

## Section I

### Notices of Development of Proposed Rules and Negotiated Rulemaking

**DEPARTMENT OF EDUCATION**

**Commission for Independent Education**

RULE NOS.:           RULE TITLES:  
6E-1.003               Definition of Terms  
6E-1.0032             Fair Consumer Practices

PURPOSE AND EFFECT: To update and review Definition of Terms and Fair Consumer Practices.

SUBJECT AREA TO BE ADDRESSED: Definitions and Fair Consumer Practices.

RULEMAKING AUTHORITY: 1005.22 FS.

LAW IMPLEMENTED: 1005.22, 1005.31, 1005.32 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: Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6E-1.003 Definition of Terms.

Terms used in these rules are defined in Section 1005.02, F.S. In addition, as used in the rules of the Commission, unless the context clearly indicates otherwise:

- (1) No change.
- (2) “Additional Locations” means any locations other than auxiliary classroom space that supports a licensed institution.
- (2) through (58) renumbered (3) through (59) No change.

Rulemaking Specific Authority 1005.22(1)(e) FS. Law Implemented 1005.22, 1005.31, 1005.385 FS. History—Repromulgated 12-5-74, Amended 7-28-75, Formerly 6E-4.01(8), Readopted 11-11-75, Amended 3-7-77, 10-13-83, Formerly 6E-1.03, Amended 2-22-89, 11-29-89, 10-19-93, 4-11-00, 1-7-03, 12-23-03, 7-20-04, 3-28-05, 6-13-05, 2-20-06, 7-23-07, \_\_\_\_\_.

6E-1.0032 Fair Consumer Practices.

(1) through (4) No change.

(5) Any licensed institution offering a program which does not make qualify the graduate eligible to take required professional examinations in that field or to practice regulated professions in that field in Florida must publish a disclosure statement to inform prospective students clearly and unambiguously of this fact.

(6) Each prospective student shall be provided a written copy, or shall have access to an electronic copy, of the institution’s catalog prior to enrollment or the collection of any tuition, fees or other charges. The catalog shall contain the following required disclosures, and catalogs of licensed institutions must also contain the information required in subsections 6E-2.004(11) and (12), F.A.C.:

(a) Purpose of the institution: The purpose of the institution must be disclosed, and must be consistent with Section 1005.01, F.S.

(b) Educational programs and curricula: The curricula shall be published in the catalog and shall state objectives specific to each curriculum and the requirements to be met for successful completion of each curriculum or program. Information relating to course availability and prerequisites shall be available for students. The catalog shall also contain brief course descriptions for each course offered.

(c) Description of physical facilities: All licensed institutions must describe their physical facilities in Florida, which must meet the requirements as set forth in subsection 6E-2.004(9), F.A.C. Information showing compliance with relevant local safety and health standards, such as fire, building, and sanitation shall be available to students.

(d) Licensure and accreditation status: The institution shall disclose its status regarding licensure by the Commission and its status as an accredited institution or program, as applicable. The level and scope of licensure or accreditation shall be disclosed, and any ramifications of accreditation or lack of accreditation on the ~~(such as~~ ability to sit for professional examinations; and eligibility for financial aid; or transferability of credits) shall be disclosed. If the institution makes claims that it is accredited by an accrediting agency that is not recognized by the United States ~~U.S.~~ Department of Education, the following disclosure statement must be made in large bold type, all capital letters, and is to be inserted in the publications or advertising, as defined in subsection 6E-1.003(5), F.A.C., prior to identification of or mention of any accrediting association or agency. The required statement is:

THE ACCREDITING AGENCY(S) OR ASSOCIATION(S) LISTED BELOW IS/ARE NOT RECOGNIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION AS AN APPROVED ACCREDITING AGENCY. THEREFORE, IF YOU ENROLL IN THIS INSTITUTION, YOU MAY NOT BE ELIGIBLE FOR TITLE IV FEDERAL FINANCIAL ASSISTANCE, STATE STUDENT FINANCIAL

ASSISTANCE, OR PROFESSIONAL CERTIFICATION. IN ADDITION, CREDITS EARNED AT THIS INSTITUTION MAY NOT BE ACCEPTED FOR TRANSFER TO ANOTHER INSTITUTION, AND MAY NOT BE RECOGNIZED BY EMPLOYERS.

This disclosure statement shall be inserted in all advertisements or publications wherever accreditation by an unrecognized accrediting agency is mentioned.

(e) Fee schedule: The institution shall disclose all fees required to be paid by students (including tuition, laboratory fees, graduation fees, other required fees), and any nonrefundable fees must be so identified.

(f) Transferability of credits: The institution shall disclose information to the student regarding transferability of credits to other institutions and from other institutions. The institution shall disclose that transferability of credit is at the discretion of the accepting institution, and that it is the student's responsibility to confirm whether or not credits will be accepted by another institution of the student's choice. If a licensed institution has entered into written articulation agreements with other institutions, a list of those other institutions may be provided to students, along with any conditions or limitations on the amount or kinds of credit that will be accepted. Such written agreements with other institutions must be valid and in effect at the time the information is disclosed to the student. The agreements shall be kept on file at all times and available for inspection by Commission representatives or students. Any change or termination of the agreements shall be disclosed promptly to all affected students. No representation shall be made by a licensed institution that its credits can be transferred to another specific institution, unless the institution has a current, valid articulation agreement on file. Units or credits applied toward the award of a credential may be derived from a combination of any or all of the following:

1. Units or credits earned at and transferred from other postsecondary institutions, when congruent and applicable to the receiving institution's program and when validated and confirmed by the receiving institution.

2. Successful completion of challenge examinations or standardized tests demonstrating learning at the credential level in specific subject matter areas.

3. Prior learning, as validated, evaluated, and confirmed by qualified instructors at the receiving institution.

(g) Admissions: The institution shall disclose its method of assessing a student's ability to successfully complete the course of study for which he or she has applied. The requirements for admission and for graduation shall be disclosed. If the practice of a career has special requirements or limitations, such as certain physical or language capabilities or lack of a criminal record, such requirements or limitations shall be disclosed to prospective students interested in training for that career.

(h) Student financial assistance: Information about the availability of financial assistance shall be disclosed to prospective students. In addition, each institution shall make such disclosure in writing, to be signed and dated by each student applying for and receiving a student loan, to the effect that the student understands that he or she is obligated to repay the loan, the terms and amounts of repayments, and when repayments will begin. References to financial assistance availability in any school catalogs or advertising shall include the phrase, "for those who qualify."

(i) Student refund policies: This rule establishes the Commission's minimum refund guidelines for licensed institutions. Refund policies which pertain to students who are receiving Title IV Federal Student Financial Assistance or veterans' benefits shall be in compliance with applicable federal regulations.

1. All institutions shall have an equitable prorated refund policy for all students, which shall be disclosed in the catalog and enrollment agreement or similar documents, and must be uniformly administered. Any nonrefundable fees or charges shall also be disclosed.

2. The institution's refund policy shall provide a formula for proration of refunds based upon the length of time the student remains enrolled, up to a minimum of 40 percent of a program, if the student is charged tuition for an entire program; or 20 percent, if the institution charges the student for a term, quarter, semester, or other time period that is less than the duration of the entire program.

3. As an alternative, an institution that charges tuition for a term, quarter, semester or other time period that is less than the duration of the entire program may establish a drop/add period which shall be no less than 10 percent of the period for which the student is financially committed, or one week, whichever is less. If the student withdraws before the end of the drop/add period, the student will be refunded all tuition and fees, as well as any funds paid for supplies, books, or equipment which can be and are returned to the institution.

4. The refund policy shall not consider that all or substantially all tuition for an entire program or term is earned when a student has been enrolled for only a minimal percentage of the program or term. The refund policy shall provide for cancellation of any obligation, other than a book and supply assessment for supplies, materials and kits which are not returnable because of use, within 3 working days from the student's signing an enrollment agreement or contract. Refunds shall be made within 30 days of the date that the institution determines that the student has withdrawn.

5. Institutions need not keep attendance, but must adopt and publish an equitable policy by which withdrawal dates will be determined, which may include notification by the student or reports from faculty. This policy shall be submitted to the Commission before publication.

6. Nonrefundable fees regarding admission and registration of Florida students shall not exceed \$150. The requirements regarding refund policies as stated herein do not apply to dormitory or meal fees. Refund policies for those fees, if charged, shall be set by the institution and also disclosed in conjunction with the refund policy.

(j) Employment placement services: The extent of placement services shall be specifically described. No guarantee of placement shall be made or implied. The institution may disclose information relating to market and job availability, if verified through statistical research; however, the institution shall not promise or imply any specific market or job availability amounts.

(k) A statement that additional information regarding the institution, if licensed, may be obtained by contacting the Commission for Independent Education, Department of Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400, toll-free telephone number (888)224-6684.

(7) Reduction of tuition or fees: A reduction in tuition, fees, or other charges may be implemented when there are specific criteria for student eligibility and selection procedures precisely disclosed within a policy at the institution. All students within the enrollment period that the reduction is offered must be eligible to apply for this reduction under the same circumstance; however there shall be no reduction based upon the timing or method of payment. The institution must maintain verifiable records including detailed and complete data when students are granted a bona fide reduction in tuition or fees. This must include copies of all application records, notes of selection committee meetings, and copies of notices to the student who received the reduction. This information shall be kept on file at the institution for on site review by CIE.

(8) A licensed institution which is not accredited by a United States Department of Education ~~USDOE~~ recognized institutional accrediting agency shall use an enrollment agreement or application for admission which, in addition to the catalog, shall be the binding contract between the institution and the student. The binding document shall include, but not be limited to, the following:

(a) Title. The binding document shall be identified by title as a "Contract", "Agreement", "Application" or similar title and clearly indicate that it will constitute a binding agreement upon acceptance by the institution and the student;

(b) Name of the institution. Name, phone number, and physical address of the institution;

(c) Title of Program. Program title as licensed and identified in the catalog;

(d) Time Required. Number of clock hours or credit units, including the number of weeks or months, or credit hours required for completion;

(e) Credential for Satisfactory Completion;

(f) Costs. All costs shall be clearly stated;

1. Tuition. The total tuition for the program must be listed by the total length of the program, the tuition cost per credit hour, clock hour, term or academic year.

2. Fees. All refundable and nonrefundable fees payable by the student.

3. Books and supplies. The cost for books and supplies may be estimated if necessary. This item may be omitted if the binding document states that the costs for books and supplies are included in the tuition charges as stated in the document.

4. Any other costs. Any other costs required to be paid by the student, whether or not purchased from the school. These costs may be stated as a listing of goods or services not included in the tuition.

(g) Terms of payment. The method of payment of all costs shall be clearly stated in the binding document and shall comply with federal and state laws.

(h) Class Start.

(i) Anticipated Program Completion Date (for Institutions that are not Colleges or Universities).

(j) Class Schedule. The day, evening or other schedule of class attendance must be clearly stated (if known at the time of signature by student).

(k) Termination or Cancellation by the Institution or Student. Grounds or procedures for cancellation of a binding document by an institution or student shall be clearly stated.

(l) Refund Policy. Institutions shall comply with refund policy as provided in subsection 6E-1.0032(6), F.A.C.

(m) Employment Guarantee Disclaimer. Institutions shall publish the disclaimer as provided in paragraph 6E-1.0032(6)(j), F.A.C.

(n) Statement that all signers have received and read a copy of the binding document and catalog.

(o) Signatures and Acceptance. The binding document shall contain the date and signature of the applicant and parent or guardian, if the applicant is under eighteen (18) years of age and the acceptance date and signature of the appropriate official at the institution.

(p) Format. If the binding document is not completed on one (1) side of a single sheet of paper, each side must clearly and conspicuously refer to the conditions on the other side as being part of the document. If more than one (1) page is used, each page must be numbered page 1 of \_\_\_ pages, page 2 of \_\_\_ pages, etc.

(9) through (12) No change.

Rulemaking Specific Authority 1005.22(1)(e)1., 1005.34 FS. Law Implemented 1005.04, 1005.22(1)(k), 1005.31(13), 1005.32(5), 1005.34 FS. History—New 10-19-93, Amended 4-2-96, 11-5-00, 1-7-03, 1-20-04, 3-29-04, 3-28-05, 5-18-05, 6-13-05, 7-23-07,

**DEPARTMENT OF EDUCATION****Commission for Independent Education**

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

**PURPOSE AND EFFECT:** The purpose and effect of this Rule Development is to consider rule change for clarity and consistency as well as clarifying placement and retention reporting requirements for non-accredited institutions. In addition, the purpose is to develop standards and procedures to ensure new institutions seeking licensure have sufficient resources, including financial resources and to increase the protection afforded students by requiring training and reporting requirements for institutional personnel who recruit and enroll students.

**SUBJECT AREA TO BE ADDRESSED:** Licensure Standards and Procedures.

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

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

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

**DATE AND TIME:** November 16, 2010, 1:00 p.m. – 4:30 p.m.

**PLACE:** Mission Inn Resort & Club, 10400 County Road 48, Howey-in-the-Hills, 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: Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Samuel L. Ferguson, Executive Director, Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

6E-2.004 Standards and Procedures for Licensure.

Institutions applying for a license or moving to a new level of licensure or any other Commission action shall provide all required information to the Commission in English. Institutions providing information to students in a language other than English must retain a translation certifying the accuracy of the language of the documents in English. All information and documentation submitted pursuant to the

provisions of these rules shall be accompanied by certification signed by the chief administrative officer of the institution, affirming that the information and documentation submitted is accurate. Any application or review which is not substantially complete shall be returned to the institution with a request to complete and resubmit the material.

(1) through (3) No change.

(4) Standard 4: Educational programs and curricula. The following standards shall apply to all institutions licensed by the Commission for Independent Education, except as expressly stated otherwise.

(a) Programs shall be related to the institution's purpose and organized to provide a sequence which leads to the attaining of competence in the respective area or field of study. Each program name shall not be misleading and shall accurately depict the primary purpose of the program.

(b) Programs preparing the student for an occupation or professional certification shall conform to the standards and training practices generally acceptable by the occupational or professional fields for which students are being prepared. If the practice of the occupation or profession is regulated, licensed, or certified by a state or national agency, unless the institution provides the disclosure provided in subsection 6E-1.0032(5), F.A.C., the institution must document to the Commission that successful completion of the program will make qualify the graduate eligible to take the licensing examination or to receive the appropriate certification or practice the profession.

(c) The amount of time scheduled for a program shall be appropriate to enable the student to acquire marketable and other skills to the extent claimed in the institution's published documents, including the defined objectives and performance outcomes.

(d) Among the policies to be officially adopted by the administration and governing board of an institution offering programs 600 clock hours in length or longer shall be a policy giving faculty a role in the development and continual reassessment of all curricula. The policy shall be published in a faculty handbook, and shall be implemented as published.

(e) For each course to be offered, a syllabus or course outline, required equipment and supplies, and a list of competencies required for successful completion of the course shall be developed by qualified faculty and be provided in writing for all students no later than the first meeting of each class. A copy of these documents shall be kept in the institution's files and be made available for inspection by representatives of the Commission.

(f) Qualified faculty shall evaluate the competencies of students in each subject or course included in each curriculum, including independent study courses.

(g) It is the responsibility of the institution to demonstrate, upon request of the Commission, that the scope and sequence of a proposed or operating curriculum are consistent with appropriate criteria or standards in the subject matter involved,

and of an appropriate level of difficulty for the program to be offered. The Commission shall request assistance from other appropriate regulatory agencies as provided in Section 1005.22(2)(d), F.S., or appoint committees to review curricula, when necessary to ensure that specialized programs contain the appropriate material to prepare students to enter those fields.

(h) Faculty, advisory committees, or other qualified individuals must be involved in the development and ongoing review of curricula.

(i) Educational programs of 600 clock hours in length or longer shall be periodically reviewed by a committee of faculty, administrators, employers, and advisors drawn from relevant community and alumni groups, in an ongoing formalized process of evaluation and revision.

(j) Transferability of credits. At least 25 percent of the credits or hours required for completion of a program must be earned through instruction taken at the institution awarding the credential, unless a different standard has been adopted by the recognized accrediting body accrediting the institution, or by a governmental agency whose policies apply to the institution. This standard shall not apply if any of the training was taken at accredited institutions as defined in Section 1005.02(1), F.S., while the student was a member of the U.S. armed services. Units or credits applied toward the award of a credential may be derived from a combination of any or all of the following:

1. Units or credits earned at and transferred from other postsecondary institutions, when congruent and applicable to the receiving institution's program and when validated and confirmed by the receiving institution.

2. Successful completion of challenge examinations or standardized tests demonstrating learning at the credential level in specific subject matter areas.

3. Prior learning, as validated, evaluated, and confirmed by qualified instructors at the receiving institution.

(k) Any clinical experience, internship, externship, practicum, and other such formal arrangement for which an institution offers credit toward completion of a program, shall be under the supervision of the institution. Written agreements shall be executed between the institution and the entity providing the experience prior to obtaining program approval, delineating each party's responsibilities, the number of hours to be worked by the student, the types of work to be done by the student, the supervision to be given the student, and the method of evaluating the student's work and certifying it to the institution as satisfactory. If such experiences are required for the completion of a program, it is the responsibility of the institution to make prior arrangements for each student enrolled in the program to participate in the necessary experience within the agreed and documented length of time required for completion of and graduation from the program; and the institution's enrollments shall be based upon the availability of qualified clinical experiences, internships, externships, or practicums to serve all students.

(l) Policies regarding course or program cancellations shall be adopted, published, and followed by the institution.

(m) The following instructional program standards apply to nondegree diplomas:

1. Program specifications: The credential offered shall be a diploma or certificate. The duration of the program shall be appropriate for mastery of the subject matter or skills needed to pursue the occupation for which the student is being trained. There are no general education requirements.

2. Each program must have clearly defined and published objectives and occupational performance outcomes, which shall conform with accepted standards set by the Florida Department of Education or other appropriate recognized governmental or professional agencies. Institutions using occupational outcomes different from those set by recognized agencies shall document their justification for using the outcomes selected. For institutions participating in the Statewide Course Numbering System, these objectives and outcomes must conform to the requirements of that system.

3. Basic Skills. An institution offering a program of four hundred fifty (450) or more clock hours or the credit hour equivalent shall administer a basic skills examination to each student who enrolls, unless the student has provided evidence of a high school graduation diploma, general equivalency diploma, or its equivalent. Institutions must maintain copies of students' high school graduation diplomas, general equivalency diplomas, official high school transcripts, or equivalent documentation or procedures, to qualify for this exception. Institutions must utilize a test approved by the United States Department of Education to determine if a student has the ability to benefit from a program of instruction, or obtain written approval from the Commission for a different basic skills test. If the test is not approved by the United States Department of Education and is submitted to the Commission for approval, the submission must include documentation that the test is nationally normed and validated and assesses a student's mastery of basic skills. The test must be administered by an independent tester. Students deemed to lack the required minimal level of basic skills as measured by an approved examination shall, if admitted, be provided with instruction specifically designed to correct the deficiencies. Upon completion of the instruction, these students shall be retested by using an alternative form of the same examination that was used for initial testing, or another approved examination. Work intended to bring students' basic skills up to a postsecondary level of proficiency shall not be counted toward the completion of a course or program.

4. Acceptable admission scores must be in accordance with the standards of the individual examination as it relates to the student program. These minimum test scores must be published in the current school catalog.

(n) The following instructional program standards apply to occupational associate degrees:

1. Program specifications: The credential offered shall be the Associate of Applied Science, Occupational Associate, Associate of Specialized Business, or similar title considered by the Commission to be appropriate and not misleading. The duration of the program shall be a minimum of 1,200 clock hours of instruction, 60 semester credit hours, or 90 quarter credit hours pursuant to subsections 6E-1.003(14), (51) and (53) ~~(47) and (49)~~, F.A.C. The required general education component shall be at least 9 semester credit hours or 14 quarter credit hours, or the recognized clock hour equivalent. General education courses shall meet either of the definitions given in subsection 6E-1.003(6) or (33), F.A.C.

2. Programs must have clearly defined and published objectives and occupational performance outcomes, which shall conform with accepted standards set by the Florida Department of Education or other appropriate recognized governmental or professional agencies. Institutions using occupational outcomes different from those set by recognized agencies shall document their justification for using the outcomes selected. For institutions participating in the Statewide Course Numbering System these objectives and outcomes must conform to the requirements of that system.

3. Basic Skills. An institution offering a program of four hundred fifty (450) or more clock hours or the credit hour equivalent shall administer a basic skills examination to each student who enrolls, unless the student has provided evidence of a high school graduation diploma, general equivalency diploma, or its equivalent. Institutions must maintain copies of students' high school graduation diplomas, general equivalency diplomas, official high school transcripts, or equivalent documentation or procedures, to qualify for this exception. Institutions must utilize a test approved by the United States Department of Education to determine if a student has the ability to benefit from a program of instruction, or obtain written approval from the Commission for a different basic skills test. If the test is not approved by the United States Department of Education and is submitted to the Commission for approval, the submission must include documentation that the test is nationally normed and validated and assesses a student's mastery of basic skills. The test must be administered by an independent tester. Students deemed to lack the required minimal level of basic skills as measured by an approved examination shall, if admitted, be provided with instruction specifically designed to correct the deficiencies. Upon completion of the instruction, these students shall be retested by using an alternative form of the same examination that was used for initial testing, or another approved examination. Work intended to bring students' basic skills up to a postsecondary level of proficiency shall not be counted toward the completion of a course or program.

4. Acceptable admission scores must be in accordance with the standards of the individual examination as it relates to the student program. These minimum test scores must be published in the current school catalog.

(o) The following instructional program standards apply to academic associate degrees:

1. Program specifications: The credential offered shall be the Associate in Science Degree, Associate of Arts Degree, or an associate degree of a different name that is considered by the Commission to be appropriate for an academic associate degree. The duration of the program shall be a minimum of 60 semester credit hours, 90 quarter credit hours, or the recognized clock hour equivalent. The required general education component for the Associate in Science degree shall be a minimum of 15 semester credit hours, 22.5 quarter credit hours, or the recognized clock hour equivalent. The required general education component for the Associate of Arts degree shall be a minimum of 36 semester credit hours, 54 quarter credit hours, or the recognized clock hour equivalent. General education requirements for other academic associate degrees shall be individually reviewed by the Commission to determine whether they are appropriate to the specific degree. Applied general education shall not be utilized to fulfill this requirement. All general education courses must meet the definition given in subsection 6E-1.003~~(36)(33)~~, F.A.C.

2. Each program must have clearly defined and published objectives and performance outcomes.

3. Basic Skills. An institution offering academic associate degrees shall administer a basic skills examination to each student who enrolls, unless the student has provided evidence of a high school graduation diploma, general equivalency diploma, or its equivalent. Institutions must maintain copies of students' high school graduation diplomas, general equivalency diplomas, official high school transcripts, or equivalent documentation or procedures, to qualify for this exception. Institutions must utilize a test approved by the United States Department of Education to determine if a student has the ability to benefit from a program of instruction, or obtain written approval from the Commission for a different basic skills test. If the test is not approved by the United States Department of Education and is submitted to the Commission for approval, the submission must include documentation that the test is nationally normed and validated and assesses a student's mastery of basic skills. The test must be administered by an independent tester. Students deemed to lack the required minimal level of basic skills as measured by an approved examination shall, if admitted, be provided with instruction specifically designed to correct the deficiencies. Upon completion of the basic skills instruction, these students shall be retested by using an alternative form of the same examination that was used for initial testing or another

approved examination. Work intended to bring students' basic skills up to a postsecondary level of proficiency shall not be counted toward the completion of a course or program.

4. Acceptable admission scores must be in accordance with the standards of the individual examination as it relates to the student program. These minimum test scores must be published in the current school catalog.

(p) The following instructional program standards apply to bachelor's degrees:

1. Program specifications: The credential offered shall be the Bachelor of Science Degree, Bachelor of Arts Degree, or other baccalaureate degree title considered by the Commission to be appropriate and not misleading. The duration of the program shall be a minimum of 120 semester credit hours, 180 quarter credit hours, or the recognized clock hour equivalent. The required general education component for a Bachelor of Science degree shall be a minimum of 30 semester credit hours, 45 quarter credit hours, or the recognized clock hour equivalent. The required general education component for the Bachelor of Arts degree shall be a minimum of 45 semester credit hours, 67.5 quarter credit hours, or the recognized clock hour equivalent. The general education requirements for other bachelor's degrees shall be appropriate to the specific degree. Applied general education shall not be utilized to fulfill this requirement. All general education courses must meet the definition given in subsection 6E-1.003(36), F.A.C. Unless otherwise required by the accrediting agency, a minimum of 15 of the required general education credit hours or the recognized clock hour equivalents must be obtained at the bachelor's level.

