any 24 hour period subject to the provisions of Laws of Florida 2010-211. Please check the Board Web Site at www.flhealthsource.com for cancellations or changes to meeting dates or call the Board of Medicine at (850)245-4131 for information.

A copy of the agenda may be obtained by contacting: Crystal Sanford at crystal_sanford@doh.state.fl.us or (850)245-4132.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Crystal Sanford at crystal_sanford@doh.state.fl.us or call (850)245-4132. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Opticianry** announces a public meeting to which all persons are invited.

DATE AND TIME: November 5, 2010, 9:00 a.m.

PLACE: Ft. Lauderdale Convention Center, 1950 Eisenhower Blvd., Ft. Lauderdale, FL 33316, (954)765-5900

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official Board Meeting.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Opticianry 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she may need to ensure that a verbatim record of the proceeding is made, which records include the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD). Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster, (850)245-4474 at least one week prior to the meeting date.

The **Board of Medicine** and Osteopathic Medicine Pain Management Clinic Standards of Practice Joint Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 14, 2010, 8:00 a.m.

PLACE: Tampa Airport Marriott, 4200 George Bean Parkway, Tampa, FL 33607, Hotel phone #: (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss criteria for the recognition of nationally recognized agencies accrediting pain management clinics and the maximum number of prescriptions for schedule II or III controlled substances or Alprazolam that may be written at any one register pain management clinic during any 24 hour period subject to the provisions of Laws of Florida 2010-211. Please check the Board Web Site at www.flhealthsource.com for cancellations or changes to meeting dates or call: The Board of Osteopathic Medicine at (850)245-4161 for information.

A copy of the agenda may be obtained by contacting: Christy Robinson at email: christy_robinson@doh.state.fl.us or call (850)245-4161.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Christy Robinson at email: christy_robinson@doh.state.fl.us or call (850)245-4161. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Department of Health, Board of Physical Therapy** announces a telephone conference call to which all persons may be invited. A meeting or portion of a probable cause panel meeting is public only if a case or cases are public by reason of reconsideration.

DATES AND TIME: February 15, 2011; April 19, 2011; June 14, 2011; August 16, 2011; October 18, 2011; December 13, 2011, 11:30 a.m. or soon thereafter

PLACE: The meeting is not public and you will not be able to obtain an agenda if there are no reconsideration cases

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting.

In the event of reconsideration cases, agenda information may be obtained by contacting: The Board of Physical Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3255, (850)245-4373, ext. 3482 or by viewing our website: www.doh.state.fl.us/mqa.

Pursuant to the provisions of 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 Florida **Department of Health** announces a public meeting to which all persons are invited.

DATE AND TIME: October 1, 2010, 10:00 a.m. – 3:00 p.m. (EST)

PLACE: Florida Department of Health, Conference Room 135Q, 2585 Merchants Row Blvd., Tallahassee, FL 32301; Feel free to join via Conference Call: 1(877)350-7892, Access Code: 10131478#

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is being held in response to Florida House Bill 5311, Section 26, which states that the Florida Department of Health shall develop a plan that uses private and nonstate public hospitals to provide care for persons with contagious cases of tuberculosis.

A copy of the agenda may be obtained by contacting: Clayton Weiss at clayton_weiss@doh.state.fl.us, (850)245-4350.

Pursuant to the provisions of 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: Clayton Weiss at clayton_weiss@doh.state.fl.us, (850)245-4350. If you are 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: Clayton Weiss at clayton_weiss@doh.state.fl.us, (850)245-4350.

The Florida **Department of Health** announces a public meeting to which all persons are invited.

DATE AND TIME: October 8, 2010, 10:00 a.m. – 3:00 p.m. (EST)

PLACE: Florida Department of Health, Conference Room 135Q, 2585 Merchants Row Blvd., Tallahassee, FL 32301; Feel free to join via Conference Call: 1(877)350-7892, Access Code: 10131478#

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is being held in response to Florida House Bill 5311, Section 26, which states that the Florida Department of Health shall develop a plan that uses private and nonstate public hospitals to provide care for persons with contagious cases of tuberculosis.

A copy of the agenda may be obtained by contacting: Clayton Weiss at clayton_weiss@doh.state.fl.us, (850)245-4350.

Pursuant to the provisions of 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: Clayton Weiss at clayton_weiss@doh.state.fl.us, (850)245-4350. If you are 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: Clayton Weiss at clayton_weiss@doh.state.fl.us, (850)245-4350.

The **Division of Health Access and Tobacco, Department of Health** announces a public meeting to which all persons are invited.

DATE AND TIME: October 4, 2010, 9:00 a.m. – 4:00 p.m.

PLACE: 4025 Esplanade Way, 3rd Floor, Room 301 Tallahassee, Florida 32399; Conference Call: 1(888)808-6959, Conference Code: 6849116#

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a strategic planning meeting for the 2010-2015 Florida Comprehensive Statewide Tobacco Education and Use Prevention Strategic Plan. The meeting is to discuss the draft plan and to provide input into the plan's objectives and strategies.

A copy of the agenda may be obtained by contacting: Jane Parker at (850)245-4444, ext. 2774 (Jane_Parker@doh.state.fl.us) or, by going to the Department of Health Tobacco website at: <http://www.doh.state.fl.us/tobacco/TAC.html> prior to the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by

contacting: Jane Parker at (850)245-4444, ext. 2774 (Jane_Parker@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: Jane Parker at (850)245-4444, ext. 2774 (Jane_Parker@doh.state.fl.us).

The **Bureau of Emergency Medical Services** announces a public meeting to which all persons are invited.

DATES AND TIMES: Wednesday, October 6, 2010, 8:00 a.m. – 6:00 p.m.; Thursday, October 7, 2010, 8:00 a.m. – 6:00 p.m.; Friday, October 8, 2010, 9:00 a.m. – 1:00 p.m.

PLACE: Fort Lauderdale Airport Hilton, 1870 Griffin Road, Fort Lauderdale, Florida 33001

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the council.

A copy of the agenda may be obtained by contacting: Desi Lassiter at (850)245-4055.

Pursuant to the provisions of 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: Desi Lassiter at (850)245-4055. If you are 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: Desi Lassiter at (850)245-4055.

DEPARTMENT OF CHILDREN AND FAMILIES

The **Department of Children and Families** announces a public meeting to which all persons are invited.

DATE AND TIME: October 6, 2010, 10:00 a.m. – 12:00 Noon (Central Time)

PLACE: Chipola Regional Workforce Development Board (One Stop Center), 4636 Highway 90, RIM Plaza, Suite K, Marianna, FL 32446

GENERAL SUBJECT MATTER TO BE CONSIDERED: Circuit 14 Community Alliance meeting.

Agenda will be available October 5, 2010: Shirley Little, Shirley_Little@dcf.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Shirley Little at (850)872-7648 or Shirley_Little@

dcf.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Child Care Standards and Improvements Work Group** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 1, 2010, 10:00 a.m. – 4:00 p.m.

PLACE: 9393 N. Florida Avenue, Room 803, Tampa, FL 33612; Conference Call information is as follows: 1(888)808-6959, Conference Code: 4884900#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The work group will meet to assess and make recommendations for legislative, administrative rule, process, or procedural enhancements to Florida's child care standards.

A copy of the agenda may be obtained by contacting: Cindy Bull, Department of Children and Families, Executive Staff, 1317 Winewood Boulevard, Building 2, Room 205, Tallahassee, FL 32399-0700, (850)488-4306.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Cindy Bull at (850)488-4306. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Adult Protective Services Select Advisory Panel** announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 6, 2010, 9:00 a.m. – 11:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Code: 4882881#

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 may be obtained by contacting: Adult Protective Services Program at (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 by contacting: Adult Protective Services Program at (850)488-2881. If you are 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 Children & Families complies with state and federal non discrimination laws and policies that prohibit discrimination based on age, color, disability, national origin, race, or sex. It is unlawful to retaliate against individuals or

groups on the basis of their participation in a complaint of discrimination or on the basis of their opposition to discriminatory practices.

For more information, you may contact: Robert Anderson, State Director of Adult Protective Services at (850)488-2881.

The **Refugee Services Program** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 28, 2010, 1:30 p.m. – 3:30 p.m.

PLACE: Department of Children and Families, 9393 North Florida Avenue, Room 807, Tampa, Florida 33612

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the Tampa Bay Refugee Task Force meetings is to increase awareness of the refugee populations, share best practices, build collaborations between agencies, spot trends in refugee populations, help create good communication among service providers, get informed about upcoming community events, and discuss refugee program service needs and possible solutions to meeting those needs.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Janet Blair at email: Janet_Blair@dcf.state.fl.us, Fax: (813)558-5598 or mail: Janet Blair, 9393 North Florida Avenue, Tampa, Florida 33612. If you are 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: Janet Blair at (813)558-5841, email: Janet_Blair@dcf.state.fl.us, Fax: (813)558-5598 or mail: Janet Blair, 9393 North Florida Avenue, Tampa, Florida 33612; Taddese Fessehaye at email: Taddese_Fessehaye@dcf.state.fl.us.

The **Refugee Services Program** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 29, 2010, 10:00 a.m. – 12:00 Noon

PLACE: Catholic Charities, 2210 Santa Barbara Boulevard, Naples, Florida 34116

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the Collier Refugee Task Force meetings is to increase awareness of the refugee populations, share best practices, build collaborations between agencies, spot trends in refugee populations, help create good communication among

service providers, get informed about upcoming community events, and discuss refugee program service needs and possible solutions to meeting those needs.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Janet Blair at email: Janet_Blair@dcf.state.fl.us, Fax: (813)558-5598 or mail: Janet Blair, 9393 North Florida Avenue, Tampa, Florida 33612. If you are 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: Janet Blair at (813)558-5841, email: Janet_Blair@dcf.state.fl.us, Fax: (813)558-5598 or mail: Janet Blair, 9393 North Florida Avenue, Tampa, Florida 33612; Taddese Fessehayee at email: Taddese_Fessehayee@dcf.state.fl.us.

The **Refugee Services** announces a public meeting to which all persons are invited.

DATE AND TIME: October 8, 2010, 10:00 a.m. – 12:00 Noon
PLACE: Miami-Dade College, 500 N. E. 2nd Avenue, Room 3208-9, Miami, Florida 32132

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to increase awareness of the refugee populations, share best practices, spot trends in refugee populations, build collaborations between agencies, help create good communication among service providers, get informed about upcoming community events, and discuss refugee program service needs and possible solutions to meeting those needs.

A copy of the agenda may be obtained by contacting: Adria Dilme-Bejel at (305)377-7518 or Lourdes Leconte at (305)376-1947.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Adria Dilme-Bejel at (305)377-7518 or Lourdes Leconte at (305)376-1947. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Adria Dilme-Bejel at (305)377-7518 or Lourdes Leconte at (305)376-1947.

The **Refugee Services Program** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 13, 2010, 10:00 a.m. – 12:00 Noon

PLACE: USCIS Field Office, 6680 Corporate Center Boulevard, Orlando, Florida 32822

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the Orlando Refugee Task Force meetings is to increase awareness of the refugee populations, share best practices, build collaborations between agencies, spot trends in refugee populations, help create good communication among service providers, get informed about upcoming community events, and discuss refugee program service needs and possible solutions to meeting those needs.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Pedro Padua at email: Pedro_Padua@dcf.state.fl.us, Fax: (407)245-0584 or mail: Pedro Padua, 400 W. Robinson Street, Suite S915D, Orlando, Florida 32801. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Pedro Padua at (407)317-7336, email: Pedro_Padua@dcf.state.fl.us, Fax: (407)245-0584 or mail: Pedro Padua, 400 W. Robinson Street, Suite S915D, Orlando, Florida 32801; Taddese Fessehayee at email: Taddese_Fessehayee@dcf.state.fl.us.

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: October 5, 2010, 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.

To conduct a TEFRA hearing concerning the potential future issuance of tax-exempt bonds by Florida Housing to provide additional financing for the acquisition, construction or

rehabilitation of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Fort King Colony Apartments, a 120-unit multifamily residential rental development located on or about 37730 Daughtery Road and 6830 Jeter Lane, Zephyrhills, Pasco County, Florida 33541. The owner and operator of the development is Fort King Colony, Ltd., 340 Pemberwick Road, Greenwich, Connecticut 06831 or such successor in interest in which The Richman Group of Florida, Inc. and/or Corporation to Develop Communities of Tampa, Inc., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is Richman Property Services, Inc., 340 Pemberwick Road, Greenwich, Connecticut 06831. The tax-exempt bond amount is not to exceed \$9,000,000.

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), October 4, 2010, and should be addressed to the Attention: Len Stirrat, Multifamily Bond Administrator. 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.

A copy of the agenda may be obtained by contacting: Len Stirrat, Multifamily Bond Administrator, Florida Housing Finance Corporation at (850)488-4197.

Pursuant to the provisions of 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: Len Stirrat, Multifamily Bond Administrator, Florida Housing Finance Corporation at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Florida Housing Finance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: October 6, 2010, 4:30 p.m. (Tallahassee local time)

PLACE: Bayside High School Gymnasium, 14405 49th Street N, Clearwater, FL 33762

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.

To conduct a TEFRA hearing concerning the potential future issuance of tax-exempt bonds by Florida Housing to provide additional financing for the acquisition, construction or rehabilitation of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Bayside Reserve, a 156-unit multifamily residential rental development located on or about NW 162nd Avenue and 49th Street, Clearwater, Pinellas County, Florida 33762. The owner and operator of the development is Bayside Reserve I, Ltd., 5309 Transportation Boulevard, Cleveland, OH 44125, or such successor in interest in which NRP Florida Development, LLC, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is NRP Management LLC, 5309 Transportation Boulevard, Cleveland, OH 44125. The tax-exempt bond amount is not to exceed \$12,500,000.

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), October 5, 2010, and should be addressed to the attention of Len Stirrat, Multifamily Bond Administrator. 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.

A copy of the agenda may be obtained by contacting: Len Stirrat, Multifamily Bond Administrator, Florida Housing Finance Corporation at (850)488-4197.

Pursuant to the provisions of 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: Len Stirrat, Multifamily Bond Administrator, Florida Housing Finance Corporation at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

DEPARTMENT OF FINANCIAL SERVICES

The **Department of Financial Services, Division of State Fire Marshal** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 5, 2010, 9:00 a.m.

PLACE: State Fire Marshal Conference Room, Third Floor, Atrium Building, 325 John Knox Road, Tallahassee, Florida 32303. To participate by telephone conference call, dial (850)413-1591. (Cisco VoIP Internal callers may reach the conference call by dialing 11591.) Once you have dialed the initial number you will be prompted to enter the Conference ID which is 773836. The connection will be available 5 to 10 minutes before 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Continuation of a hearing of the Historical Task Force regarding Sadigo Court Hotel, 334-20th Street, Miami Beach, FL 33139.

A copy of the agenda may be obtained by contacting: Belinda Chukes, Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, FL 32399-0342, (850)413-3619.

Pursuant to the provisions of 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: Belinda Chukes at (850)413-3619. If you are 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 **Fire and Emergency Incident Information System Technical Advisory Panel** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 7, 2010, 1:00 p.m.

PLACE: Via Conference Call (Florida State Fire College, Ocala): (850)413-1591, Conference ID: 736062#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting.

A copy of the agenda may be obtained by contacting: MaryAnn.Benson@myfloridacfo.com.

The **Firefighters Employment, Standards and Training Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 7, 2010 10 minutes after adjournment of FFIRS meeting which begins at 1:00 p.m.

PLACE: Via Conference Call (Florida State Fire College, Ocala): (850)413-1591, Conference ID: 736062

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting.

A copy of the agenda may be obtained by contacting: MaryAnn.Benson@myfloridacfo.com.

The **Division of Funeral, Cemetery and Consumer Services** announces a public meeting to which all persons are invited.

DATES AND TIME: November 11, 18, 25, 2010; December 9, 16, 30, 2010, 10:00 a.m.

PLACE: Alexander Building, 2020 Capital Circle S. E., Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Rules Committee of the Board of Funeral, Cemetery, and Consumer Services, operating under Chapter 497, Florida Statutes, will hold public meeting to take up proposed rules and forms.

A copy of the agenda may be obtained by contacting: Division employee LaTonya Bryant-Parker at (850)413-4083. The agenda for each meeting will be available at least 7 days before the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: LaTonya.Bryant-Parker@myfloridacfo.com or (850)413-3039. If you are 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: LaTonya Bryant-Parker at: LaTonya.Bryant-Parker@myfloridacfo.com or (850)413-3039

FINANCIAL SERVICES COMMISSION

NOTICE OF CHANGE – The **Financial Services Commission, Office of Insurance Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: October 12, 2010, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Final Public Hearing on the adoption of proposed amendments to Rules 69O-200.004, .005, .006, .009, .014, .015, Florida

Administrative Code, published on July 9, 2010 in Vol. 36, No. 27, of the Florida Administrative Weekly has been changed to October 12, 2010.

A copy of the agenda may be obtained by contacting: Steve Szypula, Office of Insurance Regulation at email: Steve.Szypula@flor.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: Steve Szypula, Office of Insurance Regulation at email: Steve.Szypula@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Steve Szypula, Office of Insurance Regulation at email: Steve.Szypula@flor.com.

NOTICE OF CHANGE – The Financial Services Commission, Office of Insurance Regulation announces a hearing to which all persons are invited.

DATE AND TIME: October 12, 2010, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Final Public Hearing on the adoption of proposed amendments to Rule 690-149.303, Florida Administrative Code, published on April 9, 2010 in Vol. 36, No. 14, of the Florida Administrative Weekly has been moved to October 12, 2010.

A copy of the agenda may be obtained by contacting: Gerry Smith, Life and Health Product Review, Office of Insurance Regulation at email: Gerry.Smith@flor.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: Gerry Smith, Life and Health Product Review, Office of Insurance Regulation at email: Gerry.Smith@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Gerry Smith, Life and Health Product Review, Office of Insurance Regulation at email: Gerry.Smith@flor.com.

AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY

The **Agency for Enterprise Information Technology, Office of Information Security** announces a hearing to which all persons are invited.

DATE AND TIME: October 12, 2010, during a regular meeting of the Governor and Cabinet, which begins at 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of the adoption of proposed new Rule Chapter 71A-1, F.A.C. (Florida Information Technology Resource Security Policies and Standards). Notice of the proposed adoption of rules in new Rule Chapter 71A-1, F.A.C., was published in the Florida Administrative Weekly (Weekly) on June 18, 2010 (Vol. 36, No. 24). A Notice of Change for new Rule Chapter 71A-1, F.A.C., was published in the September 3, 2010 edition of the Weekly (Vol. 36, No. 35).

A copy of the agenda may be obtained by contacting: the Agency for Enterprise Information Technology on the Cabinet website: <http://www.myflorida.com/myflorida/cabinet/>.

Pursuant to the provisions of 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: The Agency for Enterprise Information Technology at (850)922-7502. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: October 14, 2010, 8:00 a.m.

PLACE: Central Florida Research Park, 12424 Research Parkway, Suite 100, Orlando, FL 32826

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Joe Wallace at (407)282-3944.

SOUTHWOOD SHARED RESOURCE CENTER

The **Southwood Shared Resource Center** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 1, 2010, 9:00 a.m.

PLACE: Department of Transportation, Burns Building, Room 129, 605 Suwannee Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting of the SSRC Technology Committee.

A copy of the agenda may be obtained by contacting: Faye Hall at (850)414-4772 or email: faye.hall@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 2 days before the workshop/meeting by contacting: Faye Hall at (850)414-4772 or email: faye.hall@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). For more information, you may contact: Faye Hall at (850)414-4772 or email: faye.hall@dot.state.fl.us.

The **Southwood Shared Resource Center** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 4, 2010, 3:00 p.m.

PLACE: Capitol Center Office Center, Betty Easley Building, Suite 180, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting of the SSRC Operations and Finance Committee.

A copy of the agenda may be obtained by contacting: Ann Barfield at email: ann.barfield@dms.myflorida.com or (850)922-9698.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Ann Barfield at email: ann.barfield@dms.myflorida.com or (850)922-9698. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ann Barfield at email: ann.barfield@dms.myflorida.com or (850)922-9698.

The **Southwood Shared Resource Center** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 5, 2010, 1:30 p.m.