2. Each program must have clearly defined and published objectives and performance outcomes.

3. Basic Skills. An institution offering bachelor's degrees shall administer a basic skills examination to each student who enrolls, unless the student has provided evidence of a high school graduation diploma, general equivalency diploma, or its equivalent. Institutions must maintain copies of students' high school graduation diplomas, general equivalency diplomas, official high school transcripts, or equivalent documentation or procedures, to qualify for this exception. Institutions must utilize a test approved by the United States Department of Education to determine if a student has the ability to benefit from a program of instruction, or obtain written approval from the Commission for a different basic skills test. If the test is not approved by the United States Department of Education and is submitted to the Commission for approval, the submission must include documentation that the test is nationally normed and validated and assesses a student's mastery of basic skills. The test must be administered by an independent tester. Students deemed to lack the required minimal level of basic skills as measured by an approved examination shall, if admitted, be provided with instruction specifically designed to correct the deficiencies. Upon completion of the instruction, these students shall be retested by using an alternative form of

the same examination that was used for initial testing, or another approved examination. Work intended to bring students' basic skills up to a postsecondary level of proficiency shall not be counted toward the completion of a course or program.

4. Acceptable admission scores must be in accordance with the standards of the individual examination as it relates to the student program. These minimum test scores must be published in the current school catalog.

(q) The following instructional program standards apply to master's degrees:

1. Program specifications: The credential offered shall be the Master of Arts degree, Master of Science degree, or other master's degree title considered by the Commission to be appropriate and not misleading. The duration of the program shall be a minimum of 24 semester credit hours or 36 quarter credit hours, or recognized clock hour equivalent, beyond the bachelor's degree.

2. A bachelor's degree will normally be a prerequisite to formal entrance to a master's degree program, unless the master's degree is a first professional degree as defined in subsection 6E-1.003(33)(39), F.A.C.

3. Programs must have clearly defined and published objectives and performance outcomes.

(r) The following instructional program standards apply to doctoral degrees:

1. Program specifications: The credential offered shall be the Doctor of Philosophy, Doctor of Medicine, Doctor of Osteopathy, or other doctoral degree term considered by the Commission to be appropriate and not misleading. The duration of the program shall be a minimum of 60 semester credit hours, 90 quarter credit hours, or the recognized clock hour equivalent beyond the bachelor's degree. The degree Doctor of Philosophy shall require a stringent research component and a dissertation for completion, and shall require appropriate accreditation by a recognized accrediting agency within three years of initiating the program, to retain licensure of the program.

2. A master's degree will normally be a prerequisite to formal entrance to a doctoral degree program, unless the doctoral degree is a first professional degree as defined in subsection 6E-1.003(30), F.A.C.

3. Programs must have clearly defined and published objectives and performance outcomes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

(a) Provisional License:

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

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

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

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

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

1. Licensed nondegree schools shall provide annually a review or audit, prepared in accordance with Generally Accepted Accounting Principles by an independent certified

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

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

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

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

(7) Standard 7: Faculty.

(a) Nondegree Diploma Programs:

1. Verification of Credentials. Institutions shall maintain evidence of the credentials that qualify faculty members to teach their assigned courses. All faculty files shall include a resume or detailed application clearly reflecting the instructor's educational and work experience. In addition,

official transcripts for all degrees held by all faculty members shall be on file and available to the Commission upon request at each location and translated into English. Institutions shall also maintain copies of other documents which reflect the instructor's qualifications to teach, such as copies of licenses and certifications.

2. Faculty Qualifications. These standards shall apply to all full-time, part-time and adjunct faculty.

a. Institutions whose graduates must pass state, federal or other licensing examinations before being licensed to practice their vocation, technology, trade or business must provide evidence that each instructor teaching in that field holds a current and valid Florida occupational license in the occupation being taught.

b. For all non-degreed faculty, the burden of proof is on the institution to demonstrate instructor competence in the subjects taught. Instructors shall have completed postsecondary training in either a state licensed school or a college accredited by an accrediting agency recognized by the United States Department of Education USD OE plus one year of job experience related to the subjects taught; or have completed a minimum of three years of successful job experience directly related to the subjects taught.

3. Pursuant to Section 1005.39, F.S., faculty in licensed institutions shall complete eight continuing hours of training related to their positions each year. Records of actual training shall be available for inspection at the institution. Compliance with this requirement is a condition for renewal of licensure.

4. Faculty Staffing. The number of faculty shall be sufficient to serve properly the number of students enrolled.

(b) Occupational Associate Degrees:

1. Verification of Credentials. Institutions must maintain evidence of the credentials that qualify faculty members to teach their assigned courses. All faculty files must maintain a resume or detailed application clearly reflecting the instructor's educational and work experience. In addition, official transcripts for all degrees held by all faculty members shall be on file and shall be available to the Commission upon request at each location and translated into English. Institutions shall also maintain copies of other documents which reflect the instructor's qualifications to teach, such as copies of licenses and certifications.

2. Faculty Qualifications. These standards shall apply to all full-time, part-time and adjunct faculty:

a. All general education and academic courses shall be taught by instructors who possess, at a minimum, a bachelor's degree and appropriate coursework in the assigned subject from an accredited college or university.

b. All other courses shall be taught by instructors who possess a bachelor's degree and appropriate coursework in the assigned subject from an accredited college or university; or who have completed postsecondary training in either an accredited college or a state licensed school with training in the

subject to be taught, plus two years of job experience related to the subjects to be taught; or who have completed a minimum of three years of successful job experience directly related to the subjects being taught. For all non-degreed faculty, the burden of proof is on the institution to demonstrate instructor competence in the subjects taught.

c. Institutions whose graduates must pass state, federal or other licensing examinations before being licensed to practice their vocation, technology, trade or business must provide evidence that each instructor teaching in that field holds a current and valid Florida occupational license in the occupation being taught.

3. Pursuant to Section 1005.39, F.S., faculty in licensed institutions shall complete eight continuing hours of training related to their positions each year. Records of actual training shall be available for inspection at the institution. Compliance with this requirement is a condition for renewal of licensure.

4. Faculty Staffing. The number of faculty shall be sufficient to serve properly the number of students enrolled.

(c) Academic Associate Degrees:

1. Verification of Credentials. Institutions must maintain evidence of the credentials that qualify faculty members to teach their assigned courses. All faculty files must maintain a resume or detailed application clearly reflecting the instructor's educational and work experience. In addition, official transcripts for all degrees held by all faculty members shall be on file and shall be available to the Commission upon request at each location and translated into English. Institutions shall also maintain copies of other documents which reflect the instructor's qualifications to teach, such as copies of licenses and certifications.

2. Faculty Qualifications. These standards shall apply to all full-time, part-time and adjunct faculty:

a. All instructors shall hold bachelor's degrees, at a minimum.

b. Instructors teaching general education and other academic courses shall be assigned based on their major and minor academic preparation and related experience.

c. Institutions shall justify to the Commission exceptions to the bachelor's degree requirement for instructors teaching technical or vocational subjects in fields in which bachelor's degrees are not generally available, if the institution demonstrates that the instructors have documented alternative expertise in the field or subject area to be taught, such as educational preparation at other than the bachelor's degree level, professional certification, or significant related work experience. For all faculty not holding a bachelor's degree, the burden of proof is on the institution to demonstrate instructor competence in the subjects taught.

d. Institutions whose graduates must pass state, federal or other licensing examinations before being licensed to practice their vocation, technology, trade or business must provide

evidence that each instructor teaching in that field holds a current and valid Florida occupational license in the occupation taught.

3. Pursuant to Section 1005.39, F.S., faculty in licensed institutions shall complete eight continuing hours of training related to their positions each year. Records of actual training shall be available for inspection at the institution. Compliance with this requirement is a condition for renewal of licensure.

4. Faculty Staffing. The number of faculty shall be sufficient to serve properly the number of students enrolled.

(d) Bachelor's Degrees:

1. Verification of Credentials. Institutions shall follow the provisions of subparagraph (7)(c)1. of this rule.

2. Faculty Qualifications. These standards shall apply to all full-time, part-time and adjunct faculty:

a. All instructors shall hold master's degrees, at a minimum, except as provided in sub-subparagraph c. below.

b. Instructors teaching general education and other academic courses shall be assigned based on their major and minor academic preparation and related experience.

c. Institutions shall justify to the Commission exceptions to the master's degree requirement for instructors teaching technical or specialized subjects in fields in which master's degrees are not generally available, if the institution demonstrates that those instructors have documented alternative expertise in the field or subject area to be taught, such as educational preparation at other than the master's degree level, professional certification, or significant related work experience. For all faculty not holding a master's degree, the burden of proof is on the institution to demonstrate instructor competence in the subjects taught.

d. At least one-half of the lower division courses and all upper division courses, including any courses common to nonacademic degree or nondegree programs, shall be taught by faculty members holding graduate degrees, professional degrees such as Juris Doctor (J.D.) or Doctor of Medicine (M.D.), or bachelor's degrees plus professional certification.

3. Pursuant to Section 1005.39, F.S., faculty in licensed institutions shall complete eight continuing hours of training related to their positions each year. Records of actual training shall be available for inspection at the institution. Compliance with this requirement is a condition for renewal of licensure.

4. Faculty Staffing. The number of faculty shall be sufficient to serve properly the number of students enrolled.

(e) Master's Degrees:

1. Verification of Credentials. Institutions shall comply with the provisions of subparagraph (7)(c)1. of this rule.

2. Faculty Qualifications. These standards shall apply to all full-time, part-time and adjunct faculty:

a. All instructors shall hold graduate degrees, at a minimum.

b. All instructors shall be assigned based on their major and minor areas of academic preparation and related experience.

c. Institutions shall justify to the Commission exceptions to the graduate degree requirement for instructors if the institution demonstrates that the instructors have documented exceptional practical or professional experience in the assigned field or if the assigned field is one in which graduate degrees are not widely available. For all faculty not holding graduate degrees, the burden of proof is on the institution to demonstrate instructor competence in the subjects taught.

d. At least one-half of all graduate-level courses shall be taught by faculty possessing terminal degrees. A J.D. degree shall be considered a terminal degree for all law-related courses. Professional certification is not an acceptable substitute for the terminal degree requirement.

3. Pursuant to Section 1005.39, F.S., faculty in licensed institutions shall complete eight continuing hours of training related to their positions each year. Records of actual training shall be available for inspection at the institution. Compliance with this requirement is a condition for renewal of licensure.

4. Faculty Staffing. The number of faculty shall be sufficient to serve properly the number of students enrolled.

(f) Doctoral Degrees:

1. Verification of Credentials. Institutions shall comply with the provisions of subparagraph (7)(c)1. of this rule.

2. Faculty Qualifications. These standards shall apply to all full-time, part-time and adjunct faculty:

a. All instructors shall hold terminal degrees, at a minimum. A J.D. degree shall be considered a terminal degree for all law-related courses. Professional certification is not a substitute for a terminal degree.

b. All instructors shall be assigned based on their major and minor areas of academic preparation and related experience.

c. Institutions shall justify to the Commission occasional exceptions to the terminal degree requirement for instructors, if the institution demonstrates that the instructors have documented exceptional practical or professional experience in the assigned field, or that the assigned field is one in which terminal degrees are not widely available.

3. Pursuant to Section 1005.39, F.S., faculty in licensed institutions shall complete eight continuing hours of training related to their positions each year. Records of actual training shall be available for inspection at the institution. Compliance with this requirement is a condition for renewal of licensure.

4. Faculty Staffing. The number of faculty shall be sufficient to serve properly the number of students enrolled.

(8) No change.

(9) No change.

(10) Standard 10: Student Services. All institutions, regardless of the level of credentials offered, shall comply with the following standards:

(a) Each institution shall designate a properly trained individual to provide each of the following student services: academic advisement, financial aid advisement, personal advisement, and placement services. The extent of these services and the personnel assigned to them shall be determined by the size of the institution and the type of program offerings.

(b) Placement services. Placement services shall be provided to all graduates without additional charge. No guarantee of placement shall be directly or indirectly implied. Records of initial employment of all graduates shall be maintained. Exceptions to this requirement shall be made for those graduates who attended the institution on a student visa or other temporary immigration status, and who do not seek employment in this country.

(c) Placement Improvement Plans.

1. A nonaccredited institution holding provisional or annual licensure shall report ~~its~~ placement information to rate as defined by the Commission with each license review. If the placement rate falls below 60%, the Commission shall place the institution on a placement improvement plan. This plan shall include actions to be taken to improve the placement rate and shall be submitted to the Commission. A progress report shall be filed with the Commission after a period designated by the Commission, and shall include information on placement personnel, placement activities, job development activities, and additional data as requested by the Commission to show the effectiveness of the plan in improving the placement rate. If the progress report does not show an improvement as accepted by the Commission, the Commission shall take actions up to and including revocation of license.

2. An institution accredited by an agency recognized by the United States Department of Education USDOE shall report its placement rate, as required by its respective accrediting agency, with each annual review. If the placement rate does not meet the accrediting agency's requirements, the Commission shall place the institution on a placement improvement plan. This plan shall be developed by the institution and include actions to be taken to improve the placement rate, and shall be submitted to the Commission. A progress report shall be filed with the Commission after a period designated by the Commission and shall include information documenting the activities taken by the institution to improve the placement rate. If the progress report does not show improvement as accepted by the Commission, the Commission shall take actions up to and including revocation of license.

(d) Retention Improvement Plans.

1. A nonaccredited institution holding provisional or annual licensure shall report ~~its~~ retention information to rate as defined by the Commission with each license review. If the rate falls below 50%, the Commission shall place the institution on a retention improvement plan. This plan shall include actions to be taken to improve other retention rate, and shall be submitted to the Commission. A progress report shall be filed with the Commission after a period designated by the Commission, and shall include information documenting the activities taken by the institution to improve the retention rate. If the progress report is not accepted by the Commission, the Commission shall take actions up to and including revocation of license.

2. An institution accredited by an agency recognized by United States Department of Education USDOE shall report its retention rate, as required by its respective accrediting agency, with each annual review. If the retention rate does not meet the accrediting agency's requirements the Commission shall place the institution on a retention improvement plan. This plan shall be developed by the institution and include actions to be taken to improve the retention rate, and shall be submitted to the Commission. A progress report shall be filed with the Commission after a period designated by the Commission and shall include information documenting the activities taken by the institution to improve the retention rate. If the progress report does not show an improvement as accepted by the Commission, the Commission shall take actions up to and including revocation of license.

(e) In order for the Commission to calculate placement and retention rates under subparagraphs (10)(c)1. and (10)(d)1., all institutions shall submit a completed CIE Form 701, Annual Student Data Collection, (effective month day, 2010) between October 1st and November 30th each year.

(f) In order to provide information on student placement and retention rates required by subparagraphs (10)(c)2. and (10)(d)2., all institutions accredited by an agency recognized by the United States Department of Education shall submit a completed CIE Form 702, Institutions Accredited by an Agency Recognized by the USDOE – Placement Rate and Retention Rate Data Collection, (effective month day 2010), with each annual review of licensure.

(g) CIE Forms 701 and 702 may be obtained without cost, from the Commission's website at [www.fldoe.org/cie](http://www.fldoe.org/cie) or by writing to the Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

(10) Standard 10: Student Services. All institutions, regardless of the level of credentials offered, shall comply with the following standards:

(a) Each institution shall designate a properly trained individual to provide each of the following student services: academic advisement, financial aid advisement, personal advisement, and placement services. The extent of these

services and the personnel assigned to them shall be determined by the size of the institution and the type of program offerings.

(b) Placement services. Placement services shall be provided to all graduates without additional charge. No guarantee of placement shall be directly or indirectly implied. Records of initial employment of all graduates shall be maintained. Exceptions to this requirement shall be made for those graduates who attended the institution on a student visa or other temporary immigration status, and who do not seek employment in this country.

(c) Placement Improvement Plans. A nonaccredited institution holding provisional or annual licensure shall report its placement rate as defined by the Commission with each license review. If the placement rate falls below 60%, the Commission shall place the institution on a placement improvement plan. This plan shall include actions to be taken to improve the placement rate and shall be submitted to the Commission. A progress report shall be filed with the Commission after a period designated by the Commission, and shall include information on placement personnel, placement activities, job development activities, and additional data as requested by the Commission to show the effectiveness of the plan in improving the placement rate. If the progress report does not show an improvement as accepted by the Commission, the Commission shall take actions up to and including revocation of license.

An institution accredited by an agency recognized by the United States Department of Education ~~USDOE~~ shall report its placement rate, as required by its respective accrediting agency, with each annual review. If the placement rate does not meet the accrediting agency's requirements, the Commission shall place the institution on a placement improvement plan. This plan shall be developed by the institution and include actions to be taken to improve the placement rate, and shall be submitted to the Commission. A progress report shall be filed with the Commission after a period designated by the Commission and shall include information documenting the activities taken by the institution to improve the placement rate. If the progress report does not show improvement as accepted by the Commission, the Commission shall take actions up to and including revocation of license.

(d) Retention Improvement Plans. A nonaccredited institution holding provisional or annual licensure shall report its retention rate as defined by the Commission with each license review. If the rate falls below 50%, the Commission shall place the institution on a retention improvement plan. This plan shall include actions to be taken to improve other retention rate, and shall be submitted to the Commission. A progress report shall be filed with the Commission after a period designated by the Commission, and shall include information documenting the activities taken by the institution

to improve the retention rate. If the progress report is not accepted by the Commission, the Commission shall take actions up to and including revocation of license.

An institution accredited by an agency recognized by United States Department of Education ~~USDOE~~ shall report its retention rate, as required by its respective accrediting agency, with each annual review. If the retention rate does not meet the accrediting agency's requirements the Commission shall place the institution on a retention improvement plan. This plan shall be developed by the institution and include actions to be taken to improve the retention rate, and shall be submitted to the Commission. A progress report shall be filed with the Commission after a period designated by the Commission and shall include information documenting the activities taken by the institution to improve the retention rate. If the progress report does not show an improvement as accepted by the Commission, the Commission shall take actions up to and including revocation of license.

(11) Standard 11: Publications and Advertising.

(a) General Standard. Each institution shall comply with these provisions, regardless of the level of credentials offered. Publications must be presented in a professional manner. Information published must be accurate and factual and reflect the current status of the institution.

(b) Catalog.

1. Pursuant to Section 1005.04(1)(a), F.S., certain disclosures are required to be made in writing to prospective students one week prior to enrollment or collection of tuition. If the institution uses its catalog as the sole source of those required disclosures, the institution shall ensure that each prospective student is provided a written copy, or has access to an electronic copy, of the catalog one week prior to enrollment or collection of tuition.

2. Each institution shall publish and provide to each enrolled student a catalog in written or electronic form. Written catalogs shall be professionally printed and bound. If electronic catalogs are also used, the two versions shall contain the same information, except for updates that may be provided more quickly in electronic versions. The catalog shall constitute a contractual obligation of the school to the student and shall be the official statement of the school's policies, programs, services, and charges and fees. The catalog shall include, at a minimum, the following information:

- a. Name, address and telephone number of the institution;
- b. Identifying data such as volume number and effective dates of the catalog;
- c. Table of contents or index. Pages of the catalog shall be numbered and included in the table of contents or index;
- d. A statement of legal control which includes the names of the trustees, directors, and officers of the corporation;
- e. If the institution is accredited as defined in Section 1005.02(1), F.S., a statement of accreditation. If an institution claims accreditation by an accrediting agency that is not

recognized by the United States ~~U.S.~~ Department of Education, the disclosure required in paragraph 6E-1.0032(6)(d), F.A.C., is to be inserted in the catalog and in all publications or advertising, as defined in subsection 6E-1.003(5), F.A.C., wherever the unrecognized accrediting association or agency is mentioned;

f. The following statement: "Licensed by the Commission for Independent Education, Florida Department of Education. Additional information regarding this institution may be obtained by contacting the Commission at 325 West Gaines Street, Suite 1414, Tallahassee, FL 323099-0400, toll-free telephone number (888)224-6684;"

g. The names and titles of all full-time and part-time administrators;

h. A listing of all faculty indicating degrees held and institutions or agencies awarding the credentials;

i. A statement of the purpose of the institution;

j. An academic calendar showing beginning and ending dates of enrollment periods, programs, terms, quarters, or semesters; holidays; registration dates; and other significant dates and deadlines;

k. The institution's admission requirements, policies, and procedures, including the basis for admissions, and test requirements, if applicable, for each program offered. Admissions requirements shall be in compliance with the provisions of paragraph 6E-1.0032(6)(g), F.A.C.;

l. Specific procedures for the granting of credit for prior learning or by examination, if offered, including the maximum amount of credit which can be obtained in this manner, pursuant to Rule 6E-2.0041, F.A.C.;

m. A statement regarding the transfer of credit both to and from the institution, in compliance with the provisions of paragraph 6E-1.0032(6)(f), F.A.C.;

n. A description of the curricula for all programs offered, including for each: a statement of the objective or purpose of the program; an accurate and complete listing of the courses included in each program, each with a unique identifying number and title; identification of courses that are general education courses, if applicable; the credit or clock hours awarded for each course; the total credits or clock hours and grades required for satisfactory completion of the program; requirements for certification, licensing or registration in the program career field, as applicable; and any additional or special requirements for completion;

o. A description of each course offered, including identifying number, title, credit or clock hours awarded, a description of the contents of the course including language of instruction if other than English, and prerequisites, if any;

p. A description of the course numbering system, in compliance with Section 1007.24(7), F.S., and applicable State Board of Education rule(s).

q. An explanation of the grading or marking system, which is consistent with that appearing on the transcript;

r. A definition of the unit of credit. If credit hours, the institution shall clearly specify whether quarter or semester credit hours, as defined in Rule 6E-1.003, F.A.C.;

s. A complete explanation of the standards of satisfactory academic progress. This policy shall include, at a minimum: Minimum grades and ~~or~~ standards considered satisfactory; conditions for interruption due to unsatisfactory grades or progress; a description of the probationary period, if applicable; and conditions of re-entrance for those students suspended for unsatisfactory progress;

t. A description of all diplomas or degrees awarded, together with a statement of the requirements to be met for satisfactory completion of each;

u. A detailed description of the charges for tuition, fees, books, supplies, tools, equipment, student activities, service charges, rentals, deposits and any other applicable charges. All nonrefundable charges shall be clearly indicated as such;

v. A detailed description of all financial aid offered by the institution. This shall include, but is not limited to, scholarships, in-house loan and grant programs, third-party loan and grant programs, and federal or state financial aid. Any student eligibility standards and conditions shall be stated for each type of financial aid offered. Tuition or fee discounts are not permissible; any reductions of tuition or fees must comply with subsection 6E-1.0032(7), F.A.C. Obligations to repay loans shall be clearly disclosed and explained to students, along with anticipated repayment terms, dates and amounts;

w. A statement of the refund policy and procedures for the refund of the unused portion of tuition, fees and other charges in the event the student does not enter the program, withdraws from the program, or is discharged from the program. The refund policy shall comply with the provisions of paragraph 6E-1.0032(6)(i), F.A.C., and other applicable federal and state requirements;

x. A complete description of the institution's physical facilities and equipment;

y. A description of the nature and extent of student services offered;

z. The institution's policy on student conduct and conditions of dismissal for unsatisfactory conduct;

aa. The institution's procedures for students to appeal academic or disciplinary actions;

bb. If required by law, the institution's anti-hazing policy;

cc. The procedures by which complaints will be considered and addressed by the institution;

dd. If the institution offers courses through distance education or other alternative means, the catalog shall include the information specified in subsection 6E-2.0041(10)(~~44~~), F.A.C.;

ee. If the institution offers courses taught in any language other than English, then the catalog must contain the following disclosure:

COMPLETING A COURSE OR PROGRAM IN A LANGUAGE OTHER THAN ENGLISH MAY REDUCE EMPLOYABILITY WHERE ENGLISH IS REQUIRED.