PLACE: Regular monthly meeting of the SSRC Customers and Services Committee, Room 250L, Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, FL 32399-2100
GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting of the SSRC Customers and Services Committee.

A copy of the agenda may be obtained by contacting: Steve Grantham at (850)922-1475 or email: Steve.Grantham@dca.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Steve Grantham at (850)922-1475 or email: Steve.Grantham@dca.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Steve Grantham at (850)922-1475 or email: Steve.Grantham@dca.state.fl.us.

The **Southwood Shared Resource Center** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 6, 2010, 10:00 a.m.

PLACE: Conference Room 225A, 4030 Esplanade Way, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting of the Primary Data Center Management Group: Board Chairs and Executive Directors of the three State Primary Data Centers and the CIO Council Chairperson.

A copy of the agenda may be obtained by contacting: Ann Barfield at email: ann.barfield@dms.myflorida.com or (850)922-9698.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Ann Barfield at email: ann.barfield@dms.myflorida.com or (850)922-9698. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ann Barfield at email: ann.barfield@dms.myflorida.com or (850)922-9698.

FLORIDA INDUSTRIAL AND PHOSPHATE RESEARCH INSTITUTE

The **Florida Industrial and Phosphate Research Institute** (previously known as the Florida Institute of Phosphate Research) announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 24, 2010, 9:30 a.m.

PLACE: The FIPR Institute, Education Building, 1855 W. Main St., Bartow, FL 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider funding of research proposals and other business pertaining to the operation of the FIPR Institute.

The Florida Institute of Phosphate Research has been renamed as the Florida Industrial and Phosphate Research Institute (FIPR Institute) Senate Bill 850 became Florida Law 2010-206 on June 7, 2010, transforming FIPR into the new "Florida Industrial and Phosphate Research Institute." The change is not only in name, the FIPR Institute is now integrated into the University of South Florida Polytechnic (USFP) in Lakeland, Florida. The scope of the Institute's applied research will broaden to include more than phosphate-related work, although phosphate research will remain the mainstay. Expanded research topics may include the fields of energy, biofuels, and non-phosphate mining. The FIPR Institute is proud to become part of USF Polytechnic and welcomes the opportunity for

innovative collaborative efforts the academic union brings. The FIPR Institute will remain at its present location in Bartow for the foreseeable future.

A copy of the agenda may be obtained by contacting: Dr. Paul Clifford, Executive Director at (863)534-7160.

FLORIDA LOCAL GOVERNMENT FINANCE COMMISSION

The **Florida Local Government Finance Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 8, 2010, 10:30 a.m.

PLACE: 2502 Rocky Point Drive, Suite 1060, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting of the Commission will be for the purposes of reviewing the statewide pooled commercial paper loan program for Florida governmental entities. The Commission is an unincorporated, nonprofit association whose members are comprised of Brevard County, Florida, Charlotte County, Florida, Collier County, Florida, Lee County, Florida, Osceola County, Florida and Sarasota County, Florida.

A copy of the agenda may be obtained by contacting: Elizabeth Newberry, Florida Association of Counties, Tallahassee, Florida, (850)922-4300.

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.

**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 BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Dave Hancock, In Re: El Matador Association, Inc. on July 19, 2010. The following is a summary of the agency's declination of the petition:

The Division declined to issue a Declaratory Statement because it cannot issue a declaratory statement concerning events that have already taken place; or determine rights of third parties who are not parties to the petition; or when it does not have competent substantial evidence upon which to base its opinion.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Thomas M. Jenks, Esq., on behalf of Avenue Four South Condominium Association, Inc., on September 7, 2010. The petition seeks the agency's opinion as to the applicability of Section 718.303(3), Florida Statutes, as it applies to the petitioner.

Whether Avenue Four South Condominium Association, Inc., a four unit condominium with three director owners on the board, may appoint a committee that includes board members, members of a board member's household, or non-unit owners under Section 718.303(3), Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Peter Klein, Petitioner/Unit Owner, In Re: Hamptons West Master Association, Inc., on September 8, 2010. The petition seeks the agency's opinion as to the applicability of Section 718.111(12)(c), Florida Statutes and Section 718.112(2)(a)2., Florida Statutes as it applies to the petitioner.

Whether the Hamptons West Master Association, Inc. records inspection rules are reasonable under Section 718.111(12)(c), Florida Statutes, and whether the rules limiting unit owner inquiries are reasonable under Section 718.112(2)(a)2., Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida has declined to rule on the petition for declaratory statement filed by Edward Vanharasz, Unit Owner, In Re: Castle Beach Club Condominium Association, Inc. on August 4, 2010. The following is a summary of the agency's declination of the petition:

The Division declined to issue a declaratory statement because: the division cannot issue a statement without the notices for the July 29, 2010, election, the minutes of the board meeting at which the action to suspend voting rights was taken, and a full current set of the governing documents; or because a declaratory statement cannot be issued where persons who will be affected by the decision are not parties to the proceeding; or issue a statement concerning violations that have already occurred.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Notice is hereby given that the Board of Medicine has received a Petition for Declaratory Statement filed by Christina A. Goldberg, Esquire on September 8, 2010. The Petitioner requests the Board's interpretation as to which of the cost structures for obtaining copies of a patient's medical records as set forth in Rule 64B8-10.003, F.A.C., apply to the patient's attorney when he or she is representing a patient in a personal injury case. The Board will consider this petition at its meeting scheduled for October 2, 2010, in Orlando, Florida.

Copies of the petition may be obtained by writing: Larry G. McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, FL 32399-3253.

NOTICE IS HEREBY GIVEN THAT on September 14, 2010, the Board of Pharmacy has received the petition for declaratory statement from Michael J. Simpko, Esquire, on behalf of Walgreen Company. The petition seeks the agency's opinion as to the applicability of Section 499.003(54)(a)4.(d), F.S. as it applies to the petitioner.

The petition requests the Board to issue a declaratory statement regarding the applicability of Section 499.003(54)(a)4.(d), F.S., and whether Walgreen would need to keep a separate inventory of medication to be compliant with Section 499.003(54), F.S., under its replenishment plan.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254.

Notice is hereby given that the Board of Psychology has received a Petition for Declaratory Statement filed by Dean R. Cauley, Ph.D., on July 13, 2010. The Petitioner seeks the Board's interpretation of Section 490.012 and 490.014, F.S., and whether the Petitioner's work falls under the area of an exemption. The Board will consider this petition at its meeting scheduled for October 22, 2010.

Copies of the petition may be obtained by writing: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3055.

FINANCIAL SERVICES COMMISSION

NOTICE IS HEREBY GIVEN THAT the Financial Services Commission, Office of Insurance Regulation has received the petition for declaratory statement from The Office of Insurance regulation has issued a declaratory statement to Client First Settlement Funding, LLC, Case No.: 106407-09 on September 9, 2010. The petition seeks the agency's opinion as to the applicability of as it applies to the petitioner.

The declaratory statement from the Office opined that the structured settlement assignment program described in the Petition did not require a Certificate of Authority pursuant to Section 624.401, Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Stephen Fredrickson, Assistant General Counsel, Legal Services Office, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-4206, (850)413-4144 or via email: Steve.Fredrickson@flor.com.

Please refer all comments to: Stephen Fredrickson, Assistant General Counsel, Legal Services Office, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-4206, (850)413-4144 or via email: Steve.Fredrickson@flor.com.

Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

REQUEST FOR STATEMENT OF QUALIFICATIONS (SOQ)

As a Civil Engineer, you are invited to submit an SOQ to the FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF FORESTRY, hereinafter referred to as Owner.

The Department is seeking the services of a civil engineering firm to prepare the civil drawings and specifications and make application to all required permitting agencies for proposed replacement facilities at the existing Valrico Forestry Station. The civil engineer will design all of the site requirements including upgraded drive and parking area and the highway entrance improvements. The total project budget is estimated at \$400,000.00.

PROJECT NAME & LOCATION: Request for Statement of Qualifications – The Valrico Forestry Station is located at 118 N. Dover Road, Dover, Florida (approximately 3 miles east of Brandon on Highway 60).

SOLICITATION DOCUMENT: The entire solicitation document, which includes specifications, may be viewed and downloaded from the Vendor Bid System at <http://myflorida.com>, click on Business, Doing Business with the State of Florida, Everything for Vendors and Customers, Vendor Bid System, Search Advertisements, Bid Number SOQ/DF-10/11-13, or by calling the Purchasing Office at (850)617-7181.

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

DISCRIMINATION; DENIAL OR REVOCATION FOR THE RIGHT TO TRANSACT BUSINESS WITH PUBLIC ENTITIES: An entity or affiliate who had been placed on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the

construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity.

Statements of Qualifications will be received and publicly opened:

DATE AND TIME: October 19, 2010, 2:00 p.m.

PLACE: Department of Agriculture and Consumer Services, 407 S. Calhoun Street, SB8 Mayo Building, Tallahassee, Florida 32399, (850)617-7181

CONTRACT AWARD: The official Notice of Award Recommendation will be by electronic posting at: http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu. Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. If no protest is filed, the contract will be awarded to the qualified, responsive low bidder in accordance with Chapter 60D-5, F.A.C., by the Owner.

DEPARTMENT OF EDUCATION

NOTICE TO PROFESSIONAL CONSULTANTS:

The University of Florida Board of Trustees announces that Professional Services in the disciplines of architecture and engineering will be required for the project listed below:

Project: UF-365, Corry Village Commons Replacement (Gainesville, FL)

The project includes the deconstruction of two small buildings, the construction of a new 9,000 square foot, multi-purpose Commons facility, and associated sitework and landscaping at the Corry Village Graduate and Family housing complex.

The estimated construction budget is approximately \$2,500,000, including site improvements and allowances for energy efficient systems and equipment. The project will be delivered using the Construction Manager At-Risk method. Gold LEED (Leadership in Energy and Environmental Design) certification by the U.S. Green Building Council is mandatory.

The selected firm will provide program verification via interactive workshops with the Department of Housing and other stakeholders, site planning, conceptual studies, design, rendering and modeling, construction documents, and construction administration services for the referenced project. Plans and specifications for University of Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. The use of Building Information Modeling software throughout design is encouraged, but is not mandatory.

Blanket design professional liability insurance will be required from the architect, mechanical, electrical, plumbing, fire protection and structural engineering sub-consultants for this project and shall be provided as a part of Basic Services.