3. Catalogs for Multiple Institutions. All institutions utilizing a common catalog must be of common ownership. Photographs of the physical facilities of any of the institutions must be captioned to identify the particular institution or campus depicted. The faculty and staff of each institution and the members of the administration for the group of institutions shall be clearly identified with respect to each institution and to the overall administration. Any information contained in the catalog that is not common to all institutions in the group shall be clearly disclosed ~~presented in such a manner that no confusion, misunderstanding or misrepresentation is possible.~~

(c) Advertising.

1. An institution shall not advertise until a license has been issued.

2. For initial applicants and renewal of licensure, the institution shall submit a copy of all proposed or actual advertising publications, ~~together with any and all materials used for the purpose of recruiting students.~~

3. All advertising by an institution, ~~including all written and verbal communications, illustrations, and express or implied representations,~~ shall be factual and not misleading to the public. All illustrations in published materials must specifically and accurately represent the institution. If any other illustrations are used, they must be clearly and accurately captioned.

4. An institution shall use its correct name as approved by the Commission in all advertising; no blind advertisements are permitted.

5. An institution shall not offer the payment of cash or other nonmonetary incentives, such as but not limited to travel or gift certificates, ~~monetary incentives~~ as an inducement to visit the campus or to enroll in a course or program.

6. All advertising shall clearly state that training and education, not employment, are being offered. All print advertising in classified sections, such as newspapers, telephone directories, periodicals, etc. must appear under a heading that identifies its category as education and training, not employment opportunities.

7. No institution, in its advertising or through activities of its owners, officers, or representatives shall guarantee or imply the guarantee of employment or of any certain wage or salary either before enrollment, during the program(s), or after the completion thereof. Guarantee of acceptance into any union, organization, or achievement of a recognition, certification, or qualification for licensure examination is not permitted. The term "lifetime placement" shall not be used.

8. Any placement claims, employment predictions, or salary projections used by the institution in its recruiting efforts shall be accurate, and based upon reliable statistical data which shall be provided to all prospective students and to the Commission upon request. It is the responsibility of the institution to ensure that all such claims are kept up to date and reflect actual current conditions and job market projections, taking into account the anticipated needs in the local community. Advertisements shall contain citations of the source of such claims. The institution shall maintain backup documentation to support the citations.

9. The level of educational programs provided shall be clearly defined if used for advertising. No institution shall refer to itself as a "college" or "university" unless authorized to do so by the Commission.

10. No institution shall use the term "accredited" unless fully authorized to do so by an accrediting agency recognized by the United States Department of Education.

11. References to financial assistance availability shall include the phrase, "for those who qualify," or similar disclaimer. Scholarships, if offered, must be fully disclosed and clearly explained if used in advertising.

12. Overstatements, ~~superlatives,~~ and exclusives shall not be used in any advertising. The word "free" shall only be used when there is unconditional access to the item or service for all students, without cost or obligation of any type, and if refunds or loan repayments do not include consideration of the item or service.

13. A new or modified program shall not be advertised until the Commission approves the program.

14. If endorsements are used, they must be factual and reflect present conditions, and must be uncompensated; and the institution must maintain documentation of prior consent by the participant. If an employee of the institution or a person otherwise affiliated with the institution, other than a student or graduate, makes an endorsement, the relationship or affiliation shall be fully disclosed in the advertising.

15. Institutions shall comply with advertising regulations pertaining to the training of individuals who are sponsored by a state or federal agency.

16. A licensed institution shall use only the following phrase to identify its licensure status in any advertising: "Licensed by the Florida Commission for Independent Education, License No. \_\_\_\_\_." The use of any other phrase or form shall be considered a violation of this rule.

(12) No change.

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

**DEPARTMENT OF EDUCATION**

**Commission for Independent Education**

RULE NO.: 6E-4.001  
 RULE TITLE: Fees and Expenses

PURPOSE AND EFFECT: The purpose and effect is to clarify when base and workload fees will be reduced and clarify the reporting period for fees and expenses.

SUBJECT AREA TO BE ADDRESSED: Fees charged to licensed postsecondary institutions.

RULEMAKING AUTHORITY: 1005.22, 1005.35, 1005.37 FS.

LAW IMPLEMENTED: 1005.22, 1005.35, 1005.37 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: Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6E-4.001 Fees and Expenses.

(1) The Base Fee and the Workload Fee shall be assessed at one of six levels based upon the Florida student enrollment (per license issued) for the last reported fiscal year ending on June 30th. For each licensed institution, Florida student enrollment consists of all students enrolled at a Florida campus of an institution plus all Florida residents enrolled in any Commission ~~CIE~~ licensed distance education program. If an institution that holds a license has not submitted enrollment data to the Commission (using the CIE Annual Data Collection) they shall be assessed at the highest level.

- (a) Level 1 = 0 to 100 students
- (b) Level 2 = 101-500 students
- (c) Level 3 = 501-1,000 students
- (d) Level 4 = 1,001 to 5,000 students
- (e) Level 5 = 5,001 to 10,000 students
- (f) Level 6 = over 10,000 students

If the total revenue collected by the Commission during a fiscal year is ~~greater than~~ 12% or greater than of the Commission’s budgeted expenditures for the same fiscal year, the Commission is authorized to reduce the Base Fee and Workload Fee up to 3%. If the total revenue collected by the Commission during a fiscal year is less than the Commission’s budgeted expenditures for the same fiscal year, the Commission is authorized to increase the Base Fee and Workload Fee up to 3%.

(2) through (9) No change.

Rulemaking Specific Authority 1005.22(1)(e), 1005.35, 1005.37, 1005.38 FS. Law Implemented 1005.22, 1005.35, 1005.37, 1005.38 FS. History—New 1-7-03, Amended 7-27-04, 1-30-08, 7-21-08,\_\_\_\_\_.

**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 Adoption and Child Protection**

RULE NOS.: 27F-1.001, 27F-1.002, 27F-1.003, 27F-1.004, 27F-1.005, 27F-1.006, 27F-1.007, 27F-1.009  
 RULE TITLES: Purpose and Scope, Child Abuse and Prevention and Permanency Advisory Council, Explore Adoption, Direct Support Organization, Fiscal Agent, Children and Youth Cabinet, Cooperative Planning Teams, Other Office Initiatives

PURPOSE AND EFFECT: The purpose and effect is to adopt rules for the Office of Adoption and Child Protection as required by Section 39.001, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The purpose and effect is to adopt rules for the Office of Adoption and Child Protection as required by Section 39.001, Florida Statutes.

RULEMAKING AUTHORITY: 39.001(11) FS.

LAW IMPLEMENTED: 39.001, 39.0011 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: Simonne Lawrence, (850)488-3494 or [simonne.lawrence@eog.myflorida.com](mailto:simonne.lawrence@eog.myflorida.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Simonne Lawrence, Assistant General Counsel, Executive Office of the Governor, The Capitol, Tallahassee, Florida, (850)488-3494 or [simonne.lawrence@eog.myflorida.com](mailto:simonne.lawrence@eog.myflorida.com)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

#### 27F-1.001 Purpose and Scope.

The purpose of the office is to prevent child abuse, abandonment and neglect, promote adoption and support adoptive families. The Office will be responsible for developing and launching an adoption public awareness campaign, developing and monitoring a state plan for adoption promotion, support of adoptive families, and the prevention of abuse, abandonment and neglect, and launching and supporting the Children and Youth Cabinet.

Rulemaking Authority 39.001(11) FS. Law Implemented 39.001, 39.0011 FS. History--New \_\_\_\_\_.

#### 27F-1.002 Child Abuse and Prevention and Permanency Advisory Council.

(1) The council shall serve as a research arm for the Governor's Office of Adoption and Child Protection.

(2) The council shall assist in the development of a plan of action for better coordination and integration of the goals, activities and funding pertaining to the promotion of adoption and support of adoptive families and the prevention of child abuse, abandonment, and neglect in order to maximize staff and resources at the state level.

(3) The council shall assist in providing a basic format to be utilized by the districts in the preparation of local plans of action in order to provide for uniformity in the district plans and to provide for greater ease in compiling information for the state plan.

(4) The council shall provide the districts with technical assistance in the development of local plans of action, if requested.

(5) The council shall assist in the examination of the local plans to determine if all the requirements of the local plans have been met and, if they have not, informing the districts of the deficiencies and requesting the additional information needed.

(6) The council shall assist in preparation of the state plan for submission to the Legislature and the Governor.

Rulemaking Authority 39.001(11) FS. Law Implemented 39.001, 39.0011 FS. History--New \_\_\_\_\_.

#### 27F-1.003 Explore Florida.

Explore Florida is a marketing campaign aimed at promoting the benefits of public adoption and urging families to consider creating or expanding their families by adopting a child who is older, has significant special needs, or is part of a sibling group.

(1) The critical elements or components for a successful local initiative:

Use state provided supports when developing circuit marketing strategy.

Implement an intake survey questionnaire to measure inquires as a result of Explore Adoption.

Develop media and vendor relationships to promote and produce materials as needed.

Secure positive earned media coverage with tracking mechanism.

Expand existing and establish new Explore Adoption Partnerships at the local level.

Customizable templates of all print materials (includes brochures, flyers, posters, window clings, lapel pins).

30-minute TV special featuring three real Florida families – in any needed format.

Five PSAs – in any needed format

Radio Spots – in any needed format

Marketing Kits

Bill Board design

Print ad design

Web banner design

Established partnerships contact information

Demographic Analysis – where to focus marketing efforts

Survey Results – how to communicate message

Web site with all materials, family stories, Child of the Month, FAQs, general adoption information, resources

(2) Funding. The Direct support organization of the Governor's Office of Adoption and Child Protection will be tasked with raising funds for the purposes of continuing the statewide public awareness campaign to promote public adoption.

Rulemaking Authority 39.001(11) FS. Law Implemented 39.001, 39.0011 FS. History--New \_\_\_\_\_.

#### 27F-1.004 Direct Support Organization.

(1) "The Trust for Florida's Children, Inc" is the Direct Support Organization for the Office.

(2) The Direct Support Organization will assist the state in carrying out its purposes and responsibilities regarding the prevention of child abuse, abandonment, and neglect; the

promotion of adoption; and the support of adoptive families by raising money from private foundations, and individuals; submitting requests for and receiving grants from the Federal Government, the state or its political subdivisions, and making expenditures to or for the benefit of the Governor's Office of Adoption and Child Protection.

(3) Board of Directors shall be composed of individuals residing in The State of Florida, and others outside of the state with consent of the Board of Directors. The number of members on the Board of Directors shall be no less than seven (7) and no more than thirteen (13) directors. Membership on the Board of Directors of the direct-support organization shall include, but not be limited to, a guardian ad litem; a member of a local advocacy council; a representative from a community-based care lead agency; a representative from a private or public organization or program with recognized expertise in working with child abuse prevention programs for children and families; a representative of a private or public organization or program with recognized expertise in working with children who are sexually abused, physically abused, emotionally abused, abandoned, or neglected and with expertise in working with the families of such children; an individual working at a state adoption agency; and the parent of a child adopted from within the child welfare system.

(4) Each member of the Board of Directors should have demonstrated an active interest in the principles, objectives, concepts, and goals of the Corporation. Further, membership of the Board of Directors should incorporate representation of skills, knowledge, and/or background, in the areas of community service, local state government, grants and other funding mechanisms, the general community, and other areas as deemed appropriate. No person shall be denied membership on the Board of Directors by reason of race, creed, national origin, age, disability, color, marital status, sex or religion.

(5) The Board of Directors is required to meet at least two (2) times a year. One of these meetings shall be held concurrent with the annual meeting of the Board of Directors. Additional meetings may be called by majority vote of the Board of Directors, or by the Chair. Notice of meetings shall be made by mail or email to each Director, with an agenda prepared by the President in conjunction with the Chair, at least seven (7) days prior to the date of the meeting. Business for inclusion in the agenda may be submitted to the President by a Board member any time prior to the seven (7) day period.

Rulemaking Authority 39.001(11) FS. Law Implemented 39.001, 39.0011 FS. History–New \_\_\_\_\_.

#### 27F-1.005 Fiscal Agent.

The Fiscal Agent for the Office of Adoption and Child Protection is Volunteer Florida, Inc.

Rulemaking Authority 39.001(11) FS. Law Implemented 39.001, 39.0011 FS. History–New \_\_\_\_\_.

#### 27F-1.006 Children and Youth Cabinet.

The Cabinet shall ensure that the public policy of Florida relating to children and youth promotes interdepartmental collaboration and program implementation in order for services designed for children and youth to be planned, managed and delivered in a holistic and integrated manner to improve the self-sufficiency, safety, economic stability, health and quality of life of all children and youth in Florida.

Rulemaking Authority 39.001(11) FS. Law Implemented 39.001, 39.0011 FS. History–New \_\_\_\_\_.

#### 27F-1.007 Cooperative Planning Teams.

(1) The Florida Statutes provide for workgroups of the Advisory Council to focus on cooperative planning efforts at the state level. Consequently, the Governor's Office of Adoption and Child Protection established two planning teams: The Education Cooperative Planning Team and the Law Enforcement Planning Team.

(2) The Governor's Office of Adoption and Child Protection continued efforts to convene and support local planning teams in each of the twenty (20) circuits around the state. These circuits are aligned with the judicial and the Department of Children and Families circuits. The representation on these local planning teams is consistent with the make-up of the statewide advisory council.

(3) Conference calls were held monthly with the conveners of the local planning teams, the Governor's Office of Adoption and Child Protection staff, and the Department of Children and Families staff members to address questions and provide information that would assist with the planning process. Copies of the current state and local plans are also available on the Website at: [http://www.flgov.com/child\\_abuse\\_prevention](http://www.flgov.com/child_abuse_prevention).

Rulemaking Authority 39.001(11) FS. Law Implemented 39.001, 39.0011 FS. History–New \_\_\_\_\_.

#### 27F-1.009 Other Office Initiatives.

(1) Family Strengthening is the approach used to identify and promote protective factors that may serve as buffers for families that would otherwise be at risk for abuse and neglect. Protective factors help families become familiar with alternate resources, supports, and coping strategies that will allow them to parent more effectively under stress. Through this initiative, strategies of early child care and education programs would effectively build protective factors known to prevent child abuse and neglect. The Family Strengthening Initiative is the intentional incorporation of the *Five Protective Factors* to prevent child maltreatment. Five Protective Factors are:

(a) Nurturing and Attachment – A child's ability to interact positively with others, to self-regulate, and to effectively communicate his or her emotions has a great impact on the parent-child relationship. A child's social and emotional development is highly dependent on the quality of a young

child's primary relationships. How caregivers respond to children's emotional expression profoundly influences how they learn to process, understand, and cope with such feelings as anger, happiness, and sadness. Promoting positive behavior and responses in children could strengthen parent-child relationships.

(b) Knowledge of Parenting and of Child and Youth Development – Extensive research links healthy child development to effective parenting. Children thrive when parents provide not only affection, but also respectful communication and listening, consistent rules and expectations, and safe opportunities that promote independence. Successful parenting fosters psychological adjustment, helps children succeed in school, encourages curiosity about the world, and motivates children to achieve.

(c) Parental Resilience – Parents who can cope with the stresses of everyday life, as well as an occasional crisis, have resilience; they have the flexibility and inner strength necessary to bounce back when things are not going well. Multiple life stressors, such as a family history of abuse or neglect, health problems, marital conflict, or domestic or community violence and financial stressors such as unemployment, poverty, and homelessness may reduce a parent's capacity to cope effectively with the typical day-to-day stresses of raising children.

(d) Social Connections – Parents with a social network of emotionally supportive friends, family, and neighbors often find that it is easier to care for their children and themselves. Most parents need people they can call on once in a while when they need a sympathetic listener, advice, or concrete support. Research has shown that parents, who are isolated, with few social connections, are at higher risk for child abuse and neglect.

(e) Concrete Supports for Parents – Partnering with parents to identify and access resources in the community may help prevent the stress that sometimes precipitates child maltreatment. Providing concrete supports may also help prevent the unintended neglect that sometimes occurs when parents are unable to provide for their children.

(2) Heart Galleries. Heart galleries will work with local professional photographers to help find homes for specific children by creating compelling personal portraits that capture each child's unique personality and interests. These portraits are displayed in areas where families most likely to adopt will have a chance to view them. Attached to the portraits are brochures containing brief information on that child with contact information for inquiries. In addition to the portrait exhibit, each heart gallery provides a Web site with general information on special needs adoption and a photo listing of children in the area who are legally free for adoption. These same portraits can be used on the state of Florida Adoption Exchange and the Explore Adoption Web site. There are 15 heart galleries operating in the following areas:

(a) Brevard County

(b) Broward County

(c) Gainesville

(d) Jacksonville

(e) Miami

(f) Orlando- Metro area

(g) Palm Beach County

(h) Pensacola – Art of Adoption

(i) Pinellas and Pasco Counties

(j) Sarasota County

(k) Southwest Florida (Collier, Lee, Hendry, Glades and Charlotte).

(l) Tampa

(m) The Gulf Coast

(n) North Florida (Big Bend Region)

(o) Volusia County

(3) Healthy Families Florida is an evidence-based, voluntary home visiting program that prevents child abuse and neglect in high-risk families before child abuse occurs. It provides quality services that are intensive, comprehensive, long-term, flexible and culturally appropriate. Healthy Families Florida uses a paraprofessional/professional home visitation model. It initiates services during pregnancy or soon after the birth of a baby. Highly trained family support workers provide frequent, intensive services to families in their homes for up to five years with intensity decreasing over time according to the needs of the family and their progress toward increasing protective factors and establishing a stable and nurturing home environment. Services follow a detailed curriculum that uses a strength-based approach to introduce topics that promote positive parent-child relationships, including basic care, cues and compassion, social and emotional development, play and stimulation, and brain development. In addition, family support workers teach problem solving skills, conduct screening for developmental delays, provide social support, connect parents and children to a medical provider and make referrals to other family support services as needed. This collaboration with community partners such as Healthy Start, domestic violence shelters, child care centers, community-based care agencies and others links families to the services they need beyond home visiting without duplication of effort. By increasing the knowledge and skills of new parents, Healthy Families Florida empowers parents to accept personal responsibility for their future and the future of their families.

(4) Positive Parenting Program. Triple P<sup>®</sup> has been given the highest evidence-based rating by the California Evidence-Based Clearinghouse for Child Welfare and the SAMHSA National Registry of Evidence-based Programs and Practices (NREPP). The Triple P<sup>®</sup> program targets parents and other caregivers of children from birth through age 18. Documented outcomes of the Triple P<sup>®</sup> program include child

safety and child/family well-being. Triple P<sup>®</sup> is a multi-level system of parenting and family support. It aims to prevent severe behavioral, emotional, and developmental problems in children by enhancing the knowledge, skills, and confidence of parents. It can be provided individually, in a group, or in a self-directed format. It incorporates five levels of intervention on a tiered continuum of increasing strength for parents of children and adolescents from birth to age 18. The multi-disciplinary nature of the program allows utilization of the existing professional workforce in the task of promoting competent parenting. The program targets five different developmental periods from infancy to adolescence. Within each developmental period, the reach of the intervention can vary from being very broad (targeting an entire population) to quite narrow (targeting only high-risk children). Triple P<sup>®</sup> enables practitioners to determine the scope of the intervention given their own service delivery system, priorities and funding.

(5) The Whole Child Philosophy is grounded in the notion that communities must address all six dimensions of children’s well-being to raise healthy children. They are: physical and mental health, quality early education and development, social-emotional development, spiritual foundation and strength, safe and nurturing environment, and economic stability. Whole Child is not another program, but a philosophy that uses strategic planning, Web-based technology, performance measurement and broad-based community engagement to build communities where everyone works together to make sure children thrive.

(6) Faith-Based Initiative for Prevention and Permanency will provide family and community supports that would build the five protective factors identified in the Family Strengthening Initiative, promote public adoption in Florida’s faith communities, empower faith communities to support adoptive families within their congregation and/or community at large using the five protective factors.

Rulemaking Authority 39.001(11) FS. Law Implemented 39.001, 39.0011 FS. History—New \_\_\_\_\_.

**EXECUTIVE OFFICE OF THE GOVERNOR**

**Office of Adoption and Child Protection**

RULE NOS.: 27F-1.008  
 RULE TITLES: Florida Child Abuse Prevention and Permanency Plan

PURPOSE AND EFFECT: The purpose and effect is to adopt rules for the Office of Adoption and Child Protection as required by Section 39.001, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The purpose and effect is to adopt rules for the Office of Adoption and Child Protection as required by Section 39.001, Florida Statutes.

RULEMAKING AUTHORITY: 39.001(11) FS.

LAW IMPLEMENTED: 39.001 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: Simonne Lawrence, (850)488-3494 or simonne.lawrence@eog.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Simonne Lawrence, Assistant General Counsel, Executive Office of the Governor, The Capitol, Tallahassee, Florida, (850)488-3494 or simonne.lawrence@eog.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

27F-1.008 Florida Child Abuse Prevention and Permanency Plan.

(1) The central focus of the Florida Child Abuse Prevention and Permanency Plan: July 2010 – June 2015 is to build resilience in all of Florida’s families and communities in order to equip them to better care for and nurture their children. It will serve as a blueprint that will be implemented to provide for the care, safety, and protection of all of Florida’s children in an environment that fosters healthy social, emotional, intellectual, and physical development.

(2) Desired Population-Level Results of Plan Implementation.

(a) Child Maltreatment Prevention – By 30 June 2015, the verified findings of child abuse rate will be reduced from the State Fiscal Year 2008-2009 statewide rate of 10.94 per 1,000 children.

(b) Promotion of Adoption – By 30 June 2015, the percent of children adopted within 12 months of becoming legally free for adoption will increase from the State Fiscal Year 2008-2009 rate of 66.4 percent.

(c) Promotion of Adoption – By 30 June 2015, the percent of children legally free for adoption who have been waiting for adoption since the date of termination of parental rights (TPR) for more than 12 months will be reduced from the State Fiscal Year 2008-2009 rate of 92.9 percent.

(d) Support of Adoptive Families – By 30 June 2015, the annual number of adopted children who are returned to foster care (regardless of when the adoption was finalized) will be reduced from the State Fiscal Year 2008-2009 number of 98.