Applicants will be evaluated on the basis of their past performance, experience, personnel, design ability, references, workload, and responses to questions posed both in the shortlist and interview phases. The Selection Committee may reject all proposals and stop the selection process at any time.

At the time of application, the applicant and its landscape architectural and engineering consultants must possess current design licenses from the appropriate governing board and be properly registered to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Applicants desiring to provide professional services for the project shall submit a proposal only after thoroughly reviewing the facilities program, Project Fact Sheet, and other background information. The proposal shall be prepared as specified in the PQS Instructions and shall include:

1. A Letter of Application that concisely illustrates the applicant's understanding of the scope of services, design intent, schedule, and other goals and considerations as outlined in the Project Fact Sheet and facilities program.
2. A completed, project-specific "Professional Qualifications Supplement" (PQS) proposal with signed certification. Applications on any other form will not be considered.
3. Resumes, LEED accreditation, and other pertinent credentials for all proposed staff (applicant and consultants).
4. Proof of the applicant's corporate status in Florida (if applicable) and copies of current licenses for applicant and all engineering and landscape architecture consultants from the appropriate governing board.
5. Proof of the applicant's and all engineering consultants' ability to be insured for the level of professional liability coverage demanded for this project.

As required by Section 287.133, Florida Statutes, an applicant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected professional must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Incomplete proposals will be disqualified. Submittal materials will not be returned.

Additional information to assist the applicant in preparing a complete proposal – including the project-specific PQS forms, instructions, Project Fact Sheet, facilities program, UF Design Services Guide, UF Design and Construction Standards, standard University of Florida Owner-Professional agreement, and other project and process information – can be found on the Facilities Planning and Construction website.

Finalists may be provided with supplemental interview requirements and criteria as needed.

Provide the number of copies prescribed in the Project Fact Sheet. Submittals must be received in the Facilities Planning and Construction office by 3:00 p.m. (Local Time), Thursday, October 21, 2010. Facsimile (FAX) submittals are not acceptable and will not be considered.

Facilities Planning & Construction
232 Stadium / P. O. Box 115050
Gainesville, FL 32611-5050
Telephone: (352)273-4000; Fax: (352)273-4034
Internet: www.facilities.ufl.edu

Invitation to Bid (ITB)

The Florida State University Facilities Purchasing will receive sealed bids until the dates and times shown for the following projects. Bids may be brought to the bid opening or sent to:

Florida State University
Facilities Maintenance, Purchasing
114F Mendenhall Building A
Tallahassee, Florida 32306

prior to bid opening. Bidder must reference bid number, opening date and time on outside of bid package to insure proper acceptance. Bids submitted by facsimile are not acceptable. For information relating to the Invitation(s) to Bid, contact the

Bid Number: FAC30647-10
Procurement Associate: Betty-Jean (BJ) Lewis, Facilities
Mandatory PreBid: October 13, 2010, 2:00 p.m. (EST)
Location: Florida Highway Patrol Building
2908 Ridgeway Street,
Tallahassee, FL
Public Bid Opening: October 28, 2010
Time: 2:00 p.m. (EST)
FSU-Facilities Maintenance
Facilities Maintenance Purchasing
969 Learning Way
125 Mendenhall, Building A
Tallahassee, Florida 32306-4150
Bid Documents: Asbestos and lead abatement
basement and first floor
PROJECT MANAGER: JOE ADAMS
Contact Person: Betty-Jean (BJ) Lewis,
Purchasing Agent
blewis@admin.fsu.edu

ALL QUESTIONS ONLY THROUGH EMAILS.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

ADVERTISEMENT FOR BIDS

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS BY THE STATE OF FLORIDA, DEPARTMENT OF CORRECTIONS, FOR THE CONSTRUCTION OF:

PROJECT NO: FF-30(WW)

PROJECT NAME & LOCATION: MARTIN CORRECTIONAL INSTITUTE - WATER AND WASTEWATER SYSTEM IMPROVEMENTS.

FOR: THE STATE OF FLORIDA, DEPARTMENT OF CORRECTIONS

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND: If the construction contract award amount is \$100,000.00 or less, a Performance Bond and a Labor And Material Payment Bond are not required.

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

PREQUALIFICATION: Each bidder whose field is governed by Chapters 399, 489, and 633, Florida Statutes, for licensure or certification must be prequalified in order to bid. Prequalification data must be received as soon as possible. Prequalification must be in effect five (5) calendar days prior to the bid opening date. If your firm has not previously been prequalified by the Department for the current biennium (July 1 through June 30) of odd numbered years, IMMEDIATELY contact: Ms. Sandy Rogers at (850)922-8855 for prequalification requirements. After the bid opening the low bidder must qualify in accordance with Rule 60D-5.004, F.A.C. A copy of the rule requirements is included in the Instruction to Bidders under Article B-2 "Bidder Qualification Requirements and Procedures".

Sealed bids will be received, publicly opened, and read aloud on:

DATE AND TIME: October 26, 2010, 2:00 p.m. (Eastern Time)

PLACE: 10600 Chevrolet Way, Suite 300, Estero, Florida 33928

PROPOSAL: Bids must be submitted in full in accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, which may be examined and obtained from the:

ARCHITECT-ENGINEER: Tetra Tech Inc., 10600 Chevrolet Way, Suite 300, Estero, Florida 33928, Attn.: Andy Ebendick

TELEPHONE: (239)390-1467

A non-mandatory pre-bid conference will be held on October 12, 2010, 10:00 a.m. (Eastern Time), Martin Correctional Institution's Administrations, Conference Room, 1150 S. W. Allapattah Road, Indiantown, FL 34956-4397.

Drawings and specifications may be purchased for \$85.00 per set from the Architect/Engineer.

CONTRACT AWARD: Bid Tabulation and Notice of Award Recommendation will be sent to all bidders by Facsimile, Return Receipt Required. If no protest is filed per Article B-20 of the Instructions to Bidders, "Bid Protests, Points of Entry", the contract will be awarded by the Secretary, Department of Corrections. RIGHT IS RESERVED TO REJECT ANY OR ALL BIDS.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL, INC.

REQUEST FOR PROPOSALS (FDDC # 2010-CL-8500)

Developing Community Coalitions to Strengthen Services

The Florida Developmental Disabilities Council, Inc. (FDDC) is pleased to announce that this request for proposals (RFP #2010-CL-8500) is released in order to fund the development of regional coalitions that once developed will work to strengthen and increase available supports, services and resources in their communities. The overall goal of this project is to further develop the informal and volunteer services available to local communities to help meet identified unmet needs of individuals with developmental disabilities, such as respite care.

Individuals, not-for-profit, and for-profit agencies may submit proposals in response to this RFP. FDDC has set aside federal funds for a period not to exceed one (1) year for fiscal support

of this RFP. The anticipated award for this project is expected to range from \$60,000 to \$75,000. The exact amount of this contract will be developed during contract negotiations.

Copies of this RFP can be downloaded from the FDDC website (www.fddc.org) or copies may be requested by writing FDDC at 124 Marriott Drive, Suite 201, Tallahassee, FL 32301, or calling (850)488-4180 or Toll Free 1(800)580-7801 or TDD Toll Free (888)488-8633.

The deadline for submitting written questions and letters of intent for this RFP is October 8, 2010, 4:00 p.m. (EDT). Letters of intent are encouraged but not mandatory. Letters of Intent will only be accepted by fax, mail, or hand delivery. Letters of Intent by email will not be accepted. All answers to written questions will be posted on the FDDC website during the week of October 11, 2010. The deadline for submitting proposals for this RFP to FDDC is November 5, 2010, 2:00 p.m. (EDT).

PLEASE FORWARD ALL REQUESTS FOR COPIES OF THIS RFP TO CAROLYN WILLIAMS.

QUESTIONS ARE TO BE SUBMITTED IN WRITTEN FORMAT ONLY. THIS IS A LEGAL PROCESS AND WE CANNOT ANSWER QUESTIONS VERBALLY.

Section XII Miscellaneous

DEPARTMENT OF STATE

2012 Small Matching Historic Preservation Grants-in-Aid Formal Solicitation

The purpose of this notice is to formally announce that the Florida Department of State is currently soliciting applications for fiscal year 2012 Small Matching Grant-in-Aid assistance for historic preservation projects.

The solicitation period begins October 1, 2010, and extends through December 15, 2010. A preview of previous online applications is available at www.flheritage.com/grants. Submissions of the current application will be accepted beginning October 1, 2010. Applications must be submitted online by 11:59 p.m. (Eastern Standard Time), on December 15, 2010. A hard copy of the application and attachments must be delivered to the: Bureau of Historic Preservation, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250 no later than 5:00 p.m., December 15, 2010, OR be clearly postmarked by 11:59 p.m., December 15, 2010, OR show evidence of submission to an express mail service by 11:59 p.m., December 15, 2010. Arrangements for the submission of paper applications, rather than an online submission, may be made by calling: The Bureau at (850)245-6333 or toll free at 1(800)847-7278.

FUNDS AVAILABLE

Funding availability will depend upon legislative appropriation during the 2011 Legislative Session. Recommended grant awards will provide funding assistance up to \$50,000.00. Appropriated funds will be available on July 1, 2011.

It is projected that approximately \$118,000 will be made available for Certified Local Government (CLG) program grants for conducting survey and planning and community education projects. These funds will be comprised of the required 10% of Florida's 2010 Federal Historic Preservation Fund apportionment, and will be available only to those local governments that are already certified or meet the requirements of item (d) below.

WHO IS ELIGIBLE TO APPLY

Eligible applicants include:

- (a) Departments or agencies of the State of Florida (including state universities);
- (b) Units of county, municipal or other local governments;
- (c) Any Florida not-for-profit corporation, institution, or organization; and
- (d) Certified Local Governments or any local government that has received National Park Service certification by December 15, 2010.

Non-secular organizations are eligible to apply for grant-in-aid assistance. However, eligible development activities involving non-secular properties are limited to work on the exterior of the property and only those interior activities that are essential to the preservation of the structural integrity of the property.

PROJECTS ELIGIBLE FOR FUNDING

Small Matching grant funds will be available to support both Acquisition & Development and Protection & Education activities.

Acquisition & Development activities include acquisition, preservation, protection, restoration, rehabilitation and stabilization of historical and archaeological properties; also the investigation of archaeological sites, the taking of photographs, the preparation of measured drawings and such other records as are necessary to record historical and archaeological sites and properties threatened with damage or destruction; and planning for eligible Acquisition & Development activities, such as the preparation of plans and specifications.

Protection & Education activities include survey and evaluation of historical and archaeological properties which includes the preparation of data for and the actual listing or registering of historical and archaeological properties in the Florida Master Site File or, if eligible, the National Register of Historic Places; preparation of long-range historic preservation and management plans for historical and archaeological properties; development of automated information systems to facilitate the recording of property data or to facilitate the management of information on other subjects pertaining to historic preservation; community education and community

relations projects promoting the preservation of historical and archaeological properties in general; research to study the effectiveness and results of historic preservation programs, methods and techniques; research of historical documents for the purpose of documenting and evaluating the significance of historical and archaeological properties; and use of staff or a private consultant hired through appropriate procurement standards to organize a Certified Local Government program or its components.

Other preservation activities may also be eligible for grant assistance. If you have a question about the eligibility of a project or work element, please call the Bureau.

GENERAL PRIORITIES**Historic Preservation**

The goal of the Bureau is to locate, identify and protect the significant historic properties of the state as rapidly as possible to provide a basis for effective preservation planning throughout the state. In accordance with the application evaluation criteria outlined in Chapter 1A-39, Florida Administrative Code ("Division of Historical Resources Grants Programs"), projects within each category shall be compatible with the following priorities:

A. Survey Priorities

1. Surveys to identify, evaluate and document historic properties and archaeological sites associated with Florida's minority heritage.
2. Surveys of broad areas where no previous surveys have been undertaken.
3. Surveys located in areas subject to intensive development pressure.
4. Surveys designed to complete comprehensive coverage of areas in which partial surveys have been made.
5. Surveys that address historic themes not covered or under-represented in previous surveys.

B. Registration (National Register) Priorities

1. Registration of historical resources identified by previous survey activity.
2. Registration of properties of national significance, and not previously listed in the National Register.
3. Registration of properties of statewide or local significance, and not previously listed in the National Register.

C. Planning Priorities

1. Development of historic preservation elements (or historic preservation components of coastal management, future land use or housing elements) of Local Government Comprehensive Plans.
2. Development of plans for informing the public as to the economic and other benefits of preserving historical resources.
3. Development of protection tools, such as local ordinances.

4. Implementation of automated information systems to facilitate the recording of site data or information on other historic preservation subjects.
- D. Community Education Priorities
 1. Historic preservation education programs for school children.
 2. Projects having to do with minority historic preservation.
 3. General publications about preservation.
 4. Self-guided tours of historic areas.
- E. Acquisition and Development Priorities
 1. Assistance for stabilization or other appropriate preservation treatments for properties which are in imminent danger of being lost due to physical deterioration or planned development.
 2. Assistance in the development of plans for the restoration or rehabilitation of properties, particularly those that will be placed in public use.
 3. Assistance in the restoration and rehabilitation of properties for which appropriate preservation planning is complete or well underway, particularly those which will be placed in public use.
 4. Assistance for restoration or rehabilitation projects which will yield technical innovations which will have application in other projects.
 5. Assistance for restoration or rehabilitation projects that will demonstrate the environmental value of historic preservation. Such projects must adhere to recognized sustainability standards and must comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

Applications for all types of eligible projects are earnestly solicited and encouraged and will be judged on their merits according to the criteria in Rule 1A-39.008, Florida Administrative Code.

VIVA FLORIDA

Projects that reflect the goals of Viva Florida, a series of statewide events recognizing the historic significance of Spanish exploration in Florida, will be of special interest. Such projects should include efforts to enrich the general public's understanding of Florida's Spanish history through education, public events, and efforts to promote Florida's unique Spanish history. Please see www.vivafloida.org and the Viva Florida document accompanying this solicitation.

SPECIAL STATEWIDE PROJECTS within the Small Matching Grant Program

For the special projects described below, the Grant Review Panels appointed by the Florida Secretary of State may waive matching requirements. The Panels reserve the right to decline to recommend funding for any applications in these areas if, in the judgment of the Bureau and the Panels, the proposed goals of these projects would not be met.

1. Florida Main Street Program

Special consideration will be given for grants to national and statewide organizations whose programs assist local redevelopment of historic downtown business districts to assist in the administration and provision of technical assistance within the Florida Main Street Program, and non-matching \$10,000 "start-up" grants for newly selected Florida Main Street communities.

2. Sustainable Stewardship, Phase 2

Special consideration will be given to proposals for Phase II of a study titled SUSTAINABLE STEWARDSHIP: The Environmental Benefits of Historic Preservation in Florida. The Phase I preliminary study was completed by Bender & Associates Architects, P.A. and Green Building Services in September 2009 and is available by request in electronic format from the Division. In the Phase I study, bibliographic sources were identified, as well as potential sources for statistical information and case studies. Partner organizations were identified and several have committed to support the future project. Potential Members of a Technical Advisory Committee for Phase II were identified, and many have committed by letter or email to donate their time to the project. The goal of Phase II is to produce documented scientific data that will build a case for historic preservation by describing the common goals of historic preservation and sustainable practices. The final grant product will be a technical report, similar to the 2010 Update of the Economic Impacts of Historic Preservation in Florida Technical Report, available upon request from the Division. This Phase II Sustainable Stewardship product should include recommendations for compatibility and resolution of conflict between LEED and the Secretary of the Interior's Standards for Preservation. The Phase II product will be an organized assemblage of raw data which will be distributed to professionals and the public and should provide guidance for preservation projects to comply fully with both the Secretary's Standards and LEED standards. This will set the stage for Phase III of the project which will be to publish and distribute the data in plain language formats.

MATCH REQUIREMENTS AND PROJECT SUPPORT

The above special projects and applications submitted by local governments and not-for-profit organizations located in communities that are eligible to request a waiver or reduction of matching requirements as per Section 288.06561, Florida Statutes, are the only potential non-matching grants anticipated. All other funding will be awarded in the form of 50/50 matching grants. That is, funds will be given to support up to 50% of the cost of an eligible project, with the other 50% to be provided by the grant recipient (grantee) in the form of cash match or allowable in-kind and donated services match with a specified cash value. The required match must include a minimum cash contribution of 25 percent.

In computing grant match, please note that, while direct administrative costs for conducting grant activities will be considered allowable expenditures, indirect administrative

charges or overhead are not allowable. (Please see documents accompanying this solicitation notice.) In valuing in-kind and donated services, please be sure to use a value that reflects a typical fair market value you would pay if you were purchasing such services. Also, please be aware that you may not use expenditures of any kind made prior to the grant period as part of your match.

It is important that the applicant document support for the project for which funding is requested. Several letters of support, endorsements, resolutions, and other documentation evidencing local, regional or statewide support for the project contribute significantly to the application review.

APPLICATION REVIEW AND PROJECT SELECTION

All applications submitted online by 11:59 p.m. (Eastern Standard Time), on December 15, 2010, with one printed copy and attachments delivered to the Bureau of Historic Preservation by 5:00 p.m., December 15, 2010, OR clearly postmarked by 11:59 p.m., December 15, 2010, OR showing evidence of submission to an express mail service by 11:59 p.m., December 15, 2010, will be reviewed for eligibility.

All eligible applications will be evaluated on a competitive basis by Grant Review Panels appointed by the Secretary of State in public meetings scheduled for March 21 and 22, 2011, in Tallahassee.

The Panels will prioritize all applications and recommend a level of funding (full or partial) for each project. In accordance with the Government Performance and Accountability Act of 1994, the Division of Historical Resources is mandated to increase the number of historic and archaeological properties protected or preserved for public use.

Please note that many projects may not be recommended for the full amount requested; rather, the Panel members may recommend an amount intended as a significant contribution to the project. Final project selection will be made by the Department of State and will depend heavily upon Grant Review Panel recommendations.

Projects selected for grant awards will be announced by July 1, 2011. Grant award agreements will be forwarded to grantees in July of 2011, and project work may not be initiated until a formal grant award agreement between the grantee and the Department is executed. Work begun before July 1, 2011, or conducted after June 30, 2012, including that paid with matching funds, will not be eligible for reimbursement.

ADDITIONAL INFORMATION

If you have any questions regarding proposed projects or the application process, please call the staff of the: Bureau of Historic Preservation at 1(800)847-7278 (PAST) or (850)245-6333. Questions regarding Acquisition and Development projects should be directed to: Phillip Wisley or Jennifer Patnode. Questions regarding archaeological projects, historic structures surveys, planning, and community education

projects should be directed to Sharyn Heiland. General questions regarding the grants program should be directed to Sharyn Heiland, Crista Hosmer, or Jennifer Patnode.

Please visit our website at www.flheritage.com/grants for more information on the grants program and to begin the application process.

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF FUNDING AVAILABILITY

The Department of Community Affairs (DCA) announces funding availability under the Florida Small Cities Community Development Block Grant (CDBG) Program. The Department will allocate approximately \$27.1 million of Federal Fiscal Year 2010 funding for the Commercial Revitalization (\$2.7 million), Housing Rehabilitation (\$8.1 million) and Neighborhood Revitalization (\$10.8 million) categories. In addition, approximately \$148,000 will be available for Planning and Design Specifications grants. In order to be eligible to apply in these categories, applicants cannot have an open grant in any of the three program categories or an open Planning and Design Specifications grant.

The Department also has approximately \$5.4 million available in the Economic Development category for job creation/retention activities. In the event that funds in this category remain available after the application deadline, applications in the Economic Development category will be reviewed and eligible applications will be awarded subgrants on a first-come, first served basis.

Also, approximately \$1.5 million for the Emergency Set-Aside is designated for state-declared emergencies. These funds will be available from April 1 of the year for which they are allocated through the third quarter (March 31) of the next State fiscal year. Any funds in the set-aside for which a notice of intent to submit an emergency application has not been received prior to March 31 will be reallocated in accordance with Section 290.044(4), Florida Statutes.

Eligible local governments must meet specific population requirements and cannot be participants in a CDBG Urban Entitlement Program. The population requirements are: cities with not more than 50,000 residents and counties with not more than 200,000 residents. The application process is conducted in accordance with Sections 290.0401 – 290.048, Florida Statutes, and Rule Chapter 9B-43, Florida Administrative Code.