<u>Strategy</u>	<u>Objective</u>	<u>Lead(s)</u>	<u>Workgroups</u>
<p><b><u>Prevention Strategy 1: Infuse the Five Protective Factors into Florida Systems that Serve Parents and Children.</u></b> By 30 June 2015, Florida-based programs, supports and services will have intentionally incorporated the <i>Five Protective Factors</i> as a foundation for their work.</p>	CAN 1.1 Early Education and Care	Agency for Workforce Innovation	
	CAN 1.2 Home Visiting Programs	Healthy Families Florida	Home Visiting Protective Factors Workgroup
	CAN 1.3 Head Start Programs	FL Head Start Collaboration Office and Florida Head Start Association	Head Start Protective Factors Workgroup
	CAN 1.4 Medicaid Child Health Check-Up Program	Agency for Health Care Administration	Child Health Check-Up Protective Factors Workgroup
	CAN 1.5 Technical Assistance to Circuits	Department of Children and Families	Local Plan Family Strengthening Initiative Team
	CAN 1.6 Faith-Based and Community-Based Efforts	Executive Office of the Governor	Faith-Based and Community-Based Workgroup
<p><b><u>Prevention Strategy 2: Strengthen Florida Systems to Better Serve the Needs of Florida Families.</u></b> By 30 June 2015, the State of Florida will have supported and built the capacity of Florida-based parenting and support programs and services to incorporate the <i>Five Protective Factors</i> as a foundation for their work and provide sustainable, accessible quality services for Florida families.</p>	CAN 2.1 Whole Child	Lawton Chiles Foundation	Whole Child Leadership Team
	CAN 2.2 Healthy Families Florida	Department of Children and Families and Healthy Families Florida	Healthy Families Florida Advisory Committee
	CAN 2.3 Healthy Start	Department of Health and Florida Association of Healthy Start Coalitions	Healthy Start Protective Factors Workgroup Healthy Start Parent Education Workgroup FIMR Workgroup
	CAN 2.4 Education Services for Parents/Caregivers of Newborns	Department of Health and Florida Association of Healthy Start Coalitions	Education Services for Parents/Caregivers of Newborns Leadership Team
<p><b><u>Prevention Strategy 3: Provide Information on Ways to Ensure that Children are Safe and Nurtured and Live in Stable Environments that Promote Well-being.</u></b> By 30 June 2015, the State of Florida will have implemented statewide, public awareness and education campaigns that provided information to the general population on child development, positive parenting practices, community action that promotes and supports each of the <i>Five Protective Factors</i>, and ways to prevent child deaths.</p>	CAN 3.1 Public Awareness and Education	Prevent Child Abuse Florida	
	CAN 3.2 Evidence-Based Parenting Programs	Department of Children and Families	Evidence-Based Parenting Programs Workgroup

	<u>CAN 3.3 Child Death Review</u>	<u>Child Abuse Death Review Team and Department of Children and Families</u>	<u>Child Abuse Death Review Team</u>
<b><u>Prevention Strategy 4: Inform and Instruct Education Communities – The Florida Cooperative Education Child Abuse Prevention Plan.</u></b> By 30 June 2015, the State of Florida will have collaboratively worked through Florida’s educational communities to prevent and respond appropriately to child abuse, abandonment and neglect.	<u>CAN 4.1 Professional Development for School Personnel</u>	<u>Department of Education and Cooperative Education Planning Team</u>	<u>Cooperative Education Planning Team</u>
	<u>CAN 4.2 Resources for Parents of School Children</u>		
	<u>CAN 4.3 Resource Awareness</u>		
	<u>CAN 4.4 Multidisciplinary Curricula</u>	<u>Cooperative Education Planning Team and Monique Burr Foundation</u>	
<b><u>Prevention Strategy 5: Inform and Instruct Law Enforcement Communities – The Florida Cooperative Law Enforcement Child Abuse Prevention Plan.</u></b> By 30 June 2015, the <i>Cross Agency Memorandum of Understanding on Training</i> with the embedded core learning objectives will be viable and working to promote cross agency prevention training in the law enforcement community.	<u>CAN 5.1 Law Enforcement Memorandum of Understanding Review Design</u>	<u>Executive Office of the Governor and Cooperative Law Enforcement Planning Team</u>	<u>Cooperative Law Enforcement Planning Team</u>
	<u>CAN 5.2 Law Enforcement Annual Reviews and Updates</u>	<u>Cooperative Law Enforcement Planning Team</u>	
	<u>CAN 5.3 Law Enforcement Future Plans</u>		
<b><u>Prevention Strategy 6: Monitor and Evaluate Plan Implementation.</u></b> By 30 June 2015, leadership of plan implementation will have monitored and annually assessed the progress and effectiveness the plan-based initiatives.	<u>CAN 6.1 Instrumentation and Procedures Design</u>	<u>Executive Office of the Governor</u>	<u>Evaluation Design Team and Prevention Learning Community</u>
	<u>CAN 6.2 Progress Monitoring</u>		

Overview of the Florida Promotion of Adoption Plan: July 2010 – June 2015

<u>Strategy</u>	<u>Objective</u>	<u>Lead(s)</u>	<u>Workgroups</u>
<b><u>Promotion of Adoption Strategy 1: Infuse the Five Protective Factors into Florida Systems that Recruit Adoptive Parents.</u></b> By 30 June 2015, Florida-based adoptive parent recruitment systems will have intentionally incorporated the <i>Five Protective Factors</i> as a part of the foundation for their work.	<u>PA 1.1 Local Recruitment Efforts</u>	<u>Department of Children and Families and Community Based Care Lead Agencies</u>	<u>Protective Factors and Permanency Workgroup</u>
	<u>PA 1.2 Parent Preparation and Training</u>	<u>Department of Children and Families and Community Based Care Lead Agencies</u>	

<p><b>Promotion of Adoption Strategy 2: Strengthen Florida Systems to Better Recruit Families to Meet the Needs of Children and Youth Awaiting Adoption.</b> By 30 June 2015, the State of Florida will have implemented systems and efforts to better target recruitment of families to meet the needs of children and youth awaiting public adoption.</p>	<p>PA 2.1 Faith-Based and Community-Based Efforts</p>	<p>Executive Office of the Governor</p>	<p>Faith-Based and Community-Based Workgroup</p>
	<p>PA 2.2 Targeted and Child Specific Recruitment</p>	<p>Department of Children and Families and Community Based Care Lead Agencies</p>	
	<p>PA 2.3 Information and Support for Prospective Adoptive Parents</p>		<p>Customer Service Protocol Workgroup</p>
<p><b>Promotion of Adoption Strategy 3: Monitor and Evaluate Plan Implementation.</b> By 30 June 2015, leadership of plan implementation will have monitored and annually assessed the progress and effectiveness the plan-based initiatives.</p>	<p>PA 3.1 Instrumentation and Procedures Design</p>	<p>Executive Office of the Governor</p>	<p>Evaluation Design Team and Adoption Learning Community</p>
	<p>PA 3.2 Progress Monitoring</p>		
	<p>PA 3.3 Annual Review and Assessment</p>		

*Overview of the Florida Support of Adoptive Families Plan: July 2010 – June 2015*

Strategy	Objective	Lead(s)	Workgroups
<p><b>Support of Adoptive Families Strategy 1: Strengthen Florida Service Systems to Better Support Adoptive Families to Meet the Needs of Their Adopted Children and Youth.</b> By 30 June 2015, the State of Florida will have implemented post adoption services that provide for mental health, emotional, physical and other needs of adoptive families.</p>	<p>SA 1.1 Information and Support for Adoptive Families</p>	<p>Department of Children and Families and Community Based Care Lead Agencies</p>	<p>Customer Service Protocol Workgroup</p>
	<p>SA 1.2 Adoption Competent Professionals</p>		<p>Adoption Competency Advisory Committee</p>
	<p>SA 1.3 Post Adoption Services Counselors</p>		
<p><b>Support of Adoptive Families Strategy 2: Provide Information and Supports to Adoptive Families.</b> By 30 June 2015, the State of Florida will have implemented post adoption services that provide for mental health, emotional, physical and other needs of adoptive families.</p>	<p>SA 2.1 Adoption Support Groups</p>	<p>Department of Children and Families and Community Based Care Lead Agencies</p>	<p>Adoption Support Advisory Committee</p>
	<p>SA 2.2 Education Opportunities for Adoptive Parents</p>		
	<p>SA 2.3 Faith-Based and Community-Based Efforts</p>	<p>Executive Office of the Governor</p>	<p>Faith-Based and Community-Based Workgroup</p>

<p><b>Support of Adoptive Families Strategy 3: Monitor and Evaluate Plan Implementation.</b> By 30 June 2015, the State of Florida will have provided information and supports to Florida adoptive families on ways to build competence in meeting the needs of their adopted children and youth.</p>	<p>SA 3.1 Instrumentation and Procedures Design</p>	<p>Executive Office of the Governor</p>	<p>Evaluation Design Team and Adoption Learning Community</p>
	<p>SA 3.2 Progress Monitoring</p>		
	<p>SA 3.3 Annual Review and Assessment</p>		

Rulemaking Authority 39.001(11) FS. Law Implemented 39.001 FS. History—New \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Hotels and Restaurants**

RULE NO.: 61C-1.004  
 RULE TITLE: General Sanitation and Safety Requirements

PURPOSE AND EFFECT: The proposed rule development will update the rule to reflect changes made to Chapter 509, F.S., by Chapter 2008-055, Laws of Florida, and remove other agency rules from incorporation by reference.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development addresses changes to Chapter 509, F.S., resulting from Chapter 2008-055, Laws of Florida, and rules incorporated by reference.

RULEMAKING AUTHORITY: 509.032 FS.

LAW IMPLEMENTED: 509.032, 509.215, 509.221 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: Michelle Comingore, Operations Review Specialist, Division of Hotels and Restaurants, Department of Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1012, Telephone: (850)488-1133, e-mail: Michelle.Comingore@dbpr.state.fl.us

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE NOS.: 61D-5.001  
 RULE TITLES: Occupational Licensure

61D-5.003

Applications for Licensure;  
 Fingerprint Requirements;  
 Exemptions from Fingerprinting  
 Temporary Occupational Licenses  
 Exemptions to Occupational  
 Licensing Requirements  
 Waiver of Criminal Convictions or  
 Other Offenses

61D-5.004

61D-5.005

61D-5.006

PURPOSE AND EFFECT: The purpose and effect of the proposed rules will be to implement amendments to Section 550.105, Florida Statutes, which were effective July 1, 2010, pertaining to pari-mutuel occupational licenses.

SUBJECT AREA TO BE ADDRESSED: Rule 61D-5.001, F.A.C., addresses the license and renewal periods, fees, and required forms for pari-mutuel occupational licenses. Rule 61D-5.003, F.A.C., addresses certain persons who are exempt from the fingerprint requirement. Rule 61D-5.004, F.A.C., addresses the term of temporary licenses and the requirements for obtaining a temporary license. Rule 61D-5.005, F.A.C., addresses persons in certain positions who are exempt from the occupational license requirements. Rule 61D-5.006, F.A.C., addresses the adoption and incorporation of the license application and request for waiver forms.

RULEMAKING AUTHORITY: 550.0251(3), 550.105(2)(b), (6), (10) FS.

LAW IMPLEMENTED: 550.0251, 550.105, 559.79 FS.

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

DATE AND TIME: November 15, 2010, 1:00 p.m. – 3:00 p.m.

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

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



<p>THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035</p> <p>THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.</p>	<p>63N-1.0032</p> <p>63N-1.0033</p> <p>63N-1.0034</p> <p>63N-1.0035</p>	<p>Qualifications of Substance Abuse Professionals and Service Providers</p> <p>Clinical Supervision of Mental Health Clinical Staff</p> <p>Clinical Supervision of Substance Abuse Clinical Staff</p> <p>Retaining a Designated Mental Health Authority or Clinical Coordinator</p>
<p><b>DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION</b></p>		
<p><b>Board of Pilot Commissioners</b></p>		
<p>RULE NO.: 61G14-19.001</p> <p>RULE TITLE: Percentage of Gross Pilotage Assessed</p> <p>PURPOSE AND EFFECT: The Board proposes the rule amendment to modify the rate the Department assesses the gross amounts of pilotage earned.</p> <p>SUBJECT AREA TO BE ADDRESSED: Percentage of gross pilotage assessed.</p> <p>RULEMAKING AUTHORITY: 310.131, 310.185 FS.</p> <p>LAW IMPLEMENTED: 310.131 FS.</p> <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>THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Board of Pilots Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0750</p> <p>THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.</p>	<p>63N-1.0036</p> <p>63N-1.004</p> <p>63N-1.0041</p> <p>63N-1.0042</p> <p>63N-1.005</p> <p>63N-1.0051</p> <p>63N-1.0052</p> <p>63N-1.0053</p> <p>63N-1.0054</p> <p>63N-1.0055</p> <p>63N-1.0056</p> <p>63N-1.006</p> <p>63N-1.007</p> <p>63N-1.0071</p>	<p>Referrals for Mental Health Services or Substance Abuse Services</p> <p>Mental Health, Substance Abuse and Developmental Disability Services Records Management</p> <p>Individual Healthcare Record</p> <p>Active Mental Health / Substance Abuse Treatment File</p> <p>Mental Health and Substance Abuse Screening and Evaluation</p> <p>Mental Health and Substance Abuse Screening</p> <p>Intake / Admission Suicide Risk Screening</p> <p>Massachusetts Youth Screening Instrument, Second Version (MAYSI-2) Procedures</p> <p>Comprehensive Assessments</p> <p>Comprehensive Mental Health Evaluations</p> <p>Comprehensive Substance Abuse Evaluations</p> <p>Suicide Risk Alerts and Mental Health Alerts</p> <p>Mental Health and Substance Abuse Treatment Planning</p> <p>Mental Health and Substance Abuse Treatment Planning in Detention Centers</p>
<p><b>DEPARTMENT OF ENVIRONMENTAL PROTECTION</b></p> <p>Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <a href="http://www.dep.state.fl.us/">http://www.dep.state.fl.us/</a> under the link or button titled "Official Notices."</p>		
<p><b>DEPARTMENT OF JUVENILE JUSTICE</b></p>		
<p><b>Mental Health/Substance Abuse/Developmental Disability Services</b></p>		
<p>RULE NOS.: 63N-1.001, 63N-1.002, 63N-1.003, 63N-1.0031</p> <p>RULE TITLES: Purpose and Scope, Definitions, Administration and Management of Mental Health and Substance Abuse Services, Qualifications of Mental Health Professionals</p>	<p>63N-1.0073</p> <p>63N-1.0074</p> <p>63N-1.0075</p> <p>63N-1.0076</p> <p>63N-1.008</p>	<p>Initial Mental Health and Substance Abuse Treatment Plans – General Requirements</p> <p>Individualized Mental Health and Substance Abuse Treatment Plans – General Requirements</p> <p>Integrated Mental Health and Substance Abuse Treatment Plans</p> <p>Review and Updating of Treatment Plans</p> <p>Mental Health and Substance Abuse Treatment Services</p>

63N-1.0081	Mental Health Treatment Services	63N-1.013	Services for Youths with Developmental Disability
63N-1.0082	Substance Abuse Treatment Services		
63N-1.0083	Integrated Mental Health and Substance Abuse Treatment Services	63N-1.014	Consent Requirements Applicable to Mental Health Services and Psychotropic Medication
63N-1.0084	Documentation of Mental Health and Substance Abuse Treatment Services	63N-1.015	Special Consent for Substance Abuse Evaluation and Treatment
63N-1.0085	Psychiatric Services		PURPOSE AND EFFECT: The rule chapter establishes statewide requirements for the provision of mental health, substance abuse and developmental disability services for youth in department facilities and programs.
63N-1.0086	Mental Health and Substance Abuse Transition / Discharge Planning		SUBJECT AREA TO BE ADDRESSED: The rule chapter addresses the administration of mental health, substance abuse and developmental disability services, and establishes statewide requirements for admission, assessment, service delivery, suicide prevention and crisis intervention.
63N-1.009	Suicide Prevention		RULEMAKING AUTHORITY: 985.64(2) FS.
63N-1.0091	Suicide Prevention Plans		LAW IMPLEMENTED: 985.64(2) FS.
63N-1.0092	Screening for Suicide Risk		A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
63N-1.00921	Suicide Risk Screening – General Requirements		DATE AND TIME: Thursday, November 18, 2010, 9:00 a.m. – 4:00 p.m.
63N-1.0093	Assessment of Suicide Risk and Follow-Up Assessment Procedures		PLACE: DJJ Headquarters, 2737 Centerview Drive, General Counsel’ Conference Room 3223, Tallahassee, Florida. For information about participation by telephone, contact John Milla at (850)921-4129
63N-1.00931	Licensed Mental Health Professional’s Off-Site Review of Assessment or Follow-Up Assessment of Suicide Risk		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
63N-1.0094	Assessment of Suicide Risk Performed Off-Site		THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.
63N-1.0095	Suicide Precaution Methods		
63N-1.00951	Precautionary Observation		
63N-1.00952	Secure Observation		
63N-1.00953	Monitoring of Youth Upon Removal from Precautionary or Secure Observation – General Requirements		
63N-1.00954	Administrative and Clinical Review of Suicide Precautions		
63N-1.0096	Immediate Response to a Suicide Attempt or Incident of Serious Self-Inflicted Injury		
63N-1.0097	Notifications When a Youth on Suicide Precautions is Released, Transferred or Discharged		
63N-1.0098	Serious Suicide Attempt or Serious Self-Inflicted Injury Review and Mortality Review		
63N-1.010	Mental Health Crisis Intervention Services		
63N-1.0101	Mental Health Crisis Assessment		
63N-1.0102	Mental Health Crisis Intervention Techniques		
63N-1.0103	Crisis Intervention Follow-Up Services and Mental Health Alerts		
63N-1.011	Emergency Mental Health and Substance Abuse Services		
63N-1.012	Off-Site Crisis Assessments and Emergency Evaluations Under Baker or Marchman Acts		

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.:	RULE TITLE:
64B8-9.0134	Maximum Number of Prescriptions in Registered Pain Management Clinics

PURPOSE AND EFFECT: As required by subsection 458.3265(4)(c), Florida Statutes, the Board proposes the development of a rule to address the maximum number of prescriptions for controlled substances for the treatment of pain which may be written by physicians practicing in pain management clinics.

SUBJECT AREA TO BE ADDRESSED: The maximum number of prescriptions for controlled substances for the treatment of pain which may be written by physicians practicing in pain management clinics.

RULEMAKING AUTHORITY: 458.3265(4)(c) FS.

LAW IMPLEMENTED: 458.3265(4)(c) 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.:	RULE TITLE:
64B15-14.0054	Maximum Number of Prescriptions in Registered Pain Management Clinics

PURPOSE AND EFFECT: As required by subsection 459.0137(4)(c), Florida Statutes, the Board proposes the development of a rule to address the maximum number of prescriptions for controlled substances for the treatment of pain which may be written by physicians practicing in pain management clinics.

SUBJECT AREA TO BE ADDRESSED: The maximum number of prescriptions for controlled substances for the treatment of pain which may be written by physicians practicing in pain management clinics.

RULEMAKING AUTHORITY: 459.0137(4)(c) FS.

LAW IMPLEMENTED: 459.0137(4)(c) 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: Anthony Jusevitch, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NO.:	RULE TITLE:
69O-189.007	Insurer Experience Reporting – Excessive Profits, Workers’ Compensation Insurance

PURPOSE AND EFFECT: The purpose and effect of this rule is to adopt a revised worker’s compensation excess profits form, and revise definition of “Insurance Group” to mean insurers operating under common majority ownership, not common management.

SUBJECT AREA TO BE ADDRESSED: Procedure, and form to be used, when reporting excessive profits for worker’s compensation insurance.

RULEMAKING AUTHORITY: 624.308(1), 627.215 FS.

LAW IMPLEMENTED: 624.307(1), 624.424(1)(c), 627.215 FS.

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

DATE AND TIME: November 17, 2010, 9:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Richard Koon, Property and Casualty Product Review, Office of Insurance Regulation, E-mail Richard.Koon@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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Richard Koon, Property and Casualty Product Review, Office of Insurance Regulation, E-mail Richard.Koon@flor.com

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

**FINANCIAL SERVICES COMMISSION**

**Securities**

RULE NO.:	RULE TITLE:
69W-301.002	Processing of Applications

PURPOSE AND EFFECT: The agency intends to amend Rule 69W-301.002, F.A.C., to adopt the latest versions of the Form ADV, Uniform Application for Investment Adviser Registration Form, which reflects amendments to Parts 1 and Part 2 of the form, and Form BD, Uniform Application for Broker-Dealer Registration. These forms reflect federal standards that have been approved by the Securities and Exchange Commission (SEC). The forms are available on the SEC’s website: [www.sec.gov](http://www.sec.gov).

SUBJECT AREA TO BE ADDRESSED: Securities Regulation.

RULEMAKING AUTHORITY: 517.03(1), 517.12, 517.1201, 517.081(2), 517.082(4) FS.

LAW IMPLEMENTED: 120.60(1), 517.051, 517.075, 517.081, 517.082, 517.12, 517.161(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.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pam Epting, Chief, Bureau of Regulatory Review, Division of Securities, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399-0375, (850)410-9500, pam.epting@flofr.com

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

## 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."

### PUBLIC SERVICE COMMISSION

RULE NOS.:	RULE TITLES:
25-10.026	Location and Preservation of Records
25-10.111	Customer Billing

PURPOSE AND EFFECT: The purpose of both rule repeals is to eliminate redundant provisions which are no longer in use. These rules have been superseded by new sections in Chapter 25-30, F.A.C. Docket 100380-WS.

SUMMARY: Rule 25-10.026, F.A.C. requires water and wastewater utilities to maintain records in accordance with the NARUC system of accounts and to maintain those records in an office within the State of Florida. All provisions of this rule have been included within the newer Rule 25-30.115, F.A.C., Uniform System of Accounts for Water and Wastewater Utilities and Rule 25-30.110, F.A.C., Records and Reports; Annual Reports. Rule 25-10.111, F.A.C., requires water and wastewater utilities to bill customers at regular intervals; contains various provisions for pro-rating less than full bill amounts; and requires a minimum of 20 days before a bill is considered delinquent. All of the provisions of this rule have been subsumed by Rule 25-30.335, F.A.C., Customer Billing. Repeal of Rules 25-10.026 and 25-10.111, F.A.C., will prevent

confusion or conflict with the more detailed rules in Chapter 25-30, F.A.C., and will eliminate redundant provisions which are no longer in use.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The rule repeals will benefit the Commission and customers by decreasing the number of rules and eliminate any confusion over redundant rules. Small businesses and water and wastewater utilities will benefit by the elimination of confusion over redundant rules and from the reduction of costs due to complying with redundant rules and reviewing obsolete rules.

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: 367.121 FS.

LAW IMPLEMENTED: 367.121(9) FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Lorena A. Holley, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6197 or lholley@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

25-10.026 Location and Preservation of Records.

~~(1) All records that a utility is required to keep, by reason of these or other rules prescribed by the Commission, shall be kept at the office or offices of the utility within this State, unless otherwise authorized by the Commission. Such records shall be open for inspection by authorized representatives of the Commission at any and all reasonable hours.~~

~~(2) All records shall be preserved in accordance with the NARUC "Regulations to Govern the Preservation of Records of Electric, Gas and Water Utilities."~~

Rulemaking Specific Authority 367.121 FS. Law Implemented 367.121(9) FS. History--Amended 9-12-74, Formerly 25-10.26, Repealed \_\_\_\_\_.

25-10.111 Customer Billing.

~~(1) Bills shall be rendered at regular intervals and shall show at least the billing period covered; identification of the applicable rate schedule; the amount of the bill and, as~~

~~applicable, gross and/or net billing, and/or discount or penalty, and final discount or penalty date. When there is good reason for doing so, estimated bills may be submitted. If bill is estimated, it shall be so marked.~~

~~(2) Whenever for any reason the period of service for which a bill is rendered is less than fifty percent (50%) of the normal billing period, the charges applicable to such service, including minimum charges, shall be pro rated in the proportion that the actual number of service days bears to a thirty (30) day month, except that:~~

~~(a) Opening bills need not be rendered but may be carried over to and included in the next regular monthly billing.~~

~~(b) For service taken under flat rate schedules, fifty percent (50%) of the normal charges may be applied.~~

~~(c) The practices employed by the utility in this regard shall have uniform application to all customers.~~

~~(3) Bills shall not be considered delinquent prior to the expiration of twenty (20) days from the date of mailing or delivery by the utility.~~

Rulemaking Specific Authority 367.121(1) FS. Law Implemented 367.111(1), 367.121 FS. History—Amended 9-14-74, 5-21-79, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lorena A. Holley, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 12, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 35, No. 43, October 30, 2009

**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.

SUMMARY: Revises the date used by agencies when determining lifetime maximum annual leave payouts for career service employees separating from the State Personnel System.

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

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

RULEMAKING AUTHORITY: 110.201, 110.219 FS.

LAW IMPLEMENTED: 110.219 FS.

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

DATE AND TIME: Tuesday, November 30, 2010, 1:00 p.m. – 3:00 p.m.

PLACE: 4050 Esplanade Way, Conference Room 101, 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 48 hours before the workshop/meeting by contacting: Ms. Erin Thoresen, HR Consultant, 4050 Esplanade Way, Suite 235, Tallahassee, FL 32399-0950; (850)922-1274; erin.thoresen@dms.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ms. Erin Thoresen, HR Consultant, 4050 Esplanade Way, Suite 235, Tallahassee, FL 32399-0950; (850)922-1274; erin.thoresen@dms.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

60L-34.0041 Annual Leave.

(1) through (5) No change.

(6)(a) A career service employee who separates from state government with twelve continuous months of service shall be paid for unused annual leave, up to a lifetime maximum of 240 hours. With respect to leave payments received at the time of separation, in calculating the lifetime maximum, agencies shall only include only payments for separations occurring after December 31, 2001 in the calculation of the lifetime maximum May 13, 2004. In case of death of an employee, the 240-hour limit shall not apply and all unused annual leave at the time of death shall be paid to the employee’s beneficiary, estate, or as provided by law.

(b) A senior management service or selected exempt service employee who separates from state government shall be paid for unused annual leave up to a maximum of 480 hours, with the current year’s accrual prorated. In case of death of an employee, the 480-hour limit shall not apply and all unused annual leave at the time of death shall be paid to the employee’s beneficiary, estate, or as provided by law.