The Federal Fiscal Year 2010 application cycle for all of the above-mentioned categories of funding will begin (“open”) October 1, 2010 and end (“close”) at 5:00 p.m. (EST), November 17, 2010 (“the deadline date”). Applications must be submitted on forms required by and in the format specified by the Department and must be received in the: Florida Small Cities CDBG Program Office, Department of Community Affairs, The Sadowski Building, Room 260, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100 by 5:00 p.m.

(EST) on the deadline date. An electronic copy of the application in Microsoft Word or Adobe PDF format (on a CD) can be submitted as the second copy of the application, as long as one complete hard copy with original signatures is submitted.

If you have questions, please contact the: CDBG Grants Management staff or Jacquelyn Dupree, Community Program Manager of the Small Cities CDBG Program at (850)487-3644 or by email: jackie.dupree@dca.state.fl.us.

DCA Final Order No.: DCA10-OR-181

In Re: MONROE COUNTY LAND
DEVELOPMENT REGULATIONS
ADOPTED BY MONROE COUNTY
ORDINANCE NO.: 020-2010

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to Section 380.05(6), Florida Statutes and Section 380.0552(9), Florida Statutes (2009), 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 Monroe County is a local government within the Florida Keys Area.
2. On July 14, 2010, the Department received for review Monroe County Ordinance No. 020-2010 ("Ord. 020-2010"), adopted by Monroe County on June 16, 2010.
3. The purpose of Ord. No. 020-2010 is to amend Section 138-24 of the Monroe County Code to allow the County to set aside Rate of Growth Ordinance allocations for properties that have already been ranked and are competing for ROGO beginning July 12, 2009, that are held in abeyance and not awarded because of a lack of a final tier designation due to the determination made in Amended Final Order No.: 06-2449. The ROGO allocations will be available in the future upon final determination of the challenged tier designations and will be classified as used and will not convert to affordable housing allocations.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended, or rescinded by any local government in the Florida Keys Area of Critical State Concern. Section 380.05(6), Florida Statutes, and Section 380.0552(9), Florida Statutes (2009).

5. Monroe County is a local government within the Florida Keys Area of Critical State Concern. Section 380.0552, Florida Statutes (2009) 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. Section 380.031(8), Florida Statutes (2009). The regulations adopted by Ord. 020-2010 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 Section 380.0552(7), Florida Statutes. 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. 020-2010 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.
9. Ord. 020-2010 is consistent with the Principles for Guiding Development as a whole.
10. Ord. 020-2010 furthers Monroe County Comprehensive Plan and is consistent with the Comprehensive Plan Policy 101.2.3.

WHEREFORE, IT IS ORDERED that Ord.: 020-2010 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.

/s/ _____
CHARLES GAUTHIER, AICP
Director, Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING 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.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 13th day of September, 2010.

/s/ _____

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Sylvia Murphy
Mayor of Monroe County
2798 Overseas Highway, Suite 400
Marathon, Florida 33050

Danny L. Kolhage
Clerk to the Board of County Commissioners
500 Whitehead Street
Key West, Florida 33040

Christine Hurley
Growth Management Director
2798 Overseas Highway, Suite 400
Marathon, Florida 33050

By Hand Delivery or Interagency Mail:

Rebecca Jetton, ACSC Administrator, DCA Tallahassee
Richard E. Shine, Assistant General Counsel, DCA Tallahassee

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:

Brighton Helipad, a private airport, in Okeechobee County, at Latitude 27° 4' 55" and Longitude 81° 4' 27", to be owned and operated by Mr. Pedro Rodriguez, HC61 Box 52A, 35201 Eagles Landing Clewiston, FL 33440.

A copy of the Airport Site Approval Order, the Airport’s application, the applicable rules, and other pertinent information may be obtained by contacting: Aaron N. Smith, State Aviation Manager, Florida Department of Transportation, Aviation Office, 605 Suwannee Street, Mail Station 46, Tallahassee, Florida 32399-0450, (850)414-4514, aviation.fdot@dot.state.fl.us. Website: <http://www.dot.state.fl.us/aviation>.

ADMINISTRATIVE HEARING RIGHTS: Any person whose substantial interests will be determined or affected by this Airport Site Approval Order has the right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing. The petition for an administrative hearing must conform to the requirements of Rule Chapter 28-106, Florida Administrative Code, and must be filed, in writing, within twenty-one days of the publication of this notice, with 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.

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:

Hollywood Helipad, a private airport, in Broward County, at Latitude 26° 2' 73" and Longitude 80° 12' 95", to be owned and operated by Mr. Pedro Rodriguez, HC61 Box 52A, 35201 Eagles Landing Clewiston, FL 33440.

A copy of the Airport Site Approval Order, the Airport’s application, the applicable rules, and other pertinent information may be obtained by contacting: Aaron N. Smith, State Aviation Manager, Florida Department of Transportation, Aviation Office, 605 Suwannee Street, Mail Station 46, Tallahassee, Florida 32399-0450, (850)414-4514, aviation.fdot@dot.state.fl.us. Website: <http://www.dot.state.fl.us/aviation>.

ADMINISTRATIVE HEARING RIGHTS: Any person whose substantial interests will be determined or affected by this Airport Site Approval Order has the right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing. The petition for an administrative hearing must conform to the requirements of Rule Chapter 28-106, Florida Administrative Code, and must be filed, in writing, within

twenty-one days of the publication of this notice, with 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.

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:

Immokalee Helipad, a private airport, in Collier County, at Latitude 26° 23' 90" and Longitude 81° 24' 88", to be owned and operated by Mr. Pedro Rodriguez, HC61 Box 52A, 35201 Eagles Landing Clewiston, FL 33440.

A copy of the Airport Site Approval Order, the Airport’s application, the applicable rules, and other pertinent information may be obtained by contacting: Aaron N. Smith, State Aviation Manager, Florida Department of Transportation, Aviation Office, 605 Suwannee Street, Mail Station 46, Tallahassee, Florida 32399-0450, (850)414-4514, aviation.fdot@dot.state.fl.us, Website: <http://www.dot.state.fl.us/aviation>.

ADMINISTRATIVE HEARING RIGHTS: Any person whose substantial interests will be determined or affected by this Airport Site Approval Order has the right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing. The petition for an administrative hearing must conform to the requirements of Rule Chapter 28-106, Florida Administrative Code, and must be filed, in writing, within twenty-one days of the publication of this notice, with 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 Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Zongshen, Inc., intends to allow the establishment of H. Long Investments Corp., d/b/a Tropical Scooters of Vero as a dealership for the sale of motorcycles manufactured by

Chongqing Zongshen Group (ZONG) at 110 Southwest Monterey Road, Unit 2, Stuart (Martin County), Florida 34994, on or after October 24, 2010.

The name and address of the dealer operator(s) and principal investor(s) of H. Long Investments Corp., d/b/a Tropical Scooters of Vero are dealer operator(s): Heidi S. Long, 110 Southwest Monterey Road, Unit 2, Stuart, Florida 34994, principal investor(s): Heidi S. Long, 110 Southwest Monterey Road, Unit 2, Stuart, Florida 34994.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Jack Xu, 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 El Sol Trading, Inc., intends to allow the establishment of Mopeds and More, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Leike Machinery Co., Ltd. (ZLMI) at 6191 South Pine Avenue, Ocala (Marion County), Florida 34480, on or after October 10, 2010.

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.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Gloria Ma, El Sol Trading, Inc., 19877 Quiroz Court, City of Industry, California 91789.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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 Triumph Motorcycles America, Ltd., intends to allow the establishment of WP Enterprises of Orlando, LLC, d/b/a Triumph Motorcycles of Orlando as a dealership for the sale of motorcycles manufactured by Triumph (TRUM) at 8901 Futures Drive, Orlando (Orange County), Florida 32819, on or after October 24, 2010.

The name and address of the dealer operator(s) and principal investor(s) of WP Enterprises of Orlando, LLC, d/b/a Triumph Motorcycles of Orlando are dealer operator(s): William Perretti, 163 Orchard Lane, Ormond Beach, Florida 32176; principal investor(s): William Perretti, 163 Orchard Lane, Ormond Beach, Florida 32176.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Michael Lashley, Triumph Motorcycles America, Ltd., 385 Walt Sanders Memorial Drive, Suite 100, Newnan, Georgia 30265.

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 Zongshen, Inc., intends to allow the establishment of Worldwide Scooters, Inc., d/b/a GekGo Worldwide as a dealership for the sale of motorcycles manufactured by Chongqing Zongshen Group (ZONG) at 180 Race Track Road, Building J E 20-21, Oldsmar (Pinellas County), Florida 34677, on or after October 24, 2010.

The name and address of the dealer operator(s) and principal investor(s) of Worldwide Scooters, Inc., d/b/a GekGo Worldwide are dealer operator(s): Peter Spoto, 180 Race Track Road, Building J E 20-21, Oldsmar, Florida 34677; principal investor(s): Peter Spoto, 180 Race Track Road, Building J E 20-21, Oldsmar, Florida 34677.

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: Jack Xu, Zongshen, Inc., 3511 Northwest 113 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.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

The Florida Public Service Commission will consider at its October 12, 2010, Agenda Conference, Docket No.: 100393-EI, Application of Tampa Electric Company for authority to issue and sell securities pursuant to Section 366.04, Florida Statutes, and Chapter 25-8, Florida Administrative Code. The Company seeks PSC approval pursuant to Section 366.04, Florida Statutes, to issue, sell and/or exchange equity securities and issue, sell, exchange and/or assume long-term debt securities and/or to assume liabilities or obligations as guarantor, endorser, or surety in an amount not to exceed in the aggregate \$1,200 million, during the twelve month period, ending December 31, 2011. The Company also seeks approval pursuant to Section 366.04, Florida Statutes, to issue, sell, exchange and/or assume short-term debt securities and/or to assume liabilities or obligations as guarantor, endorser, or surety, with the maximum amount of short-term debt outstanding at any one time being \$900 million, during the twelve month period, ending December 31, 2011. Additionally, the Company seeks authority to enter into interest rates swaps or other derivative instruments related to debt securities.

DATE AND TIME: Tuesday, October 12, 2010. The Agenda Conference begins at 9:30 a.m., although the time at which this item will be heard cannot be determined at this time.

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32301

PURPOSE: To take final action in Docket No. :100393-EI.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (850)413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

For additional information, please contact: Katherine Fleming, Office of the General Counsel at (850)413-6218.

WATER MANAGEMENT DISTRICTS

The St. Johns River Water Management District (District) announces its intent to grant a variance from the provisions of paragraph 40C-4.302(1)(c), F.A.C., and the associated portions of the Applicant's Handbook: Management and Storage of

Surface Waters (February 16, 2010), including Sections 10.1.1(c), 12.1.1(d) 12.2.5(c), (F.O.R. Number 2010-26) to the Florida Department of Environmental Protection, Division of Recreation and Parks for the Sebastian Inlet State Park (Park). Pursuant to Section 373.414(17), Florida Statutes, the Park is seeking a variance from paragraph 40C-4.302(1)(c), F.A.C., and the associated portions of the Applicant's Handbook: Management and Storage of Surface Waters, including Sections 10.1.1(c), 12.1.1(d) and 12.2.5(c), with respect to Environmental Resource Permit Application 4-009-75850-7 (previously 40-009-75850-7) to convert an existing fishing pier to a dock for emergency vessel use. The construction is proposed to occur directly in the Sebastian Inlet, which is located within Class II waters that are also classified by the Department of Agriculture and Consumer Services as conditionally restricted for shellfish harvesting. Notice of receipt of the petition for variance was published in the Florida Administrative Weekly on June 18, 2010.

NOTICE OF RIGHTS

1. A person whose substantial interests are or may be affected has the right to request an administrative hearing by filing a written petition with the St. Johns River Water Management District (District). Pursuant to Chapter 28-106 and Rule 40C-1.1007, Florida Administrative Code, the petition must be filed (received) either by delivery at the office of the District Clerk at District Headquarters, P. O. Box 1429, Palatka Florida 32178-1429 (4049 Reid St., Palatka, FL 32177) or by e-mail with the District Clerk at Clerk@sjrwmd.com, within nineteen (19) days of the District depositing the notice of intended District decision in the mail (for those persons to whom the District mails actual notice) or within fourteen (14) days of newspaper publication of the notice of intended District decision (for those persons to whom the District does not mail actual notice). A petition must comply with Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes, and Chapter 28-106, Florida Administrative Code. The District will not accept a petition sent by facsimile (fax), as explained in paragraph no. 5 below. Mediation pursuant to Section 120.573, Florida Statutes, is not available.
2. If the District takes action that substantially differs from the notice of intended District decision, a person whose substantial interests are or may be affected has the right to request an administrative hearing by filing a written petition with the District, but this request for administrative hearing shall only address the substantial deviation. Pursuant to Chapter 28-106 and Rule 40C-1.1007, Florida Administrative Code, the petition must be filed (received) at the office of the District Clerk at the mail/street address or email address described in paragraph no. 1 above, within nineteen (19) days of the District depositing notice of final District decision in the mail (for those persons to whom the District mails actual notice) or within fourteen (14) days of newspaper publication of the notice of final District decision (for those persons to whom the District does not mail actual notice). A petition must comply with Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes, and Chapter 28-106, Florida Administrative Code. Mediation pursuant to Section 120.573, Florida Statutes, is not available.
3. A person whose substantial interests are or may be affected has the right to a formal administrative hearing pursuant to Sections 120.569 and 120.57(1), Florida Statutes, where there is a dispute between the District and the party regarding an issue of material fact. A petition for formal hearing must also comply with the requirements set forth in Rule 28-106.201, Florida Administrative Code.
4. A person whose substantial interests are or may be affected has the right to an informal administrative hearing pursuant to Sections 120.569 and 120.57(2), Florida Statutes, where no material facts are in dispute. A petition for an informal hearing must also comply with the requirements set forth in Rule 28-106.301, Florida Administrative Code.
5. A petition for an administrative hearing is deemed filed upon receipt of the complete petition by the District Clerk at the District Headquarters in Palatka, Florida during the District's regular business hours. The District's regular business hours are 8:00 a.m. – 5:00 p.m., excluding weekends and District holidays. Petitions received by the District Clerk after the District's regular business hours shall be deemed filed as of 8:00 a.m. on the District's next regular business day. The District's acceptance of petitions filed by e-mail is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation (issued pursuant to Rule 28-101.001, Florida Administrative Code), which is available for viewing at: www.sjrwmd.com. These conditions include, but are not limited to, the petition being in the form of a PDF or TIFF file and being capable of being stored and printed by the District. Further, pursuant to the District's Statement of Agency Organization and Operation, attempting to file a petition by facsimile is prohibited and shall not constitute filing.
6. Failure to file a petition for an administrative hearing within the requisite time frame shall constitute a waiver of the right to an administrative hearing. (Rule 28-106.111, Florida Administrative Code).
7. The right to an administrative hearing and the relevant procedures to be followed are governed by Chapter 120, Florida Statutes, Chapter 28-106, Florida Administrative Code, and Rule 40C-1.1007, Florida Administrative Code. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means the District's final action may be different from the position taken by it in this notice. A person whose substantial

interests are or may be affected by the District’s final action has the right to become a party to the proceeding, in accordance with the requirements set forth above.

8. Pursuant to Section 120.68, Florida Statutes, a party to the proceeding before the District who is adversely affected by final District action may seek review of the action in the District Court of Appeal by filing a notice of appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, within 30 days of the rendering of the final District action (in this case, the final order on the petition for variance). A District action is considered rendered after it is signed on behalf of the District and is filed by the District Clerk. Failure to observe the relevant time frames for filing a petition for judicial review will result in waiver of that right to review.

AGENCY FOR HEALTH CARE ADMINISTRATION

**NOTICE OF BATCHED APPLICATION RECEIPT AND
NOTICE OF TENTATIVE PUBLIC HEARINGS**

The Agency for Health Care Administration has received and accepted the following Certificate of Need applications for review in the batched Hospital Beds and Facilities review cycle with an application due date of September 8, 2010.

- County: Okaloosa District: 1
CON # 10093 Application Receipt Date: 9/8/2010
Facility/Project: Fort Walton Beach Medical Center
Applicant: Fort Walton Beach Medical Center, Inc.
Project Description: Establish a 20-bed comprehensive medical rehabilitation hospital
- County: Hernando District: 3
CON # 10094 Application Receipt Date: 9/7/2010
Facility/Project: Haven Behavioral Services of Florida, LLC
Applicant: Haven Behavioral Services of Florida, LLC
Project Description: Establish a 30-bed adult inpatient psychiatric hospital
- County: Lake District: 3
CON # 10095 Application Receipt Date: 9/7/2010
Facility/Project: Haven Behavioral Services of Florida, LLC
Applicant: Haven Behavioral Services of Florida, LLC
Project Description: Establish a 30-bed adult inpatient psychiatric hospital
- County: Sumter District: 3
CON # 10096 Application Receipt Date: 9/7/2010
Facility/Project: Central Florida Health Alliance, Inc.
Applicant: Central Florida Health Alliance, Inc.
Project Description: Establish a comprehensive medical rehabilitation hospital of up to 60 beds
- County: Marion District: 3
CON # 10097 Application Receipt Date: 9/8/2010
Facility/Project: HealthSouth Rehabilitation Hospital of Marion County, LLC

- Applicant: HealthSouth Rehabilitation Hospital of Marion County, LLC
Project Description: Establish a comprehensive medical rehabilitation hospital of up to 40 beds
County: Marion District: 3
CON # 10098 Application Receipt Date: 9/8/2010
Facility/Project: West Marion Community Hospital
Applicant: Marion Community Hospital, Inc.
Project Description: Establish 20-bed comprehensive medical rehabilitation unit
County: Sumter District: 3
CON # 10099 Application Receipt Date: 9/8/2010
Facility/Project: Wildwood Medical Center, Inc.
Applicant: Wildwood Medical Center, Inc.
Project Description: Establish an acute care hospital of up to 120 beds
County: Sumter District: 3
CON # 10100 Application Receipt Date: 9/3/2010
Facility/Project: The Villages Tri-County Medical Center, Inc.
Applicant: The Villages Tri-County Medical Center, Inc.
Project Description: Establish an acute care hospital of up to 120 beds
County: Volusia District: 4
CON # 10101 Application Receipt Date: 9/7/2010
Facility/Project: Halifax Health Medical Center
Applicant: Halifax Hospital Medical Center
Project Description: Establish a comprehensive medical rehabilitation unit of up to 40 beds
County: Volusia District: 4
CON # 10102 Application Receipt Date: 9/8/2010
Facility/Project: Haven Behavioral Services of Florida, LLC
Applicant: Haven Behavioral Services of Florida, LLC
Project Description: Establish an adult inpatient psychiatric hospital of up to 40 beds
County: Pinellas District: 5
CON # 10103 Application Receipt Date: 9/7/2010
Facility/Project: Haven Behavioral Services of Florida, LLC
Applicant: Haven Behavioral Services of Florida, LLC
Project Description: Establish a 40-bed adult inpatient psychiatric hospital

Also, IF REQUESTED, tentative public hearings have been scheduled as follows:

- PROPOSAL: District 1
- DATE/TIME: Monday, October 25, 2010, 10:00 a.m. – 1:00 p.m. (CST)
- PLACE: Bay County Chamber of Commerce
235 W. 5th St.
Panama City, FL 32401
- PROPOSALS: District 3 – CONs 10094 & 10095