(c) An employee with twelve months of service, who is being laid off, shall be paid for all unused annual leave in accordance with this section, unless the employee requests in writing that the annual leave be retained up to a maximum of one year, pending reemployment.

1. If the employee is not reemployed within one year, unused annual leave held in abeyance shall be paid for in accordance with this section.

2. If the employee is reemployed within one year, annual leave credits shall be restored if the employee so requests in writing and repays the full amount of any lump-sum payment received for accumulated annual leave credits.

(d) An employee electing to participate in DROP may request payment for accrued annual leave at the time of entry into DROP; alternatively, the employee may elect to defer payment until separation from service. If an employee elects immediate payment, then upon separation from service the employee shall be eligible for accrued annual leave payment only to the extent the employee has earned additional annual leave, which combined with the original payment does not exceed the applicable maximum amount specified in paragraphs (a) or (b) of this subsection 60L-34.0041(6), F.A.C.

Rulemaking Specific Authority 110.201, 110.219(5) FS. Law Implemented 110.219, 121.091(13) FS. History--New 1-22-02, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Sharon D. Larson, Director, Division of Human Resource Management, Department of Management Services  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ms. Linda H. South, Secretary, Department of Management Services  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 8, 2010  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 2010

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Landscape Architecture**

RULE NO.: 61G10-12.001 RULE TITLE: 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 the Council of Landscape Architectural Registration Boards (CLARB).

SUMMARY: The rule amendment will allow the fee for the exam to be set by and payable to the Council of Landscape Architectural Registration Boards (CLARB).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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

RULEMAKING AUTHORITY: 481.306, 481.307 FS.  
LAW IMPLEMENTED: 481.307 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: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE FULL TEXT OF THE PROPOSED RULE IS:

61G10-12.001 Application and Examination Fees.

(1) No change.

(2) The following is the examination fee schedule for the Landscape Architectural Registration Examination and the Florida Section:

Section A through Section B No change.

Section C Fee is set by and payable to the Council of Landscape Architectural Registration Boards. The fee for each examination offering is as follows:  
~~December 2007 and June 2008 — \$260.00.~~  
~~December 2008 and June 2009 — \$270.00.~~  
~~December 2009 and June 2010 — \$276.00.~~  
~~payable to the Department.~~

Section D No change.

Section E Fee is set by an payable to the Council of Landscape Architectural Registration boards. ~~December 2007 and June 2008 — \$260.00.~~  
~~December 2008 and June 2009 — \$270.00.~~  
~~December 2009 and June 2010 — \$276.00.~~  
~~payable to the Department.~~

Florida Section No change.

(3) No change.

Rulemaking Specific Authority 481.306, 481.307 FS. Law Implemented 481.307 FS. History--New 2-4-80, Amended 3-9-84, 7-26-84, Formerly 21K-12.01, Amended 10-7-87, 11-12-89, 3-11-91, Formerly 21K-12.001, Amended 8-7-95, 1-13-99, 8-16-99, 8-27-00, 8-21-05, 4-13-08, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Landscape Architecture  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Landscape Architecture  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 22, 2010  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 2010

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NOS.:	RULE TITLES:
62-109.010	Definitions
62-109.020	Notification
62-109.030	Protests
62-109.040	Agency Action

**PURPOSE AND EFFECT:** To repeal Ch. 62-109, F.A.C., containing antiquated procedures for contract bidding notification and protests. The Department uses the procedures provided in Ch. 28-110, F.A.C., and no longer uses Ch. 62-109, F.A.C., for contract solicitation or award bid protests.

**SUMMARY:** The rules contained in Chapter 62-109, F.A.C., will be repealed.

**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:** 120.53, 120.53(5), 403.061 FS.

**LAW IMPLEMENTED:** 120.53 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:** Justin Wolfe, DEP, Office of General Counsel, 3900 Commonwealth Blvd., MS #35, Tallahassee, FL 32399, (850)245-2242, [justin.g.wolfe@dep.state.fl.us](mailto:justin.g.wolfe@dep.state.fl.us)

**THE FULL TEXT OF THE PROPOSED RULES IS:**

62-109.010 Definitions.

Rulemaking Specific Authority 120.53, 403.061 FS. Law Implemented 120.53 FS. History–New 6-30-86, Formerly 17-109.010, Repealed.

62-109.020 Notification.

Rulemaking Specific Authority 120.53(5), 403.061 FS. Law Implemented 120.53 FS. History–New 6-30-86, Formerly 17-109.020, Repealed.

62-109.030 Protests.

Rulemaking Specific Authority 120.53(5), 403.061 FS. Law Implemented 120.53 FS. History–New 6-30-86, Formerly 17-109.030, Repealed.

62-109.040 Agency Action.

Rulemaking Specific Authority 120.53(5), 403.061 FS. Law Implemented 120.53 FS. History–New 6-30-86, Formerly 17-109.040, Repealed.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Justin Wolfe

**NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:** Mimi Drew

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** September 21, 2010

**DEPARTMENT OF JUVENILE JUSTICE**

**Residential Services**

RULE NOS.:	RULE TITLES:
63E-6.001	Purpose and Scope
63E-6.002	Definitions
63E-6.003	Admission Criteria
63E-6.004	Admission Procedures
63E-6.005	Program Orientation
63E-6.006	Program Components
63E-6.007	Behavior Management
63E-6.008	Operational Inspections
63E-6.009	Program Administration
63E-6.010	Staff Training Requirements
63E-6.011	Youth Release or Transfer
63E-6.012	Residential Substance Abuse Treatment Overlay Services

**PURPOSE AND EFFECT:** The rule chapter governing Sheriff’s Training and Respect (STAR) programs is being repealed. Section 985.4891, Florida Statutes, authorizing STAR programs, was repealed effective July 1, 2010.

**SUMMARY:** Repeal of the rule chapter governing STAR programs for committed youth.

**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:** 985.4891, 985.645 FS.

**LAW IMPLEMENTED:** 985.4891 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, November 22, 2010, 10:00 a.m.

**PLACE:** DJJ Headquarters, 2737 Centerview Drive, General Counsel’s Conference Room 3223, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John Milla, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100, e-mail: john.milla@djj.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

63E-6.001 Purpose and Scope.

Rulemaking Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091 FS. History–New 11-19-06, Repealed.

63E-6.002 Definitions.

Rulemaking Specific Authority 985.4891, 985.645 FS. Law Implemented 985.4891 FS. History–New 11-19-06, Amended 12-24-07, Repealed.

63E-6.003 Admission Criteria.

Rulemaking Specific Authority 985.4891, 985.645 FS. Law Implemented 985.4891(2), (7)(a) FS. History–New 11-19-06, Amended 12-24-07, Repealed.

63E-6.004 Admission Procedures.

Rulemaking Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091(2), (7) FS. History–New 11-19-06, Repealed.

63E-6.005 Program Orientation.

Rulemaking Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091(3) FS. History–New 11-19-06, Repealed.

63E-6.006 Program Components.

Rulemaking Specific Authority 985.4891, 985.645 FS. Law Implemented 985.4891(3), (4) FS. History–New 11-19-06, Amended 12-24-07, Repealed.

63E-6.007 Behavior Management.

Rulemaking Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091(3), (7) FS. History–New 11-19-06, Repealed.

63E-6.008 Operational Inspections.

Rulemaking Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091(8) FS. History–New 11-19-06, Repealed.

63E-6.009 Program Administration.

Rulemaking Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091(3)-(5), (7), (9) FS. History–New 11-19-06, Repealed.

63E-6.010 Staff Training Requirements.

Rulemaking Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091(6), (9) FS. History–New 11-19-06, Repealed.

63E-6.011 Youth Release or Transfer.

Rulemaking Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091(7), (10) FS. History–New 11-19-06, Repealed.

63E-6.012 Residential Substance Abuse Treatment Overlay Services.

Rulemaking Specific Authority 985.4891, 985.645 FS. Law Implemented 985.4891(3) FS. History–New 12-24-07, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Darryl Olson, Assistant Secretary for Residential Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:

Frank Peterman, Jr., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

October 20, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

October 1, 2010

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE NO.: RULE TITLE:

64B12-11.003 Active Status Fee

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

SUMMARY: The rule amendment will decrease the active status fee.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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

RULEMAKING AUTHORITY: 484.005, 484.008(1) FS.

LAW IMPLEMENTED: 455.271, 484.008(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:

Susan Foster, Executive Director, Board of Opticianry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-11.003 Active Status Fee.

The fee for biennial renewal of an optician’s active status license shall be \$125.00 ~~150.00~~.



~~Rulemaking Specific Authority 484.005, 484.008(1) FS. Law Implemented 484.008(1), 455.271 FS. History--New 12-6-79, Amended 6-30-82, Formerly 21P-11.03, Amended 3-30-89, 7-10-89, 7-3-91, Formerly 21P-11.003, 61G13-11.003, Amended 10-24-94, Formerly 59U-11.003, Amended 1-4-98, 2-1-04,\_\_\_\_\_.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Opticianry  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Opticianry  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 2, 2010  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 2010

**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.

SUMMARY: The rule amendment will delete unnecessary language and renumber the rest of the rule correctly.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Opticianry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-15.001 Continuing Education for License Renewal.

(1) through (5) No change.

~~(6) Licensed opticians who serve as full time instructors of opticianry at an educational institution accredited by an accrediting agency recognized and approved by the United States Department of Education or the Council on~~

~~Postsecondary Education shall not be required to complete continuing education courses in order to renew their licenses, so long as they were so employed during the entire biennium.~~

~~(6)(7) No change.~~

Rulemaking Specific Authority 456.013(8), (9), 484.005, 484.008(3) FS. Law Implemented 456.013(8), (9), 484.008(3) FS. History--New 10-12-80, Amended 6-30-82, 12-5-82, 9-5-83, 8-30-84, Formerly 21P-15.01, Amended 3-5-87, 9-17-87, 3-30-89, 12-23-90, 6-11-92, 2-18-93, 5-19-93, Formerly 21P-15.001, Amended 4-17-94, Formerly 61G13-15.001, Amended 8-8-94, 3-14-95, 4-18-96, Formerly 59U-15.001, Amended 8-6-97, 4-20-99, 7-27-08,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Opticianry  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Opticianry  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 2, 2010  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 8, 2010

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE NO.: 64B32-2.001  
RULE TITLE: License by Endorsement

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify the revision date of form DH-MQA 1145.

SUMMARY: The rule amendment will modify the revision date of form DH-MQA 1145.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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

RULEMAKING AUTHORITY: 468.353(1), 468.358(3) FS.

LAW IMPLEMENTED: 468.358(2),(3), 468.365 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Respiratory Care Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-2.001 License by Endorsement.

(1) Applicants for licensure as a Registered Respiratory Therapist or Certified Respiratory Therapist in the state of Florida shall apply on Form DH-MQA 1145, Application by

Endorsement, Revised ~~10/10~~ 04/10, incorporated herein as this Board's application form and available on the web at <http://www.doh.state.fl.us/mqa/respiratory/index.html>.

(2) through (3) No change.

Rulemaking Authority 468.353(1), 468.358(3) FS. Law Implemented 468.358(2), (3), 468.365 FS. History--New 4-29-85, Formerly 21M-34.02, 21M-34.002, 61F6-34.002, 59R-71.002, 64B8-71.002, Amended 7-22-02, 8-28-05, 6-12-07, 5-15-08, 5-25-09, 5-10-10, 10-6-10,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Respiratory Care

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 16, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 1, 2010

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Agency for Persons with Disabilities**

RULE NOS.:	RULE TITLES:
65G-4.001	Definitions for Behavioral Services: Practice and Procedure
65G-4.0011	Recognized Certification Organizations for Certified Behavior Analysts
65G-4.002	Service Delivery
65G-4.003	Certification as a Behavior Analyst
65G-4.004	Certification as an Associate Behavior Analyst
65G-4.005	Renewal of Behavior Analysis Certification
65G-4.006	Approved Continuing Education
65G-4.007	Behavior Analysis Certification Fees
65G-4.008	Behavior Analysis Services Oversight System Organization
65G-4.009	Design, Implementation and Monitoring of Behavior Analysis Services
65G-4.010	Behavior Analysis Services Approval
65G-4.011	Determination of Mental Retardation in Capital Felony Cases: Intellectual and Adaptive Functioning; Tests to be Administered
65G-4.012	Determination of Mental Retardation: Intelligence Tests to be Administered

PURPOSE AND EFFECT: The purpose of the proposed rulemaking is to clarify existing language, to ensure effective program administration and reflect changes in provider practice.

SUMMARY: The purpose of the proposed rulemaking is to clarify and amend certain provisions regarding the provisions of behavior analysis services provided under Rules 65G-4.001, 65G-4.008, 65G-4.009, 65G-4.010, and 65G-4.012 F.A.C., create new Rules 65G-4.0011 and 65G-4.0012, F.A.C. This amendment includes the repeal of Rules 65G-4.003, 65G-4.004, 65G-4.005, 65G-4.006, 65G-4.007, F.A.C.

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: 393.063, 393.125, 393.13(4)(g)3, 393.17, 393.501, 916.106 FS.

LAW IMPLEMENTED: 393.0651, 393.066, 393.067, 393.068, 393.125, 393.13, 393.17(2) FS.

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

DATE AND TIME: December 6, 2010, 1:00 p.m.

PLACE: Agency for Persons with Disabilities, 4030 Esplanade Way, Room 301, 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: Steve Coleman, PhD., Senior Behavior Analyst, Agency for Persons with Disabilities, Residential and Clinical Support, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, Email: [steve\\_coleman@apd.state.fl.us](mailto:steve_coleman@apd.state.fl.us), phone: (850)488-4257. If you are 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: Steve Coleman, PhD., Senior Behavior Analyst, Agency for Persons with Disabilities, Residential and Clinical Support, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, Email: [steve\\_coleman@apd.state.fl.us](mailto:steve_coleman@apd.state.fl.us), phone: (850)488-4257

THE FULL TEXT OF THE PROPOSED RULES IS:

**BEHAVIORAL SERVICES: PRACTICE AND PROCEDURE SERVICE DELIVERY PRACTICE AND PROCEDURE**

65G-4.001 Definitions for Behavioral Services: Practice and Procedure Behavior Analysis Certification and Services Rules.

(1) Area Behavior Analyst means a behavior analyst employed by, or under contract with an area office of the Agency who holds a doctorate from an accredited university

program with behavior analysis as a primary focus, is a board certified behavior analyst, has completed a dissertation that had behavior analysis as its central focus and has at least one year of experience in the provision of behavior analysis services for persons with developmental disabilities. However, if no one with these qualifications is available, then the individual must be a certified behavior analyst with at least the education and experience requirements for taking the board's behavior analyst examination.

(2)(4) Behavior analysis refers to the use of scientific methods to produce socially significant improvements in behavior. This process entails gathering information to analyze or describe the link between behavior and environment. It includes assessment of the environment and consequences that are maintaining the behavior targeted for change. It also encompasses changing the situations in the environment that trigger problem behavior and arranging situations that will provide the opportunity for desirable behaviors to occur. Behavior Analysis interventions teach or increase occurrence of skills to replace the behavior targeted for change and arrange delivery of consequences for desirable and undesirable behavior. A behavior analytic intervention also includes strategies and approaches to maintain the gains of the intervention over time and in varied settings. Behavior change interventions are based on the principles and laws of behavior. Behavior analytic interventions require monitoring and evaluation for effectiveness through direct observation and quantification of the behavior targeted for change. Caregivers and family members are actively involved in the behavior analysis process and are taught how to implement specific techniques or changes in the environment. The design, implementation and evaluation of systematic environmental modifications for the purposes of producing socially significant improvements in and understanding of human behavior based on the principles of behavior identified through the experimental analysis of behavior. It includes the identification of functional relationships between behavior and environment. It uses direct observation and measurement of behavior and environment. Contextual factors, establishing operations, antecedent stimuli, positive reinforcers and other consequences are used, based on identified functional relationships between behavior and environment, in order to produce practical behavior change. Behavior analysis does not rely on cognitive therapies and expressly excludes psychological testing, neuropsychology, psychotherapy, sex therapy, psychoanalysis, hypnotherapy and long term counseling as treatment modalities.

(3)(2) Behavior analysis services – The use of behavior analysis to assist a person or persons to learn new behavior, to increase existing behavior, to reduce existing behavior, and to emit behavior under precise environmental conditions. The term “behavior analysis services” includes the terms “behavior analysis service plan,” “behavioral programming,” “behavioral supports,” “behavior modification programs,” “behavior

intervention plans,” “behavior plans” and “behavioral programs,” as well as those interventions designed to ameliorate dangerous behavior as described in subsection 65G-4.010(3), F.A.C., below. These services are supported in documentation showing that they are applied, behavioral, analytic, technological, conceptually systematic, and effective relative to the definitions of these terms found in “Some Current Dimensions of Applied Behavior Analysis” by D. M. Baer, M. M. Wolf, and T. R. Risley and available in the *Journal of Applied Behavior Analysis*, Volume 1, 1968. This article is incorporated by reference and may be found online at [http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1310980/pdf/jab\\_a00083-0089.pdf](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1310980/pdf/jab_a00083-0089.pdf).

(4) Certification Body – A nonprofit corporation whose standards for certification of behavior analysts and assistant behavior analysts adheres to the national standards of boards that determine professional credentials to meet the needs of behavior analysts, state governments and consumers of behavior analysis services. The certification procedure of the nonprofit corporation must undergo regular psychometric review and validation pursuant to a job analysis survey of the profession and standards established by content experts in the field.

(5) Certified Behavior Analyst – A behavior analyst certified by a certification body, including a Board Certified Behavior Analyst – Doctoral, a Board Certified Behavior Analyst, a Board Certified Assistant Behavior Analyst and a Florida Certified Behavior Analyst.

(6)(3) Consultation – Monthly contacts between an Board Certified Assistant Behavior Analyst (BCaBA) applicant for certification and a consulting Board Certified Behavior Analyst (BCBA) certified behavior analyst or a person with the education and experience required for certification as a behavior analyst, during which the behavior analysis services provided by the BCaBA applicant are evaluated. At the time consultation is provided, the consulting BCBA behavior analyst shall not be the BCaBA's applicant's subordinate, employee, spouse or family member. The consulting BCBA behavior analyst shall not be considered an employee of the BCaBA applicant if the only compensation received by the consulting BCBA behavior analyst consists of payment for consultation. Monthly contacts may include the BCaBA's applicant's presentation of behavior analysis services designed by the BCaBA applicant, with a focus on graphic displays of data, at local review committee meetings, established in Rule 65G-4.008, F.A.C.

(4) Supervision – Face-to-face meetings for at least two hours every two weeks or two hours per 40 hours of the applicant's contact with clients, between the applicant and a certified behavior analyst or a person with the education and experience required for certification as a behavior analyst, during which the supervising behavior analyst directs and evaluates the behavior analysis services provided by the

~~applicant. The supervising behavior analyst shall not be, at the time supervision is provided, the applicant's subordinate or employee. The supervising behavior analyst shall not be considered an employee of the applicant if the only compensation received by the supervising behavior analyst consists of payment for supervision. The applicant's presentation of behavior analysis services designed and implemented by the applicant, with a focus on graphic displays of data, at local review committee meetings, established in Rule 65G-4.008, F.A.C., may be substituted for up to 25 percent of the total supervision time needed to be eligible to take the behavior analyst certification examination.~~

(7) Contingent exercise – Bodily exertion or effort that is not topographically related to the misbehavior, involving a repeated series of physical movements required as a consequence for inappropriate behavior.

(8) Desensitization – the gradual and systematic presentation of increasing levels of an aversive or feared stimulus or event and removal of it contingent upon calm behavior to teach a person to tolerate the stimulus or event.

(9) Dietary manipulations – Procedures involving the alteration of dietary variables including the quantity or type of food eaten and liquids consumed, the caloric density of the diet, the oral stimulation involved in eating, and the temporal distribution of the daily diet.

(10) Extinction – A procedure in which reinforcement of a previously reinforced behavior is discontinued.

(11) Facility – Can be a publicly or privately established residential operation serving individuals with behavioral service needs.

(12) Functional Communication Training (FCT) – a procedure in which a functional form of communication is taught and reinforcement is provided contingent upon communication and withheld for other behavior.

(13) Positive practice overcorrection – Activities that involve repeated performance of a desirable alternative behavior related to an inappropriate behavior.

(14) Provider – An enrolled professional authorized to provide behavior analysis services. Only individuals who are board certified behavior analysts – doctoral level, board certified behavior analysts (BCBA), board certified assistant behavior analysts (BCaBA), Florida certified behavior analysts or persons licensed in accordance with Chapter 490 or 491, F.S., on active status, and demonstrating supervision as required, may be providers of behavior analysis services. Only those providers holding a certificate on active status from a recognized certification organization for behavior analysis shall use the title, “certified behavior analyst.” Individuals performing behavior analysis services shall limit their practice to areas of documented expertise and in accordance with their education, training, and certification or licensure, unless

otherwise demonstrating evidence of supervision by an individual meeting the requisite education, training, and certification.

(15) Regular psychometric review and validation – A certification process which complies with recognized national standards in the testing and certification industry to ensure the certification examinations are fair, valid and reliable and in conformance with recognized standards such as those of the International Organization for Standardization (ISO) or the National Commission for Certifying Agencies (NCCA).

(16) Response blocking – The use of physical intervention upon occurrence of an undesirable behavior in such a way as to interrupt the normal form of responding.

(17) Response cost – A procedure in which a specified amount of available reinforcers are removed from the client's reserve upon occurrence of a specified behavior.

(18) Restitutive overcorrection – Activities that involve correcting the effects of a specified behavior to a better condition than present prior to the occurrence of the specified behavior.

(19) Time-out – These procedures include the withdrawal of the opportunity to earn positive reinforcement or the loss of access to positive reinforcers for a specified period of time.

(20) Token Economy – A behavior change system in which identified behaviors are reinforced by a symbolic medium of exchange, or token, which is later used by a participant in the “purchase” of backup reinforcers, including objects or activities.

Rulemaking Specific Authority 393.13(4)(g)3., 393.17 FS. Law Implemented 393.13, 393.17 FS. History–New 9-23-96, Formerly 10F-4.023, 65B-4.023, Amended \_\_\_\_\_.

65G-4.0011 Recognized Certification Organizations for Certified Behavior Analysts.

All providers of behavior analysis services must either be licensed to practice in accordance with Chapter 490 or 491, F.S., or certified under a nonprofit corporation meeting the qualifications under Section 393.17(2), F.S. All providers of behavior analysis services must submit to the Agency for Persons With Disabilities proof of their active licensure or certification in order to provide behavior analysis services. Pursuant to Rule 65G-4.001, F.A.C., and as required by Section 393.17(2), F.S., the Agency recognizes the certification for behavior analysts awarded by the following organizations: Behavior Analyst Certification Board, Inc., 2888 Remington Green Lane, Suite C, Tallahassee, FL 32308.

Rulemaking Authority 393.17(2) FS. Law Implemented 393.17(2) FS. History–New \_\_\_\_\_.

## 65G-4.002 Service Delivery.

(1) The Agency shall provide all clients with appropriate supports and services in accordance with their support habilitation plan. Implementation of this policy, however, is subject to availability of funds.

(2) Clients of the Agency shall be integrated within local communities ~~the general population~~ to the greatest extent possible extent. To this end, generic and specialized community services rather than Agency services shall be used whenever this will serve the best interest of the client. For referral purposes, each area office shall have a current descriptive directory of community resources.

(3) Programs and services provided by or for the Agency shall adhere to the policies, standards and procedures specified and made reference to in this chapter. The Agency shall make every effort to ensure that services provided are of good quality and at least comparable to those provided to non-retarded persons in the community without disabilities.

(4) All contracts for programs and services provided to the Agency shall include any terms and requirements established in the Developmental Disabilities Waiver Services Coverage and Limitations Handbook (incorporated by reference in Rule 59G-13.083, F.A.C) and Rules 65G-4.008, 65G-4.009, 65G-4.010, F.A.C. any appropriate guidelines

Rulemaking Specific Authority 393.501(1) FS. Law Implemented 393.17 393.062, 393.066 FS. History—New 1-1-77, Formerly 10F-4.08, 10F-4.008, 65B-4.008.-.654, Amended \_\_\_\_\_.