- DATE/TIME: Wednesday, October 27, 2010, 9:00 a.m. to 12 p.m.
 PLACE: WellFlorida Council
 Large Conference Room
 1785 N. W. 80th Blvd.
 Gainesville, FL 32606
- PROPOSALS: District 3 – CONs 10096, 100097 & 10098
 DATE/TIME: Tuesday, October 26, 2010, 8:30 a.m. – 12:30 p.m.
 PLACE: WellFlorida Council
 Large Conference Room
 1785 N. W. 80th Blvd.
 Gainesville, FL 32606
- PROPOSALS: District 3 – CONs 10099 & 10100
 DATE/TIME: Friday, October 29, 2010, 9:00 a.m. – 12:00 Noon
 PLACE: WellFlorida Council
 Large Conference Room
 1785 N. W. 80th Blvd.
 Gainesville, FL 32606
- PROPOSAL: District 4 – CON #10101
 DATE/TIME: Tuesday, October 26, 2010, 1:00 p.m. – 2:30 p.m.
 PLACE: Health Planning Council of Northeast Florida
 644 Cesery Blvd., Suite 210
 Jacksonville, FL 32211
- PROPOSAL: District 4 – CON #10102
 DATE/TIME: Tuesday, October 26, 2010, 2:30 p.m. – 4:00 p.m.
 PLACE: Health Planning Council of Northeast Florida
 644 Cesery Blvd., Suite 210
 Jacksonville, FL 32211
- PROPOSAL: District 5
 DATE/TIME: Wednesday, October 27, 2010, 9:00 a.m. – 12:00 Noon
 PLACE: Suncoast Health Council
 Madison Building Conference Room
 9600 Koger Boulevard
 St. Petersburg, FL 33702

Public hearing requests must be in writing and be received at the Agency for Health Care Administration, CON Office, 2727 Mahan Drive, Mail Stop 28, Tallahassee, Florida 32308, Attention: James B. McLemore, by 5:00 p.m., October 8, 2010. In lieu of requesting and attending a public hearing, written comments submitted to the department relative to the merits of these applications will become part of the official project application file. Pursuant to subsection 59C-1.010(3), F.A.C., written comments must be received by October 13, 2010.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

NOTICE OF AVAILABILITY

FLORIDA CATEGORICAL EXCLUSION NOTIFICATION

OCU Hidden Springs Water Supply Facility Improvements
 The Florida Department of Environmental Protection has determined that the Orange County Utilities' project to replace aging equipment and upgrade treatment processes at an existing water treatment plant will not adversely affect the environment. The total cost of the project is estimated to be \$4,563,428. The project may qualify for a Drinking Water State Revolving Fund loan composed of federal funds and state funds.

A full copy of the Florida Categorical Exclusion Notification can be obtained by writing to: Gregory M. Brown, P.E., Department of Environmental Protection, Bureau of Water Facilities Funding, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or calling (850)245-8371.

FLORIDA STATE CLEARINGHOUSE

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(40), F.S. A list of projects, comments deadlines and the address for providing comments are available at http://www.dep.state.fl.us/secretary/oip/state_clearinghouse/. For information, call (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

DEPARTMENT OF HEALTH

On September 14, 2010, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Jose Celpa, A.P. License #AP 519. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On September 13, 2010, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Martha Somohano, D.R. License #DR 7870. This Emergency Suspension Order was predicated upon the State Surgeon

General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On September 10, 2010, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Lucy Valencia, D.O. License #OS 8098. This Emergency Suspension Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF A PUBLIC MEETING OF THE BOARD OF DIRECTORS OF THE FLORIDA CIVIL COMMITMENT CENTER FINANCING CORPORATION FOR THE PURPOSE OF ELECTING THE OFFICERS OF THE CORPORATION

A meeting of the board of directors of the FLORIDA CIVIL COMMITMENT CENTER FINANCING CORPORATION, a Florida not-for-profit corporation (the “Corporation”) whose sole member is the State of Florida Department of Children and Family Services (the “Department”), will be held at 10:30 a.m., Thursday, September 30, 2010, at One Park Place, Suite 700, 621 N. W. 53rd Street, Boca Raton, Florida, for the purpose of electing the officers of the corporation. The Corporation leases, from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, the ground in Desoto County, Florida on which the facility commonly known as the FLORIDA CIVIL COMMITMENT CENTER is constructed and leases the improvements being constructed and the ground on which they are located (the “Project”) to the Department. The rental payments paid by the Department to the Corporation are applied to the payments due on the certificates of participation sold to finance the construction of the Project.

The meeting will be open to the public. Those who wish to call into the meeting may do so by calling the following conference number: 1(866)339-5580, Code: *1325084*. The following

have been proposed for election to serve as officers of the Corporation for the offices set forth opposite their names until the next annual meeting of the directors of the Corporation or until the election and qualification of their successors or until their earlier death, resignation, or removal:

- Dale L. Frick Chairman and President
- Jorge Dominicis Secretary and Treasurer
- John Bulfin Vice President, Assistant Secretary, and Assistant Treasurer

NOTICE OF A PUBLIC MEETING OF THE BOARD OF DIRECTORS OF THE SOUTH FLORIDA EVALUATION TREATMENT CENTER FINANCING CORPORATION FOR THE PURPOSE OF ELECTING THE OFFICERS OF THE CORPORATION

A meeting of the board of directors of the SOUTH FLORIDA EVALUATION TREATMENT CENTER FINANCING CORPORATION, a Florida not-for-profit corporation (the “Corporation”) whose sole member is the State of Florida Department of Children and Family Services (the “Department”), will be held at 10:00 a.m., Thursday, September 30, 2010 at One Park Place, Suite 700, 621 N. W. 53rd Street, Boca Raton, Florida for the purpose of electing the officers of the corporation. The Corporation leases, from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, the ground in Florida City, Florida on which the facility commonly known as the SOUTH FLORIDA EVALUATION TREATMENT CENTER is constructed and leases the improvements constructed and the ground on which they are located (the “Project”) to the Department. The rental payments paid by the Department to the Corporation are applied to the payments due on the certificates of participation sold to finance the construction of the Project.

The meeting will be open to the public. Those who wish to call into the meeting may do so by calling the following conference number: 1(866)339-5580, Code: *1325084*. The following have been proposed for election to serve as officers of the Corporation for the offices set forth opposite their names until the next annual meeting of the directors of the Corporation or until the election and qualification of their successors or until their earlier death, resignation, or removal:

- Dale L. Frick Chairman and President
- Jorge Dominicis Secretary and Treasurer
- John Bulfin Vice President, Assistant Secretary, and Assistant Treasurer

FINANCIAL SERVICES COMMISSION

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received a request by a credit union to expand its field of membership. Specific information regarding the expansion can be found at <http://www.flofr.com/banking/cufm.asp>. 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 as follows:

By Mail or Facsimile	OR	By Hand Delivery
Agency Clerk		Agency Clerk
Office of Financial Regulation		Office of Financial Regulation
P. O. Box 8050		General Counsel's Office
Tallahassee, Florida		The Fletcher Building
32314-8050		Suite 118
Phone (850)410-9800		101 East Gaines Street,
Fax: (850)410-9548		Tallahassee, Florida
		32399-0379
		Phone: (850)410-9896

The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., October 8, 2010):

Name and Address of Applicant: ECU Credit Union, Post Office Box 4818, Seminole, Florida 33775-4818

Expansion Includes: Select employer groups

Geographic Area

Received: September 2, 2010

Name and Address of Applicant: Power Financial Credit Union, 2020 North West 150th Avenue, Pembroke Pines, Florida 33028

Expansion Includes: Geographic Area

Received: September 7, 2010

Section XIII
Index to Rules Filed During Preceding Week

					Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
RULES FILED BETWEEN September 7, 2010 and September 10, 2010									
Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.	Finance				
					69V-40.001	9/10/10	10/1/10	36/24	36/32
					69V-40.00112	9/10/10	10/1/10	36/24	36/32
					69V-40.002	9/10/10	10/1/10	36/24	36/32
					69V-40.003	9/10/10	10/1/10	36/24	
					69V-40.008	9/10/10	10/1/10	36/24	
					69V-40.0113	9/10/10	10/1/10	36/24	36/32
					69V-40.021	9/10/10	10/1/10	36/24	
					69V-40.022	9/10/10	10/1/10	36/24	
					69V-40.025	9/10/10	10/1/10	36/24	
					69V-40.026	9/10/10	10/1/10	36/24	
					69V-40.027	9/10/10	10/1/10	36/24	
					69V-40.0271	9/10/10	10/1/10	36/24	
					69V-40.028	9/10/10	10/1/10	36/24	
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					69V-40.029	9/10/10	10/1/10	36/24	
					69V-40.030	9/10/10	10/1/10	36/24	
					69V-40.031	9/10/10	10/1/10	36/24	
					69V-40.0311	9/10/10	10/1/10	36/24	
					69V-40.0312	9/10/10	10/1/10	36/24	36/32
					69V-40.0313	9/10/10	10/1/10	36/24	36/32
					69V-40.0321	9/10/10	10/1/10	36/24	36/32
					69V-40.0322	9/10/10	10/1/10	36/24	
					69V-40.033	9/10/10	10/1/10	36/24	
					69V-40.0331	9/10/10	10/1/10	36/24	
					69V-40.036	9/10/10	10/1/10	36/24	
					69V-40.043	9/10/10	10/1/10	36/24	
					69V-40.051	9/10/10	10/1/10	36/24	
					69V-40.0511	9/10/10	10/1/10	36/24	
					69V-40.053	9/10/10	10/1/10	36/24	
					69V-40.058	9/10/10	10/1/10	36/24	
					69V-40.060	9/10/10	10/1/10	36/24	
					69V-40.0611	9/10/10	10/1/10	36/24	36/32
					69V-40.0612	9/10/10	10/1/10	36/24	36/32
					69V-40.066	9/10/10	10/1/10	36/24	
					69V-40.088	9/10/10	10/1/10	36/24	
					69V-40.099	9/10/10	10/1/10	36/24	
					69V-40.100	9/10/10	10/1/10	36/24	
					69V-40.105	9/10/10	10/1/10	36/24	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.	Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
69V-40.160	9/10/10	10/1/10	36/24		69V-40.285	9/10/10	10/1/10	36/24	36/32
69V-40.165	9/10/10	10/1/10	36/24		69V-40.290	9/10/10	10/1/10	36/24	
69V-40.170	9/10/10	10/1/10	36/24	36/32					
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69V-40.225	9/10/10	10/1/10	36/24		69W-301.003	9/10/10	9/30/10	36/24	
69V-40.240	9/10/10	10/1/10	36/24		69W-500.008	9/10/10	9/30/10	36/24	
69V-40.242	9/10/10	10/1/10	36/24		69W-500.013	9/10/10	9/30/10	36/24	
69V-40.245	9/10/10	10/1/10	36/24		69W-500.015	9/10/10	9/30/10	36/24	
69V-40.250	9/10/10	10/1/10	36/24		69W-500.016	9/10/10	9/30/10	36/24	
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