## 65G-4.003 Certification as a Behavior Analyst.

(1) Applicants for certification as a behavior analyst who meet the eligibility requirements specified in paragraph (a), ~~[(b) or (c)]~~ and (d), below, and pay the certification fees prescribed by the Agency are eligible to take the behavior analyst examination administered by the Agency:

(a) Possession of a minimum of a master's degree from an institution of higher education fully accredited by a regional accrediting body; an institution that is accredited as a member in good standing of the Association of Universities and Colleges of Canada; an institution of higher education located outside the United States or Canada, which at the time the applicant was enrolled and at the time the applicant graduated maintained a standard of training equivalent to the standards of training of those institutions in the United States.

(b) Completion of graduate level instruction in the content areas and for the number of hours specified in subparagraphs 1.- 5., below. Experience from one of the categories specified in paragraph (c) below shall be substituted for this requirement. One semester credit is equivalent to 15 hours of instruction and one quarter hour of credit is equivalent to 10 hours of instruction:

1. Basic behavior analytic principles — 45 hours.
2. The application of behavior analytic principles and methods in applied settings — 45 hours.

3. Single-subject research methods — 20 hours.

4. Any other behavior analysis content area — 70 hours.

5. Ethical and professional standards issues relevant to the practice of behavior analysis — 10 hours.

(c) Experience in one of the following categories may be substituted for the required graduate level instruction. Experience substituted for course work under this rule shall not be used to meet the requirements specified in paragraph (d), below:

1. Completion of at least a one-year, full-time appointment in a tenure tract position on a college or university faculty during which the applicant taught classes on basic principles of behavior, single-subject methodology, applications of basic principles of behavior in applied settings and ethical issues and conducted and published research in behavior analysis.

2. Completion of no less than 35 hours of employment per week, for at least 24 months within a 30-month period, with consultation in an educational, health or human services setting during which the applicant was responsible for the following:

a. The design, implementation and monitoring of behavior analysis services.

b. Oversight of behavior analysis services designed, implemented and monitored by others.

c. Instruction of classes or college or university courses in basic principles of behavior and applications of basic principles in applied settings.

d. The applicant shall document that the services provided were applied, behavioral, analytic, technological, conceptually systematic, and effective relative to the definitions of these terms found in "Some Current Dimensions of Applied Behavior Analysis" by D. M. Baer, M. M. Wolf, and T. R. Risley and available in the *Journal of Applied Behavior Analysis*, Volume 1, 1968. Such documentation shall include a portfolio of the behavioral assessments, plans of service based on these assessments, data displays related to these plans, and service plan monitoring reports produced during the term of employment applied to this experience requirement. The applicant shall also submit a description of the organizational and personnel management systems used at the place of employment.

e. Teaching experience shall be documented by the submission of a letter, signed by the applicant, certifying the dates, locations and content of classes and courses taught by the applicant.

(d) Completion of the experience requirements specified in either subparagraph 1. or 2., below, in an educational, health or human services setting:

1. Completion of no less than 20 hours of employment per week, for 6 months, with supervision; followed by the completion of no less than 35 hours of employment per week, for 6 months, with consultation. The applicant's primary duties during both employment periods must have been the design, implementation and monitoring of behavior analysis services

~~and overseeing the implementation of behavior analysis services implemented by others. The employment with supervision requirement may be satisfied by completion of a practicum or field experience, with supervision, that included the design, implementation and monitoring of behavior analysis services, as part of a university or college degree program. Possession of a doctorate degree from an institution that meets the requirements specified in paragraph (a), above, with a dissertation that had behavior analysis as its central focus shall be substituted for the required hours of employment with consultation.~~

~~2. Completion of no less than 35 hours of employment per week for 18 months within a 21 month period, with consultation. The applicant's primary duties during the employment period must have been the design, implementation and monitoring of behavior analysis services and overseeing the implementation of behavior analysis services by others. Possession of a doctorate degree from an institution that meets the requirements specified in paragraph (a), above, with a dissertation that had behavior analysis as its central focus shall be substituted for 6 months of the required 18 months of employment.~~

~~(2) Applicants for examination for certification as a behavior analyst shall submit to the Agency a completed application form entitled "Application for Certification as a Behavior Analyst," which is incorporated by reference, and pay the certification fees prescribed by the Agency no less than 45 days in advance of the date of the examination for which they are applying.~~

~~(3) Applicants who pass the behavior analyst examination and pay the certification fees shall be certified as behavior analysts. Only persons who are certified pursuant to this rule shall use the title of "certified behavior analyst."~~

~~(4) Notwithstanding the above provisions, persons certified as behavior analysts prior to the effective date of this rule will retain their certification.~~

~~(a) These persons may continue to approve the implementation of behavior analysis services that includes one or more of the following restricted behavior analysis procedures, regardless of the behavior or behaviors being addressed:~~

- ~~1. Time out from reinforcement of 20 minutes or less.~~
- ~~2. Contingent removal or restriction of potential reinforcers.~~
- ~~3. Contingent effort of 10 minutes or less.~~
- ~~4. Contingent manual restraint of five (5) minutes or less.~~

~~(b) However, these persons may not approve the implementation of other restricted procedures unless they apply to the Agency to have their implementation approval privileges expanded to those established in Rule 65G 4.010, F.A.C., by submitting to the Agency a completed application form entitled "Expansion of Approval Privileges," incorporated by reference. Expansion of privileges requires~~

~~that the applicant meet the education and experience requirements established above for eligibility to take the behavior analyst examination. Application for expansion of privileges may be submitted at any time after the effective date of these rules.~~

~~Rulemaking Specific Authority 393.13(4)(g)3., 393.17 FS. Law Implemented 393.13, 393.17 FS. History--New 9-23-96, Formerly 10F-4.024, 65B-4.024, Repealed \_\_\_\_\_.~~

65G-4.004 Certification as an Associate Behavior Analyst.

~~(1) Applicants for certification as an associate behavior analyst who meet the requirements specified in paragraphs (a)-(e), below, and pay the certification fees prescribed by the Agency are eligible to take the associate behavior analyst examination administered by the Agency:~~

~~(a) Possession of a minimum of a bachelor's degree from an institution that meets the requirements specified in Rule 65G 4.003, F.A.C.~~

~~(b) Completion of 90 hours of classroom instruction covering, at a minimum, basic principles of behavior analysis, the application of these basic principles, and ethical issues related to the delivery of behavior analysis services. Instruction shall be obtained through one of the following methods:~~

~~1. College or university courses in behavior analysis, that are taken from an institution that meets the requirements specified in Rule 65G 4.003, F.A.C. No more than three courses may be combined to meet the 90 hour requirement. One semester credit is equivalent to 15 hours of instruction and one quarter hour of credit is equivalent to 10 hours of instruction.~~

~~2. Non-college or university classes approved for this purpose by the Agency in accordance with Rule 65G 4.004, F.A.C.~~

~~3. A combination of college or university courses and approved classes.~~

~~4. However, credit shall be given only once for a course or class.~~

~~(c) Employment in one of the following categories in an educational, health or human services setting:~~

~~1. Completion, with consultation, of no less than 35 hours of employment per week, that included the design, implementation and monitoring of behavior analysis services, for 12 months within a 15-month period.~~

~~2. Completion, with supervision, of no less than 20 hours of employment per week, during which the applicant's primary duties were the design, implementation and monitoring of behavior analysis services, for six consecutive months. However, the employment requirement may be satisfied by completion of a practicum or field experience, with supervision, that included the design, implementation and monitoring of behavior analysis services, as part of a university or college degree program.~~

~~(2) Applicants for examination for certification as an associate behavior analyst shall submit a completed application form entitled "Application for Certification as an Associate Behavior Analyst," which is incorporated by reference, and pay the certification fees prescribed by the Agency no less than 45 days in advance of the date of the examination for which they are applying.~~

~~(3) Applicants who pass the associate behavior analyst examination and pay the certification fees shall be certified as associate behavior analysts. Only persons who are certified pursuant to this rule shall use the title of "certified associate behavior analyst."~~

~~(4) Approved Classes — Application for class approval shall be made by submitting a completed application form, entitled "Approval of Behavior Analysis Classes," incorporated by reference, 45 days in advance of the teaching of the class. Classes that meet the following criteria shall be approved by the Agency for a maximum of two years beginning on the approval date:~~

~~(a) The content of the class covers only behavior analysis and ethical issues related to the practice of behavior analysis.~~

~~(b) There are written learning objectives for the class.~~

~~(c) Student progress on each content area is evaluated during the class.~~

~~(d) The class is taught by a certified behavior analyst. The certified behavior analyst may be assisted by a certified associate behavior analyst.~~

Rulemaking Specific Authority 393.13(4)(g)3., 393.17 FS. Law Implemented 393.13, 393.17 FS. History—New 9-23-96, Formerly 10F-4.025, 65B-4.025, Repealed.

#### 65G-4.005 Renewal of Behavior Analysis Certification.

~~(1) Certification in behavior analysis shall be renewed every two years from the date of certification under these rules, if the applicant for renewal meets the following requirements:~~

~~(a) Completion of 16 hours of continuing education for renewal of certification as an associate behavior analyst and 24 hours of continuing education for renewal of certification as a behavior analyst within the applicant's two year certification period. However, to be accepted, one hour of continuing education must be no less than 50 minutes of instruction in one hour.~~

~~(b) Submittal of a completed renewal application form, entitled "Behavior Analysis Certification Renewal," incorporated by reference, and payment of the certification renewal fee prescribed by the Agency at least 45 days in advance of the expiration of the applicant's two year certification period.~~

~~(2) The following shall be accepted toward fulfillment of the continuing education requirements:~~

~~(a) Completion of college or university courses, the content of which is entirely behavior analytic, taken from an institution that meets the requirements specified in Rule 65G-4.003, F.A.C.~~

~~(b) Completion of programs approved by the Agency under Rule 65G-4.007, F.A.C.~~

~~(c) Completion of programs not approved by the Agency provided such programs relate directly to the practice of behavior analysis or other topics pertinent to developmental disabilities.~~

~~(d) Attendance at local review committee meetings, established in Rule 65G-4.008, F.A.C., provided that the work of the applicant is discussed at the meeting with a focus on graphic displays of data.~~

~~(e) The combined total number of hours of continuing education from the categories defined in paragraphs (c) and (d), above, shall not exceed 25 percent of the total required hours of continuing education.~~

~~(f) Presentation or moderation by the applicant of approved continuing education programs on a one time basis for each program. A maximum of 25 percent of the total required hours of continuing education may come from this category.~~

~~(g) Authorship or co-authorship of a research or review article on the application of behavior analysis that is published, during the two year certification period to which credit is to be applied, in a journal that requires that authors meet the American Psychological Association's ethical guidelines for authorship. A publication shall count towards a maximum of 25 percent of the total required hours of continuing education.~~

~~(3) Prior to the end of the two year certification period, an associate behavior analyst or behavior analyst may request in writing that the Agency place his or her certification on inactive status for a maximum period of four years. At the time of the request, the certificate holder shall pay the fee prescribed by the Agency for placing certification on inactive status. While certification is on inactive status, the person shall not exercise any privileges associated with certification.~~

~~(4) Inactive certification may be reactivated if the applicant:~~

~~(a) Submits the reactivation form entitled "Reactivation of Certification," which is incorporated by reference, and pays the certification renewal fee prescribed by the Agency. The applicant's two year certification period will begin on the date the Agency reactivates the applicant's certification.~~

~~(b) Completes the number of hours of continuing education required for the period beginning with the last renewal of certification and ending with the date of reactivation of certification.~~

~~(5) Once an inactive certificate expires, in order to be recertified, the person must meet the eligibility and examination requirements and pay the certification fees prescribed by these rules.~~

Rulemaking Specific Authority 393.13(4)(g)3., 393.17 FS. Law Implemented 393.13, 393.17 FS. History–New 9-23-96, Formerly 10F-4.026, 65B-4.026, Repealed \_\_\_\_\_.

65G-4.006 Approved Continuing Education.

~~An individual or agency may apply to the Agency to have a course, class, seminar, workshop or institute approved for continuing education by submitting a completed application, entitled “Application for Continuing Education (CE) Program Approval,” incorporated by reference. An approved continuing education program shall:~~

- ~~(1) Cover behavior analysis practice, theory or methods.~~
- ~~(2) Have stated learning objectives.~~
- ~~(3) Be for the purposes of furthering and maintaining the skills or knowledge of behavior analysis.~~
- ~~(4) Be of sufficient duration to accomplish the stated learning objectives.~~
- ~~(5) Be instructed by a person who meets the following criteria:~~
  - ~~(a) Is a certified behavior analyst or is a certified associate behavior analyst under the direction of a certified behavior analyst and~~
  - ~~(b) Has received training in the subject taught in the program or~~
  - ~~(c) Has experience of not less than one year of practical application or research in the subject taught in the program.~~

Rulemaking Specific Authority 393.13(4)(g)3., 393.17 FS. Law Implemented 393.13, 393.17 FS. History–New 9-23-96, Formerly 10F-4.027, 65B-4.028, Repealed \_\_\_\_\_.

65G-4.007 Behavior Analysis Certification Fees.

~~The following fees are prescribed by the Agency for associate behavior analyst and behavior analyst certification and certification renewal:~~

- ~~(1) The certification fee for an associate behavior analyst is \$125.00.~~
- ~~(2) The certification fee for a behavior analyst is \$175.00.~~
- ~~(3) The certification renewal fee for associate behavior analysts is \$75.00.~~
- ~~(4) The certification renewal fee for behavior analysts is \$100.00.~~
- ~~(5) The fee for placing a certificate on inactive status shall be \$50.00 for both categories of certification.~~

Rulemaking Specific Authority 393.13(4)(g)3., 393.17 FS. Law Implemented 393.17 FS. History–New 9-23-96, Formerly 10F-4.028, 65B-4.027, Repealed \_\_\_\_\_.

65G-4.008 Behavior Analysis Services Oversight System Organization.

(1) The Agency will establish and maintain a behavioral services program including a senior clinician, the Agency Senior Behavior Analyst (ASBA), to assume direction for standards of behavioral practice, develop and manage systems

of quality, utilization and cost containment for statewide behavioral practice. The ASBA holds a doctorate from an accredited university program with behavior analysis as a primary focus, is a board certified behavior analyst, has completed a dissertation that had behavior analysis as its central focus and has at least one year of experience in the provision of behavior analysis services for persons with developmental disabilities. However, if no one with these qualifications is available, then the ASBA must be a certified behavior analyst with at least the education and experience established by the designated certification board. The behavioral services program will also include the support of at least one master’s level board certified behavior analyst. The ASBA will direct:

- (a) Area Behavior Analysts, who will be recruited, appointed, given clinical supervision and annually evaluated in conjunction with their functional supervisor in the area to which they are assigned.
- (b) Committees.

1. The Local Review Committees (LRC) working in conjunction with the ASBA shall adopt the model LRC bylaws to establish guidelines for committee function, including the establishment of time frames for scheduling, reviewing, and approving, as well as tracking for efficient program review and approval, charter content, committee membership, meeting participants, confidentiality requirements and development of a process to resolve provider and LRC disputes.

2. The Peer Review Committee (PRC) working in conjunction with the ASBA shall adopt the model PRC bylaws to establish membership, as well as annual projects including, at minimum, review of behavioral practices in at least one Developmental Disability Center, at least one state operated forensic facility, at least one area community residential behavioral provider, at least one Local Review Committee, and other services as identified by the Agency.

3. Behavior Analysis Practices Committee (BAPC) shall be established to meet at least annually with membership from Area and Developmental Disabilities Centers Behavior Analysts, the PRC, providers of behavior analysis and behavior assistant solo service providers and agency providers, as well as behavioral residential services providers to assure that common operational requirements are implemented statewide, to address qualifications and processes for establishing individuals and agencies as behavior analysis providers, behavior analysis agencies and residential behavioral providers, establishing consensus standards for LRC operation, standards for behavioral assessment content and behavior analysis support plan program content, standards for graphic display of data, documentation, billing, as well as behavioral services practice and service sanctions to ensure service quality to meet the changing needs of service recipients and provider requirements.



~~(2)~~(4) A statewide peer review committee (PRC) and local review committees (LRCs) shall be appointed by the Agency to provide oversight of behavior analysis services.

(a) The Agency will establish the composition, function and procedures to be followed by the committees in the form of Model bylaws incorporated by reference in subsection (5) of this rule. Each committee shall operate in accordance with by laws written by the committee and approved by the Agency prior to their implementation by the committee.

(b) Each committee shall be chaired by a person who holds a doctorate from an accredited university program with behavior analysis as a primary focus, is a board certified behavior analyst, has completed a dissertation that had behavior analysis as its central focus and has at least one year of experience in the provision of behavior analysis services for persons with developmental disabilities. However, if no one with these qualifications is available, then the chairperson must be a certified behavior analyst with at least the education and experience requirements for taking the board's behavior analyst examination.

(c) Local review committees may establish subcommittees within varied locations outside the area office or within large facilities, upon mutual agreement between an area office and a provider, or between a primary facility campus and remote locations, and operate under the rules governing local review committees within a program or programs operated by the provider. Subcommittees shall ensure that at least two participating members are certified behavior analysts who are not employed or contracted by the facility, and who have no interest in the behavior programs produced by it. The LRC shall remain responsible for the decisions of the subcommittees.

1. A sufficient number of LRCs shall be established to allow for the timely and thorough review of behavior analysis services.

2. Programs developed, implemented and submitted by a BCBA to the LRC chairperson following implementation may proceed forward until a decision is rendered by the LRC chairperson.

3. A provider submitting a behavior analysis services plan will be notified by the LRC chairperson within 21 days that the plan has been received with preliminary review completed.

4. Within 30 days of receipt of a behavior analysis services plan the LRC chairperson will notify the provider of the date the plan will be reviewed by the committee, if needed.

5. Behavior analysis services plans must be reviewed and a decision rendered within 90 days of receipt by the LRC chairperson.

6. At the time of review by the LRC, a decision will be rendered.

a. To "approve", and a review date established.

b. To "approve with modifications", and a review date established. Behavior analysis services plans developed, implemented and submitted by a BCBA may proceed forward and modifications submitted by the provider to the LRC chairperson within 30 days without further LRC review, until the next established review date.

c. To "not approve". Behavior analysis services plans that are not approved must be revised by the provider, and resubmitted within 14 working days. Based upon the modifications the LRC chairperson must render a decision orally and in writing within seven working days of receipt, in the language of the provider, and in English.

~~Subcommittees shall operate under the rules governing local review committees, however, the local review committees shall remain responsible for the decisions of the subcommittee.~~

2. Each LRC will be chaired by an individual meeting the qualifications above who is either an employee of the Agency or under contract to provide this service. Under no circumstances may the chair participate in the LRC review of his or her own services, services provided by or to a family member, or related services. Each subcommittee that oversees behavior analysis services of a single provider of a statewide program must be approved by the Agency in advance of the committee making decisions authorized by these rules.

~~(3)~~(2) The PRC statewide committee shall conduct on-site reviews of behavior analysis services including the operations of local review committees; provide training and technical assistance related to client and systemic behavior analysis services issues; ~~monitor the development of the behavior analysis certification examinations to ensure that they are consistent with practice and testing standards;~~ and provide recommendations regarding laws and regulations that affect behavior analysis services.

~~(4)~~(3) Each area office, and each developmental disabilities center institution, hereafter referred to as "facility," ~~institution~~ shall have a local review committee that shall oversee behavior analysis services provided to clients in their area or facility institution as specified in paragraphs (a)-(c), below:

(a) The committee shall review behavior analysis services programs as required in Rule 65G-4.010, F.A.C., if warranted, and as necessary, to ensure that behavioral programs are implemented as required and with the intended improvement in target behaviors ~~these services are designed and approved in accordance with Florida Statutes and Agency Rules.~~

1. The person who designed the services or a certified or licensed designee, who has sufficient knowledge of the plan and its implementation, shall be present during the initial committee review. A person with primary responsibility for the ongoing implementation and monitoring of the services shall be present at all future meetings at which the services are reviewed by the committee.

2. ~~The LRC chairperson~~ ~~Any person~~ can request that bring a behavior analysis services plan be brought before the committee for its review to ensure compliance with Chapter 393, Florida Statutes, and Chapter 65G-4 or 65G-8, F.A.C., and the Developmental Disabilities Waiver Services Coverage and Limitations Handbook (incorporated by reference in Rule 59G-13.083, F.A.C.)

(b) The committee shall monitor behavior analysis services in accordance with a monitoring schedule reviewed by the committee plan developed and approved by the committee to ensure that behavior analysis services are in compliance with Florida Statutes and the Agency rules. Approval of services includes the determination by the LRC chairperson that the individual designing and implementing the behavior analysis services is in compliance with subsection 65G-4.001(14), F.A.C., above, or is appropriately supervised.

(c) If reactive strategies continue without the implementation of required behavioral programs or behavior analysis services requiring review are not presented to the LRC or are not found to be in accordance with Florida law, the committee chairperson shall request that the Agency notify the behavior analyst, and when appropriate, the residential provider and behavior analyst's supervisor, of the services, orally at the time of review and in writing within ten days of review in the language of the provider or supervisor, and in English, of each area of non-compliance. If behavior analysis services are found not to be in accordance with Florida law, the committee shall notify the provider of the services, in writing and orally in the language of the provider and in English, of each area of non-compliance.

1. Absent emergency circumstances that threaten public health, safety or welfare, the provider shall have twenty (20) days within which to demonstrate compliance or present to the committee chairperson in writing evidence showing that the services being provided are in compliance with Florida Statutes and the Agency rules. The provider may present whatever evidence the provider deems appropriate to demonstrate that the provider is in compliance with Chapter 393, Florida Statutes, Chapter 65G-4 or 65G-8, F.A.C., and the Developmental Disabilities Waiver Services Coverage and Limitations Handbook (incorporated by reference in Rule 59G-13.083, F.A.C.) and the Agency rules.

2. If emergency circumstances exist for the recipient of behavioral services the committee chairperson may give instruction to the provider in how to proceed with services or to cease and desist from continued behavior analysis services, with other recommendations for necessary safeguards and supports.

3. If, however, the committee determines that the behavior analyst, and when appropriate, the residential provider, is not in compliance with Chapter 393, Florida Statutes, or Chapter 65G-4 or Chapter 65G-8, F.A.C. the Agency rules, or the

Developmental Disabilities Waiver Services Coverage and Limitations Handbook (incorporated by reference in Rule 59G-13.083, F.A.C), the committee chairperson shall report all facts and circumstances to the Agency in writing within five (5) days of the provider's response and request a final decision be made by the Agency.

4. Within twenty (20) days of such report, the Agency shall notify the committee, in writing, and the provider, in writing and orally in the language of the provider and in English, of its decision. In the event the Agency finds the provider is not in compliance with Florida Statutes or the Agency rules, the Agency shall allow the provider an additional ten (10) days to modify services to meet requirements revoke the provider's behavior analysis certification, require that the services being provided be discontinued and notify the provider of the provider's rights in accordance with Chapter 120, F.S. If modifications are not made within the time allotted, the Agency shall consider whether a recoupment action should be initiated, provider status should be revoked, supervision be required, complaint be submitted to the designated certification or licensing board, or the requirement that the services being provided be discontinued.

5. If modifications are not made within the time allotted in subparagraph 4. and the agency must take one of the actions in subparagraph 4., the agency shall consider whether any of the following occurred:

- a. Falsification of Documentation.
- b. Absence of documentation, such as graphs, behavioral assessments, behavior plans and required summaries.
- c. Lack of program monitoring as approved by the LRC.
- d. Failing to maintain a current behavior plan for an individual served.
- e. Failure to present behavior plan/s requiring LRC review.
- f. Failure to revise behavior plans based upon LRC recommendations or upon analysis of data and consistent with Chapter 65G-4, F.A.C.
- g. Failure to address behaviors related to health and safety.
- h. Failure to provide adequate supervision to behavior analysts and behavior assistants working under such service delivery arrangement.
- i. Failure to resubmit behavior plan revisions within time constraints established by the LRC.
- j. Repeated deficiencies that display lack of competence.
- k. Repeated use of restricted measures for problem behavior as itemized in subsection 65G-4.010(1), F.A.C., or use of reactive strategies without an LRC approved behavior analysis services plan.
- l. Consistent pattern of failure to return phone calls or email, reply to any correspondence or show up for scheduled service visits and cannot be located.

m. Failure to report abuse of a minor, or adult with disabilities as mandated by Florida Law.

n. Failure to report immediately to law enforcement of potentially life threatening situations such as possession of explosives, fire arms, weapons, toxic material or illegal substances by individuals with impaired judgment and behavioral issues.

o. Felony or misdemeanor related to the practice of behavior analysis or the health and safety of an individual.

p. Failure to abide by ethical guidelines of their professional certification or licensing body.

q. Assessment Report past due 30 day limit.

r. Behavior plan past due 90 day limit.

s. Documentation not submitted to the waiver support coordinator.

t. Non-Compliance with standards of Behavior Focus and Intensive Behavior homes, including a current behavior plan developed or revised within the year and reporting of reactive strategies.

u. Falsifying billing or billing at a higher rate than the analyst's qualifications warrant.

v. Billing for services in school settings.

w. Billing under behavior analysis for other activities that do not meet this service definition as described in the Developmental Disabilities Waiver Services Coverage and Limitations Handbook (incorporated by reference in Rule 59G-13.083, F.A.C.).

x. Failure to comply with the Developmental Disabilities Waiver Services Coverage and Limitations Handbook (incorporated by reference in Rule 59G-13.083, F.A.C.), Rules 65G-4.008, 65G-4.009, 65G-4.010, F.A.C., or Chapter 393, F.S.

6. Following a committee report set forth above, the Agency, after consideration of the factors set forth in subparagraph 5. above, may require additional supervision of the provider's services. The requirement for additional supervision may be a prerequisite for allowing the provider to continue to serve as an authorized behavior analysis services provider. Such required supervision shall include the following conditions:

a. Supervision must be provided by a Board Certified Behavior Analyst – Doctoral level, or a Board Certified Behavior Analyst, or a person licensed under Chapter 490 or 491, F.S., (Psychologist, School Psychologist, Clinical Social Worker, Marriage and Family Therapist or Mental Health Counselor), with evidence (e.g. work samples) of at least three years of experience in the application of Applied Behavior Analysis procedures approved by a local review committee, to persons with exceptional needs post certification or licensure;

b. Face-to-face meetings for up to two hours every two weeks or two hours per 40 hours of the provider's contact with clients. These meetings shall be between the provider and a board certified behavior analyst or a person licensed under

Chapter 490 or 491, F.S., during which the supervisor directs and evaluates the behavior analysis services provided by the provider;

c. The supervisor shall not be, at the time supervision is provided, the provider's subordinate or employee, spouse or family member. The supervisor shall not be considered an employee of the provider if the only compensation received by the supervising behavior analyst consists of payment for supervision; and

d. The provider's presentation of behavior analysis services designed and implemented by the provider, with a focus on graphic displays of data, at local review committee meetings, established in Rule 65G-4.008, F.A.C., may be substituted for up to 25 percent of the total supervision time required.

(5) Forms incorporated by Reference.

(a) Model LRC Bylaws are hereby incorporated by reference as Form APD-CBA – 1 (10/10).

(b) Model PRC Bylaws are hereby incorporated by reference as Form APD-CBA – 2 (10/10).

Anyone may acquire a copy of the model bylaws by contacting the ASBA at the APD Central Office, 4030 Esplanade Way, Tallahassee, Florida 32399. Email: apd\_info@apd.state.fl.us. Phone: (850)488-4257.

Rulemaking Specific Authority 393.125, 393.13(4)(g)3., 393.17 FS. Law Implemented 393.066, ~~393.067~~, 393.125, 393.13, 393.17 FS. History–New 9-23-96, Formerly 10F-4.029, 65B-4.029, Amended \_\_\_\_\_.

65G-4.009 Design, Implementation and Monitoring of Behavior Analysis Services.

(1) Providers of behavior analysis services shall provide services only as certified and as provided by law.

(2) All aspects of behavior analysis services shall be integrated by the provider with other relevant services and supports being provided to the client by the provider within the scope of authorized behavioral services.

(3) The selection of behavior analysis procedures and decisions by the provider to make environmental changes that obviate the need for the use of behavior change procedures shall be based upon information obtained through direct and indirect functional assessment or functional analysis ~~descriptive analysis or systematic environmental manipulations~~ designed to identify patterns of behavior and the functional relationships between the behavior or behaviors targeted for change and the environment. The assessment shall contain at minimum:

(a) Operational definitions of all behaviors targeted for change;

(b) Description of conditions under which the behavior is most likely and least likely to occur;

(c) Measures of current level of behavior targeted for change;

(d) Other relevant personal, social, medical, pharmacological or historical information that may impact on behavior targeted for change, if any;

(e) Putative functional relationships between targeted behavior and environment; and

(f) Recommendations for procedures to decrease maladaptive behavior and increase relevant appropriate alternative behavior.

(4) Behavior analysis services designed by the provider to decrease behavior shall include procedures for increasing functional replacement behavior, or acquisition of adaptive skills to serve as a functional alternative to the behaviors targeted for change.

(5) Behavior analysis procedures that are the least intrusive to the client and the most likely to be effective shall be used by the provider.

(6) Medical treatment to address purely medical etiologies or physical or occupational therapies to address behaviors that are related ~~are due~~ to physical limitations shall be provided concurrent with, or prior to, the implementation of behavior analysis services by the provider.

(7) Behavior analysis services shall not be provided continuously without appropriate considerations for maintenance and generalization of behavior change in relevant settings or a designation of criteria for termination of the interventions or services shall be addressed by the provider whenever behavior analysis services are provided.

(8) The provider shall ensure that persons responsible for implementing, monitoring and providing behavior analysis services receive performance-based training that prepares them to properly implement the behavior analysis procedures involved, within the circumstances under which the services will be provided.

(9) The provider shall take reasonable steps to ensure data collection that measurement for of behaviors targeted for increase change and decrease replacement behavior during the entire period services are in effect. Graphic displays of data on behaviors targeted for change shall be ~~kept~~ maintained and up-dated by the provider at least weekly, unless the local review committee determines that a less stringent requirement is acceptable for individual cases.

(10) The LRC local review committee shall approve the provider's behavior analysis services monitoring plan and specify the requirements for reporting of findings and data to the committee for behavior analysis services approved by the committee.

(a) Behavior analysis services plans are to be written as succinctly as is possible to effectively serve as a guide to those who will be implementing the plan.

(b)(a) The behavior analysis services plan Monitoring shall include, either in text or by reference to appropriate documents:

1. Identifying information for the individual affected by the plan. Documentation of when and by whom monitoring was done.

2. The name, signature and certification or licensure information of the individual who developed, supervises or approves the implementation of the procedures described in the plan. Examination and interpretation of data.

3. Objective statements of goals relative to behavior reduction and behavior acquisition resulting in program termination. Direct observations in the setting(s) where the plan is implemented, including the observation of the implementation of procedures or simulated implementation.

4. Rationale for intervention being warranted, and selection of proposed interventions, consistent with assessment results. Discussions with and observations of individuals who implement the behavior analysis procedures involved.

5. Medical, social and historical information including previous treatment programs relevant to the current problems being addressed. Determination that the services are in accordance with Florida Statutes and the Agency rules.

6. How and where behavioral services will be integrated with daily routines and other relevant services.

7. Identification of behaviors targeted for reduction.

8. Identification of behaviors targeted for acquisition or as replacement.

9. Data collection methods for behaviors targeted for reduction and acquisition.

10. Intervention procedures for behaviors targeted for reduction and acquisition.

11. Description of performance-based training for persons implementing procedures.

12. Techniques for maintaining and generalizing behavioral improvements, which could include the reduction and fading of behavioral services.

13. When employed, rationale for use of ancillary support staff, such as behavior assistants; a description of training, their routine or duties, performance monitoring and fading of services.

14. Methods of monitoring for programmatic fidelity and effectiveness, including but not limited to:

a. data analysis and interpretation.

b. Direct observation in the setting(s) where the plan is implemented, including the observation of the implementation of procedures or simulated implementation.

c. Discussions with supervisors, and observations of individuals who implement the behavior analysis procedures involved.

d. Schedule or frequency of monitoring, and who, by function or assignment, will conduct monitoring.

e. Determination that the services are in accordance with Florida Statutes and the Agency rules.

15. Signatures of informed participants as may be required by law and individuals authorized to approve the procedures.

(c)(b) Modifications to the behavior analysis service plan which include procedures listed in Rule 65G-4.010, F.A.C., approved by the LRC committee shall be documented and submitted by the provider to the committee chairperson within one week after the changes are made, for determination of need for committee review. A summary of the effects of and modifications to behavior analysis services plan shall be written by the provider at least annually. This summary will include a graphical display of data collected over the year with appropriate annotation of program modifications.

Rulemaking Specific Authority 393.13(4) FS. Law Implemented 393.0651, 393.066, 393.067, 393.068, 393.13, 393.17 FS. History—New 9-23-96, Formerly 10F-4.030, 65B-4.030, Amended \_\_\_\_\_.

#### 65G-4.010 Behavior Analysis Services Approval.

(1) All written plans describing behavior analysis services consistent with subsection 65G-4.009(10), F.A.C., shall be submitted to the local review committee chairperson within five working days following implementation. Behavior analysis services that include behavior analysis procedures that are designed to decrease the probability of the occurrence of a behavior by presenting, attenuating or removing a stimulus following each occurrence of the behavior to be reduced, behavioral contingencies designed to increase the probability of a behavior by removing or attenuating a stimulus following each occurrence of the behavior to be increased, and the use of satiation and deprivation procedures, hereafter referred to as restricted procedures, shall require the approval of one of the following practitioners prior to implementation.

(a) A certified behavior analyst who meets the education and experience requirements established in these rules for taking the behavior analyst certification examination.

(b) A person licensed pursuant to Chapter 490 or 491, F.S.

(2) All behavior analysis services designed to include restricted procedures or those services designed to address those actions of the individual which, without behavioral, physical, or chemical intervention can be expected to result in outcomes identified in subsection 65G-4.010(3), F.A.C., below and will be provided or supervised by a Certified Behavior Analyst as defined in subsection 65G-4.001(5), F.A.C., or a person licensed pursuant to Chapter 490 or 491, F.S.: In those cases where it is unclear whether behavior analysis services meet either criteria, the provider must contact the LRC chairperson to determine the need for LRC review. Approval by a certified behavior analyst who meets the education and experience requirements specified in these rules for taking the behavior analyst certification examination or a person licensed pursuant to Chapter 490 or 491, F.S., shall also be required prior to implementation for behavior analysis services that are designed to address those actions of the individual which, without behavioral, physical, or chemical intervention:

~~(a) Have resulted in self-inflicted, detectable, external or internal damage requiring medical attention or are expected to increase in frequency, duration, or intensity resulting in self-inflicted, external or internal damage requiring medical attention.~~

~~(b) Have occurred or are expected to occur with sufficient frequency, duration or magnitude that a life-threatening situation might result, including excessive eating or drinking, vomiting, ruminating, eating non-nutritive substances, refusing to eat, holding one's breath, or swallowing excessive amounts of air.~~

~~(c) Have resulted in external or internal damage to other persons that requires medical attention or are expected to increase in frequency, duration or intensity resulting in external or internal damage to other persons that requires medical attention.~~

~~(d) Have resulted or are expected to result in major property damage or destruction.~~

~~(e) Have resulted or are expected to result in arrest and confinement by law enforcement personnel.~~

(3) Written plans describing behavior analysis services must be submitted to the LRC chairperson, when: A written plan describing behavior analysis services approved for implementation pursuant to these rules shall be sent to the local review committee within five working days following implementation.

(a) Behavior analysis services include restricted procedures such as:

1. The contingent delivery or removal of events to reduce the probability of occurrence of a problem behavior, including but not limited to: extinction or withholding of reinforcement for those behaviors referenced in paragraph 65G-4.010(3)(b), F.A.C., response blocking for more than 15 seconds, contingent exercise, restitutional overcorrection, positive practice overcorrection, time-out and response cost.

2. The removal of an aversive event contingent upon the display of a behavior targeted for increase, including but not limited to, Functional Communication Training using removal of demands or noise as a reinforcer, and desensitization programs.

3. Access to abundant amounts of an event or stimulus so that it loses potency as a reinforcer, and severely restricted access to an event or stimulus to increase its potency as a reinforcer.

4. Behavioral protective devices, as defined in subsection 65G-8.001(4), F.A.C., and electronic devices for monitoring and signaling.

5. Dietary manipulations.

(b) Behavior analysis services address behaviors that:

1. Have resulted in self-inflicted, detectable damage, or resulted in external or internal damage requiring medical attention or are expected to increase in frequency, duration, or intensity resulting in self-inflicted, external or internal damage requiring medical attention.

2. Have occurred or are expected to occur with sufficient frequency, duration or magnitude that a life-threatening situation might result, including excessive eating or drinking, vomiting, ruminating, eating non-nutritive substances, refusing to eat, holding one's breath, or swallowing excessive amounts of air.

3. Have resulted in detectable damage, or external or internal damage to other persons that requires medical attention or are expected to increase in frequency, duration or intensity resulting in external or internal damage to other persons that requires medical attention.

4. Have resulted or are expected to result in major property damage or destruction.

5. Have resulted or are expected to result in arrest and confinement by law enforcement personnel.

6. Have resulted in the need or meet the characteristics for behavioral services in a Behavior Focused or Intensive Behavioral Residential Habilitation program.

7. Have resulted in the need for additional staffing or Behavior Assistant Services in one or more settings.

8. Have resulted in the repeated use of reactive strategies without a formal approved.

(c) Behavioral programs or manuals implemented as group contingencies or behavior change systems, including behavioral program manuals, level systems and token economies, are implemented. A written plans describing behavior analysis services approved for implementation pursuant to these rules shall be sent to the local review committee chairperson within five working days following implementation.

Rulemaking Specific Authority 393.13(4)(g)3. FS. Law Implemented 393.066, 393.067(14), 393.068, 393.13, 393.17 FS. History--New 9-23-96, Formerly 10F-4.031, 65B-4.030, Amended \_\_\_\_\_.

65G-4.011 Determination of Mental Retardation in Capital Felony Cases: Intellectual and Adaptive Functioning Intelligent; Tests to be Administered.

(1) When a defendant convicted of a capital felony is suspected of having or determined to have mental retardation, the standard criteria for determining mental retardation must be met. This means the defendant has significantly subaverage general intellectual functioning as determined by performance which is two or more standard deviations from the mean score on a standardized intelligence test, existing concurrently with deficits in at least two areas of adaptive behavior and manifested during the period from conception to age 18. Intelligence tests as well as tests of adaptive functioning to determine intellectual functioning as specified below shall be

administered by a qualified professional who is authorized in accordance with Florida Statutes to perform evaluations in Florida. The test shall consist of an individually administered evaluation, which is valid and reliable for the purpose of determining intelligence and adaptive functioning. In all cases, the test(s) used must be current at the time of assessment.

(a) The tests specified below shall be used for determining intelligence:

1.(a) The Stanford-Binet Intelligence Scale;

2.(b) Wechsler Intelligence Scale; or

3. If, given the condition of the individual to be tested, the Stanford-Binet Intelligence Scale or the Wechsler Intelligence Scales are not valid and reliable as determined by the person authorized to administer such tests as specified in subsection (1), an alternative test or evaluation procedure, administered and interpreted in conformance with instructions provided by the producer of the tests or evaluation materials, shall be used. The results of the testing or evaluation must include reference to published validity and reliability data for the specified test or evaluation procedure. Alternative tests shall include current versions of the:

a. Universal Nonverbal Intelligence Test;

b. Comprehensive Test of Nonverbal Intelligence; or

c. Wechsler Non-Verbal Test of Intelligence.

(b) Accepted tests for adaptive functioning include current versions of the following tests:

1. Vineland Adaptive Behavior Scales;

2. Adaptive Behavior Scale;

3. Adaptive Behavior Assessment System;

4. Adaptive Behavior Evaluation Scale; or

5. Scales of Independent Behavior.

(c) The psychologist completing the assessments should also:

1. Look for evidence of hospitalizations or treatments after age 18 based on conditions or injuries known to decrease cognitive and adaptive functioning;

2. Look for existence of a significant psychiatric diagnosis, history of psychiatric treatment, or the use of medicines or substances that decrease cognitive and adaptive function. Existence of such precludes a determination of eligibility unless it predates the applicant's 18th birthday;

3. Show validation of findings and make a recommendation to confirm diagnosis of retardation with onset prior to the age of 18; and

4. Look for academic and intellectual test results and records prior to the person's 18th birthday.

(2) Notwithstanding this rule, the court, pursuant to Section 921.137, F.S., is authorized to consider the findings of the court appointed experts or any other expert utilizing individually administered evaluation procedures which provide for the use of valid tests and evaluation materials, administered and interpreted by trained personnel, in conformance with

instructions provided by the producer of the tests or evaluation materials. The results of the evaluations submitted to the court shall be accompanied by the published validity and reliability data for the examination, and demonstrate whether the defendant meets all three criteria identified above for determining mental retardation.

Rulemaking Specific Authority 921.137(1) FS. Law Implemented 921.137(1) FS. History—New 1-13-04, Formerly 65B-4.032, Amended \_\_\_\_\_.

65G-4.012 Determination of Mental Retardation: ~~Intelligence:~~ Tests to be Administered.

(1) For the purposes of Chapters 393, 916, and Section 921.137, F.S., the Stanford-Binet Intelligence Scale or the Wechsler ~~Adult & Infant~~ Intelligence Scales, administered by or under the direct supervision of a psychologist or school psychologist licensed under Chapter 490, F.S., shall be used to establish determine mental retardation and the level of intellectual functioning, as one of the three criteria required for determining mental retardation. Significantly subaverage general intellectual functioning existing as determined by performance which is two or more standard deviations from the mean score on a standardized intelligence test, existing concurrently with deficits in adaptive behavior must also be present and both must be manifested during the period from conception to age 18. In all cases, the test(s) used must be current at the time of assessment.

(2) Notwithstanding subsection (1), if, given the condition of the individual to be tested, the Stanford-Binet Intelligence Scale or the Wechsler ~~Adult & Infant~~ Intelligence Scales are not valid and reliable as determined by the person authorized to administer such tests as specified in subsection (1), a current version of an alternative test or evaluation procedure, administered and interpreted in conformance with instructions provided by the producer of the tests or evaluation materials, may be used. The results of the testing or evaluation must include reference to published validity and reliability data for the specified test or evaluation procedure. Tests that shall be used in situations where the Stanford-Binet or Wechsler scales are invalid or unreliable include:

- (a) Differential Abilities Scales;
- (b) Bayley Scales of Infant and Toddler Development;
- (c) Leiter International Performance Scale;
- (d) Universal Nonverbal Intelligence Test;
- (e) Test of Nonverbal Intelligence;
- (f) Comprehensive Test of Nonverbal Intelligence; or
- (g) Wechsler Nonverbal Scale of Ability.

(3) Deficits in adaptive behavior are defined as either an overall score or scores in two or more areas of a standardized measure of adaptive behavior that fall more than two standard deviations below the mean of the test. In all cases, the test(s) used must be current at the time of assessment. Accepted tests for adaptive functioning include:

- (a) Vineland Adaptive Behavior Scales;
- (b) Adaptive Behavior Scale;
- (c) Adaptive Behavior Assessment System;
- (d) Adaptive Behavior Evaluation Scale; and
- (e) Scales of Independent Behavior.

(4) In cases where there is a statistically significant difference between scores on an intelligence test, variability in subtest scores, or variability in scores obtained in different assessments, individual scores may not indicate mental retardation and should not be relied upon as a valid score. In these cases the following factors should also be considered:

- (a) The overall pattern of scores;
- (b) School records;
- (c) School placement;
- (d) Achievement scores;
- (e) Behavior during testing; and
- (f) The psychosocial situation at the time of testing.

(5) In cases where there are no test scores available prior to the age of 18, determination may be based on test scores after the age of 18 combined with the following:

(a) A social history obtained from a family member or someone who has known the applicant since childhood indicating:

1. Developmental milestones and age of onset of problems of concern;
2. Reason why services were not previously requested; and
3. Schools or training facilities person attended and types of placement and services received.

(b) The psychologist or other Agency for Persons with Disabilities staff should:

1. Look for evidence of hospitalizations or treatments after age 18 based on conditions or injuries known to decrease cognitive and adaptive functioning;
2. Look for existence of a significant psychiatric diagnosis, history of psychiatric treatment, or the use of medicines or substances that decrease cognitive and adaptive function. Existence of such precludes a determination of eligibility unless it predates the applicant's 18th birthday; and
3. Show validation of findings and make a recommendation to confirm diagnosis of retardation with onset prior to the age of 18.

Rulemaking Specific Authority 921.137, 393.063(38), 916.106, 393.501(1) FS. Law Implemented 921.137, 393.063(38), 916.106 FS. History—New 6-13-06, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Steve Coleman, PhD., Senior Behavior Analyst, Agency for Persons with Disabilities, Residential and Clinical Support, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, Email: steve\_coleman@apd.state.fl.us, phone: (850)488-4257

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jim DeBeaugrine, Director  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 9, 2010  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 23, 2009

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: 68A-13.003  
 RULE TITLE: Hunting Regulations for Ducks, Geese, and Coots

PURPOSE AND EFFECT: The purpose of the proposed rule change is to establish bag limits for taking ducks in conformance with federal regulations. Rule wording would be changed to increase the bag limit for pintails to two.

SUMMARY: The rule amends migratory bird hunting regulations to establish duck, goose, and coot season dates and bag limits.

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.

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

DATES AND TIME: During the regular meeting of the Commission, December 1-2, 2010, 8:30 a.m. – 5:00 p.m., each day

PLACE: Hyatt Regency Bonaventure Conference Center, 250 Racquet Club Road, Weston, 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: The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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-13.003 Hunting Regulations for Ducks, Geese, and Coots.

The Commission has approved the following regulations and bag limits for taking ducks, geese, and coots:

- (1) Duck, light goose, and coot season:
  - (a) through (e) No change.
  - (f) Limits: The possession limit for ducks and coots shall be two days' bag limit. There shall be no possession limit for light geese. Light geese include only snow (including blue) and Ross' geese.

1. Ducks: The daily bag limit for ducks is six, including no more than four mallards, of which only two can be females, two scaup, four scoters, three wood ducks, two redheads, ~~two~~ one pintails, one canvasback, one black duck, one Florida duck (mottled duck), and one fulvous whistling-duck. In addition to the daily bag limit for ducks, the daily bag limit for mergansers is five, only two of which may be hooded mergansers.

- 2. through 3. No change.
- (2) through (5) No change.

PROPOSED EFFECTIVE DATE: As soon as possible after adoption by the Commission.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 10-23-79, 8-19-80, 9-29-81, 8-30-82, 7-27-83, 8-13-84, 8-13-85, 10-1-85, Formerly 39-13.03, Amended 8-5-86, 8-24-87, 8-18-88, 12-12-88, 8-17-89, 10-30-89, 8-9-90, 10-31-90, 8-22-91, 10-31-91, 8-23-92, 10-22-92, 9-2-93, 10-28-93, 11-6-94, 10-23-95, 10-20-96, 8-7-97, 10-28-97, 11-12-98, 6-23-99, Formerly 39-13.003, Amended 11-7-00, 5-13-02, 5-1-03, 7-1-04, 7-1-05, 2-1-06, 7-1-06, 1-9-07, 1-8-08, 7-1-08, 1-6-09, 1-19-10, 7-1-10,\_\_\_\_\_.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

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



**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

<p>RULE NOS.:</p> <p>68B-45.004</p> <p>68B-45.0045</p> <p>68B-45.007</p>	<p>RULE TITLES:</p> <p>Regulation and Prohibition of Certain Harvesting Gear</p> <p>Closed Seasons</p> <p>Blue Crab Effort Management Program</p>
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**PURPOSE AND EFFECT:** The purpose of these rule amendments is to modify the Commission’s Blue Crab Rule in order to improve the commercial effort management program and to modify the closed seasons to the harvest of blue crabs from traps in order to lessen their impact on the commercial fishery and improve the removal of lost and abandoned blue crab traps from state waters. Most of these rule amendments were discussed and recommended by the Blue Crab Advisory Board, which is a board that considers and advises the Commission on the blue crab effort management program and issues in the commercial fishery. The purpose of modifying Rule 68B-45.004, F.A.C., is to widen the scope of the commercial trap pulling petition to allow the use of a harvester’s own vessel in the case of equipment failure. The purpose of modifying Rule 68B-45.0045, F.A.C., is to lessen the impact of the trap harvest closures on commercial crabbers and concentrate the effort in each region by holding the closures every other year. Finally, the purpose of modifying Rule 68B-45.007, F.A.C., is to allow commercial harvesters to transfer their endorsements for a longer period throughout the year, to allow trap tags to be ordered at any time and to clarify confusing rule language regarding holding multiple soft shell endorsements.

**SUMMARY:** Rule 68B-45.004, F.A.C., (Regulation and Prohibition of Certain Harvesting Gear) would be amended by changing the language regarding the commercial trap pulling petition, which allows a harvester to designate another individual to pull their traps on a short, temporary basis, due to illness or equipment failure. The rule would be amended to allow a commercial harvester to designate another of their own vessels from which their traps may be pulled. Rule 68B-45.0045, F.A.C., (Closed Seasons) would be amended by modifying the frequency of the blue crab 10-day trap harvest closures so they occur every other year by coast versus holding all closures statewide annually. Rule 68B-45.007, F.A.C., (Blue Crab Effort Management Program) would be amended by creating a transfer window where blue crab license endorsements may be transferred, from May 1 through the end of February each year. Additionally, the section would be amended by rewording the language regarding ordering tags by stating an endorsement holder could order trap tags at any time of the year and that only up to two soft shell blue crab endorsements can be held at one time.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** The agency has determined that this rule will \_\_\_or will not Xhave 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.

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

**DATES AND TIME:** During the regular meeting of the Commission, December 1-2, 2010, 8:30 a.m. – 5:00 p.m., each day

**PLACE:** Hyatt Regency Bonaventure Conference Center, 250 Racquet Club Road, Weston, 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: The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Mark Robson, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, and (850)487-0554

**THE FULL TEXT OF THE PROPOSED RULES IS:**

68B-45.004 Regulation and Prohibition of Certain Harvesting Gear.

(1) through (9) No change.

(10) During any time of the year when it is legal to transport blue crab traps, a harvester may seek permission from the Division of Law Enforcement to allow the use of another vessel owned by the same harvester or another person to transport, deploy, pull, or retrieve his or her traps. Permission will be granted upon receipt of a written statement signed by ~~both~~ the commercial harvester seeking to have his or her traps pulled and by the person designated to pull the traps, if applicable, which statement also shall contain the following:

(a) The reason the harvester needs to have his or her traps pulled;

(b) The numbers of the saltwater products license and blue crab endorsement of both the harvester seeking to have the traps pulled and the person or other vessel who will be pulling the traps;

(c) The buoy colors of the harvester seeking such permission;

(d) The name and number of the vessel to be used by the person who will be pulling the traps;

(e) The general locations of the pulling activity of the vessel to be engaged in pulling the traps; and

(f) The dates the other person or vessel will be transporting, deploying, pulling or retrieving the traps.

Permission to pull traps in this manner shall be obtained daily by telephone from the Division of Law Enforcement for a maximum of 5 days without renewal or extension of the request. Permission to have traps pulled using another vessel owned by the same harvester or by another person for a longer period of time must be based on extraordinary circumstances such as severe personal or family illness or accident or major equipment problem, and shall be obtained through petition to the Division of Law Enforcement on Commission Form DMF-SL4590 (01-11) ~~(01-06)~~ (Blue Crab Trap Pulling Petition), herein incorporated by reference, and will be granted upon such conditions as the Division deems appropriate for the protection of the resource. It shall be the responsibility of the commercial harvester, or a member of the harvester's immediate family, to petition the Division. The petition shall include a complete description of the extraordinary circumstances with corroborating documentation, the amount of additional time requested, the number of traps to be pulled, and if designating another person a signed statement from the other person, attesting to his/her willingness and ability to pull these traps during this time period as well as an awareness of all rules governing the blue crab fishery. If the person designated to pull the petitioner's traps does not possess a saltwater products license with restricted species and a blue crab endorsement, the petitioner, as the license holder of record must possess a vessel saltwater products license and shall be held accountable for the designee's compliance with all regulations governing the blue crab fishery.

(g) If designating another vessel, the vessel must be commercially registered and the following vessel marking requirements apply: The buoy color and license number shall be conspicuously displayed on the vessel used for setting the traps and buoys, so as to be readily identifiable from the air and water, in the following manner:

1. From the Air – The buoy design shall be displayed on the uppermost structural portion of the vessel and displayed horizontally, unobstructed, with the painted design up on a circle 20 inches in diameter, outlined in a contrasting color, together with the permit numbers beneath the circle in numerals no smaller than 10 inches in height.

2. From the Water – The buoy design shall be displayed and affixed vertically to both the starboard and port sides of the vessel near amidship. The display shall exhibit the buoy design, unobstructed, on a circle 8 inches in diameter, outlined in a contrasting color, together with the permit numbers beneath the circle in numerals no smaller than 4 inches in height.

PROPOSED EFFECTIVE DATE: January 26, 2011.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 12-14-93, Amended 6-1-94, 1-1-95, 10-4-95, 9-30-96, 1-1-98, 6-1-99, Formerly 46-45.004, Amended 2-28-02, 10-21-04, 3-1-05, 3-30-06, 9-21-06, 10-15-07, 1-26-11.

68B-45.0045 Closed Seasons.

(1) In order to facilitate the identification and removal of lost and abandoned traps the following restrictions shall apply.

(a) The use of traps to harvest blue crabs is prohibited for a period of up to ten days ~~annually~~ in the following regions:

1. All waters of the St. Johns River, its associated lakes and tributaries from west of the St. Johns River's intersection with the Intracoastal Canal through and including Lake Hellen Blazes from January 16 through January 25 of even numbered years;

2. All waters of Nassau, Duval, Clay, St. Johns, Putnam, Flagler, and Volusia counties from August 20 through August 29 of even numbered years, however, not including waters listed in subparagraph (1)(a)1. of this paragraph;

3. All waters of Brevard, Indian River, St. Lucie, Martin, and Palm Beach counties from August 10 through August 19 of even numbered years, however, not including waters listed in subparagraph (1)(a)1. of this paragraph;

4. All waters of Broward, Miami-Dade, Monroe, Collier, Lee, Charlotte, DeSoto, Sarasota, Manatee, Hillsborough, Pinellas, and Pasco counties from July 10 through July 19 of odd numbered years;

5. All waters of Wakulla, Jefferson, Taylor, Dixie, Levy, Citrus, and Hernando counties and including all waters of the Ochlockonee River and Ochlockonee Bay from July 20 through July 29 of odd numbered years;

6. All waters of Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, and Franklin counties from January 5 through January 14 of odd numbered years, however, excluding all waters of the Ochlockonee River and Ochlockonee Bay.

(b) through (e) No change.

(2) through (3) No change.

PROPOSED EFFECTIVE DATE: January 26, 2011.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 7-1-09, Amended 1-26-11.

68B-45.007 Blue Crab Effort Management Program.

(1) through (4) No change.

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

(f) No single V-S endorsement number holder may hold more than two V-S endorsement numbers at any one time.

(6) No change.

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

(d) Each person who possesses a blue crab effort management endorsement number ~~shall must~~ annually submit a blue crab effort management endorsement trap tag order application form ~~(DMF SL4520 (05-05), incorporated herein by reference) within the time frame specified in paragraph (e) stating the number of tags they wish to receive, up to the maximum specified in subsection (4) or (5) from February 1 through March 15 to ensure receipt of tags before the beginning of the next license year. However, tags ordered after this time period may not be available prior to the beginning of the next license year.~~

~~(e) Blue crab effort management endorsement trap tag order applications for each license year will only be accepted from February 1 through March 15 of the prior license year, except as specified in paragraph (f).~~

~~(e)(f) Trap tags Additional authorized trap tags not ordered within the time frame specified in paragraph (e) may only be ordered in blocks of 50 tags.~~

(g) through (i) renumbered (f) through (h) No change.

(8) through (14) No change.

(15)(a) through (b) No change.

(c) A person who wishes to transfer an endorsement number shall submit a notarized statement of intent within 72 hours of the final notarized signature, that has been signed by both parties to the transaction, hand delivered, or sent by United States Postal Service certified mail, return receipt requested, to the Commission between May 1 and the end of February. Requests received by the Commission before May 1 or postmarked after the end of February of the current license year will not be processed. The statement of intent (Form DMF-SL 4560 (09-06), incorporated herein by reference), shall include the following information:

1. The name, address, and SPL number of seller;
2. The name, address, and SPL number of buyer; and
3. The selling price.

(d) No change.

(16) through (18) No change.

PROPOSED EFFECTIVE DATE: January 26, 2011.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 5-26-05, Amended 3-30-06, 9-21-06, 7-31-07, 1-26-11.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mark Robson, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 2, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 5, 2010

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
69A-47.011	Adoption of the Florida Elevator Safety Code
69A-47.012	Uniform Elevator Keys
69A-47.019	Lockboxes

PURPOSE AND EFFECT: The purposes of the rule amendments are to clarify the effective date of Rule Chapter 61C-5, F.A.C., adopted by reference, and conform the rules to recent legislative changes. The effect of the rule amendments is to authorize the use of an elevator key lockbox in lieu of requiring a uniform regional elevator key, when the lockbox and its placement meet the requirements of the rule.

SUMMARY: Rule Chapter 69A-47, F.A.C., establishes uniform standards for elevator fire safety. The rules require elevator accessibility by emergency responders using a regional universal key. Rule 69A-47.011, F.A.C., adopts a rule promulgated by the Department of Business and Professional Regulations by reference, but does not designate a version of the rule. The amendment clarifies that the rule in effect on the date of adoption is the version adopted. Rules 69A-47.012 and 69A-47.019, F.A.C., allow building owners to install lockboxes accessible by a regional key in lieu of rekeying the elevators to fit the regional key. Previously, the building owner needed the express permission of the local authority having jurisdiction. The amendments conform the rules to new legislation which allows lockboxes without the approval of the authority having jurisdiction, when the configuration meets the requirements of the rules.

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: 399.15, 633.01 FS.

LAW IMPLEMENTED: 633.01, 633.022, 399.15 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: November 22, 2010, 10:00 a.m.

PLACE: Third Floor Conference Room, Atrium Building, 325 John Knox Road, 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: Jim Goodloe, Chief, Bureau of Fire Prevention, (850)413-3620; Jim.Goodloe@myfloridacfo.com If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jim Goodloe, Chief, Bureau of Fire Prevention, (850)413-3620; Jim.Goodloe@myfloridacfo.com

THE FULL TEXT OF THE PROPOSED RULES IS:

69A-47.011 Adoption of the Florida Elevator Safety Code.

(1) The following shall be in compliance with those standards adopted in Chapter 61C-5, F.A.C., Florida Elevator Safety Code, the iteration effective as of 4-2-09, which is hereby adopted and incorporated by reference:

- (a) Enclosures of elevator hoistways, machine rooms, and machine spaces;
- (b) Automatic smoke detectors and heat detectors;<sup>3</sup> and
- (c) Automatic sprinklers in hydraulic and non-hydraulic elevators.

(2) Chapter 61C-5, F.A.C., Florida Elevator Safety Code may be obtained by writing to the Department of Financial Services, Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida, 32399-0342, or on the web at <https://www.flrules.org/gateway/ChapterHome.asp?Chapter=61C-5>.

Rulemaking Specific Authority 633.01 FS. Law Implemented 633.01, 633.022 FS. History–New 8-16-01, Formerly 4A-47.011, Amended \_\_\_\_\_.

69A-47.012 Uniform Elevator Keys.

(1) As used in Rules 69A-47.012 through 69A-47.019, F.A.C., “these rules” refers to Rules 69A-47.012 through 69A-47.019, F.A.C.

(2) Each lock for all elevators in each region of the seven emergency response regions in this state that permits public access must be keyed for one master elevator key as required in these rules, unless an alternative as authorized by Rule 69A-47.019, F.A.C., has been implemented.

(3) The purpose of these rules is to implement Section 399.15, F.S., to allow all elevators within each of the seven state emergency response regions to be operated by firefighters in a fire emergency.

Rulemaking Specific Authority 399.15 FS. Law Implemented 399.15 FS. History–New 6-6-06, Amended \_\_\_\_\_.

69A-47.019 Lockboxes.

(1) As an alternative to compliance with Rule 69A-47.012, F.A.C., a building owner may provide for ~~If the local fire official determines that it is technically, financially, or physically impossible to bring a building’s elevators into compliance with this rule, the local fire official may accept as an alternative~~ the installation of a keyed lock box that accepts the uniform key for that specific region. The lock box shall be installed in accordance with this section.

~~(2) The local fire official’s decision regarding the alternative measure may be appealed to the State Fire Marshal whose decision shall constitute final agency action for purposes of Chapter 120, F.S. An appeal may be instituted by the appellant writing a letter to the Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32399-0342.~~

~~(2)(3)~~ Alternative installation of Lock Boxes.

(a) The lock box shall ~~is permitted to~~ be installed flush or recessed mounted.

(b) The lock box’s front cover shall be hinged on the right side and shall be engraved or painted with the words “Fire Department Use Only – Elevator keys.”

(c) The lock box shall be mounted at each elevator bank at the lobby nearest to the lowest level of fire department access.

(d) Only keys used for the operation of the elevator or an elevator component shall be placed inside the lock box.

~~(3)(4)~~(a) In buildings subject to these alternative lock box provisions which house two or more different elevator banks, a single lock box may be used when such banks are separated by not more than 30 feet.

(b) In the buildings specified in paragraph (a) with elevators or elevator banks separated by more than 30 feet, separate lock boxes must be used for each elevator or elevator bank so separated.

Rulemaking Specific Authority 399.15 FS. Law Implemented 399.15 FS. History–New 6-6-06, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jim Goodloe, Chief, Bureau of Fire Prevention, 850-413-3620;  
Jim.Goodloe@myfloridacfo.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 26, 2010  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 1, 2010

Section III  
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: 12A-19.021  
RULE TITLE: Communications Services Tax Brackets

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. 21, May 28, 2010 issue of the Florida Administrative Weekly.

A Notice of Change published in Vol. 36, No. 31, p. 3586, August 6, 2010, edition of the Florida Administrative Weekly.

In response to public written comments received by the Department and made a part of the public hearing held September 27, 2010, the "Instructions" for the Communications Services Tax Bracket Rate Card, incorporated by reference in Rule 12A-19.021, F.A.C., has been changed, so that when adopted, those instructions will read:

Instructions: 1) Enter the CST rate.\* 2) Press Enter. 3) Print.

\* To find the total local tax rate, use the Jurisdiction Rate Table worksheet.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

RULE NO.: 15-1.012  
RULE TITLE: Delegation of Authority

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 33, August 20, 2010 issue of the Florida Administrative Weekly.

15-1.012 shall have the following paragraph (20) deleted:

~~(20) The Executive Director shall report to the Governor and Cabinet at least quarterly actions taken under sub sections (5), (8), (9), (11), (12), (13), (14) and (18).~~

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Driver Licenses

RULE NOS.: 15A-12.001  
RULE TITLES: Purpose  
15A-12.002 Definitions and Course Curriculum  
15A-12.003 Exemptions  
15A-12.004 Application to Become a Sponsor  
15A-12.005 Additional Program Requirements  
15A-12.006 Regulation of Authorized Program  
15A-12.007 RiderCoaches  
15A-12.008 Program Compliance

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 33, August 20, 2010 issue of the Florida Administrative Weekly.

15A-12.001 Purpose.

The Florida Motorcycle Safety Education Program shall be known as the Florida Rider Training Program (F RTP). Its purpose is to provide motorcycle safety training, course curriculum and the certification of instructors.

Rulemaking Authority 322.02(6), ~~322.025~~, ~~322.0255(+)~~, (6) ~~and (7)~~, ~~and 322.12(5)(a)~~ FS. Law Implemented 322.0255, 322.12(5)(a) FS. History—New\_\_\_\_\_.

15A-12.002 Definitions and Course Curriculum.

(1) Basic Rider Course (BRC) – Standard beginner 15 hour motorcycle rider course as adopted by the Motorcycle Safety Foundation (MSF) and required for licensure to operate a motorcycle. The course curriculum shall be that prescribed by the Motorcycle Safety Foundation (MSF) and will included the Basic ~~R~~rider Course RiderCoach Guide, the Basic Rider Course Handbook and Basic Rider Course Range Cards, copies of which can be obtained by contacting the Motorcycle Safety Foundation, 2 Jennifer Street, Suite 150, Irvine, CA 92618, (949)727-3227, or from its website, [www.msf-usa.org](http://www.msf-usa.org).

(2) Basic Rider Course – 2 (BRC-2) – Advanced motorcycle rider course as adopted by the Motorcycle Safety Foundation (MSF), designed as a skill enhancement course. The student shall use their own motorcycle. This course is not required for licensure. The curriculum shall consist of the Basic Rider Course RiderCoach Guide as adopted by the Motorcycle Safety Foundation (MSF) for RiderCoaches covering advanced rider course materials and administration, facilities and equipment, instructional planning, course teaching, classroom units, range exercises, and RiderCoach training, including the Basic Rider Course Suite (Rider Classroom Cards and RiderCoach Range and Classroom Cards), copies of which can be obtained by contacting the

Motorcycle Safety Foundation, Communications Department, 2 Jennifer Street, Suite 150, Irvine, CA 92618, (949)727-3227, or from its website, www.msf-usa.org.

~~(2) Certified Range Aid – RiderCoach candidate or other person who successfully completed the skills portion of the Basic Rider Course (BRC) and who is employed by a Sponsor to assist in approved training.~~

~~(3) Consultants – Individuals providing contract services for regulation of the Program, including performing Quality Assurance inspections and assisting with the RCP.~~

~~(3)(4) Department – The Department of Highway Safety and Motor Vehicles (DHSMV).~~

~~(5) Experienced Rider Course (ERC) – Advanced motorcycle rider course as adopted by the Motorcycle Safety Foundation (MSF), designed as a skill enhancement course. The student may use their own motorcycle. This course is not required for licensure. The curriculum shall consist of the Experienced Rider Course RiderCoach Guide as adopted by the Motorcycle Safety Foundation (MSF) for RiderCoaches covering advanced rider course materials and administration, facilities and equipment, instructional planning, course teaching, classroom units, range exercises, and RiderCoach training, including the Experienced Rider Course Suite (Rider Classroom Cards and RiderCoach Range and Classroom Cards), copies of which can be obtained by contacting the Motorcycle Safety Foundation, Communications Department, 2 Jennifer Street, Suite 150, Irvine, CA 92618, (949)727-3227, or from its website, www.msf-usa.org.~~

~~(4)(6) Intern/Mentoring Program – Program for candidates seeking certification Florida recognition as a RiderCoaches.~~

~~(5)(7) Letter of Authorization – Letter from the Department to the Sponsor authorizing the Sponsor to conduct the Program in Florida.~~

~~(6)(8) Motorcycle Safety Foundation (MSF) – A national, non-profit organization promoting the safety of motorcyclists with programs in rider education, operator licensing and public information.~~

~~(7)(9) Online Data Exchange System – An online reporting system used by Sponsors to submit student Rider Course scores to the Department.~~

~~(8)(10) Program – Florida Motorcycle Safety Education Program or Florida Rider Training Program.~~

~~(9)(11) Program Manager – The individual who oversees the day-to-day operation of the state motorcycle safety program for the Department. FRTP Regional Coordinators are Department employees who operate under the supervision of the Program Manager.~~

~~(10)(12) Quality Assurance – Informational audits or on-site inspections conducted by MSF or FRTP staff of contractors pursuant to a program adopted by MSF, to ensure the program and instructional quality.~~

(11) Range Aide – Any person 18 years of age or older who successfully completed the Basic Rider Course (BRC), and has a motorcycle endorsement.

(12)(13) RiderCoach – FRTP Certified Rider Course Instructor, as set forth in these rules.

(13)(14) RiderCoach Intern – Candidate/Individual who gains supervised professional experience through the Intern/Mentoring Program.

(14) RiderCoach Preparation (RCP) – Training for individual who wishes to gain national certification as a RiderCoach.

(15) RiderCoach Trainer – RiderCoach certified by MSF who that trains RiderCoaches.

(16) Rules of Professional Conduct – Statement of conduct by which all FRTP certified recognized RiderCoaches are to abide by when conducting courses, as set forth in HSMV Form 72201 (10/2006), a copy of which may be obtained from the FRTP website (<http://motorcycles.flhsmv.gov>) under “Forms”, or by contacting the Florida Rider Training Program, 2900 Apalachee Parkway, Neil Kirkman Building, MS 88, Room A226, Tallahassee, Florida 32399-0571 as described in Rule 15A-12.009, F.A.C.

(17)(16) Sidecar/Trike Education Program (S/TEP) – Motorcycle course for individuals who intend to drive a motorcycle with more than two wheels or attached sidecar as adopted by the Evergreen Safety Council (ESC); Sidecar/Trike Education Program Instructor Manual, copies of which can be obtained by contacting Evergreen Safety Council, 401 Pontius Avenue North, Seattle, WA 98109, (206)382-4090 or (800)521-0778, or at [esc@esc.org](mailto:esc@esc.org), or visit [www.esc.org/sidecar.html](http://www.esc.org/sidecar.html).

(18)(17) Sponsor – The individual or entity which provides or intends to provide motorcycle safety training Program services in Florida.

(19)(18) Update – Recertification Program or course updates for RiderCoaches in order to maintain RiderCoach status.

Rulemaking Authority 322.02(6), ~~322.025~~, 322.0255(2), (6) and (7), and ~~322.12(5)(a)~~ FS. Law Implemented 322.0255, 322.12(5)(a) FS. History—New\_\_\_\_\_.

#### 15A-12.003 Exemptions Reciprocity.

~~(1) Motorcycle training programs recognized, approved, licensed, or certified by another state or country's driver license authority, that are recognized by FRTP as being similar to the motorcycle safety training program in this State.~~

~~(2) Persons holding a valid driver license that includes a motorcycle endorsement or equivalent from those states, countries or organizations listed below are not required to undergo additional motorcycle training in this state in order to obtain a motorcycle endorsement. The motorcycle~~

endorsement requirements are waived, if an individual has a driver license that includes a motorcycle endorsement from any one of the following:

~~(1)(a)~~ Any state, (except Alabama), unless the customer presents a valid Motorcycle Safety Foundation course completion card that is not more than one year old.

~~(2)(b)~~ United States Territories, Possessions (including Panama Canal Zone if issued prior to January 1, 2000).

~~(3)(c)~~ Canada

~~(4)(d)~~ France

~~(5)(e)~~ Germany

~~(6)(f)~~ Taiwan

~~(7)(g)~~ United States Military

Rulemaking Authority 322.02(6), ~~322.0255~~, 322.0255(6) and (7), and ~~322.12(5)(a) and (b)~~ FS. Law Implemented 322.0255, 322.12(5)(a), FS. History—New \_\_\_\_\_.

#### 15A-12.004 Application to Become a Sponsor.

(1) Locate a suitable area for a range. An unobstructed area of 200' x 300' is recommended. Potential alternatives can be found on the MSF website, [www.msf-usa.org](http://www.msf-usa.org). A request for any range approval shall be made electronically or in writing to FRTP to secure a letter of authorization with FRTP.

(2) Obtain a written statement from the property owner providing permission to use the property for motorcycle safety courses.

(3) Persons or entities desiring to act as Sponsors must first qualify with MSF as an entity affiliated with the FRTP that is responsible for motorcycle safety and education in which the Sponsor agrees to teach current MSF RiderCourse curricula and does so through RiderCoaches certified according to MSF and FRTP standards. MSF qualifications require completion and use of ~~Complete~~ the forms listed below, which include the student course waiver and indemnification agreement, reporting and insurance requirements and driving range layout, all of which are conditions of MSF for utilizing their course and instructor certifications. Copies are available from the MSF website, [www.msf-usa.org](http://www.msf-usa.org), Training Site Support, Rider Education Recognition Program (RERP) Forms or by contacting the FRTP, 2900 Apalachee Parkway, Neil Kirkman Building, MS 88, Room A226, Tallahassee, Florida 32399-0571:

(a) Rider Education Recognition Program (RERP) Agreement, HSMV Form 77091 (10/2010).

(b) Addendum to RERP Agreement-Independent Sponsor, HSMV Form 77092 (10/2010).

~~(c)(b)~~ Rider Education Recognition Program (RERP) Application, HSMV Form 77093 (10/2010).

~~(e)~~ Rider Education Recognition Program (RERP) Range Application.

(d) MSF Rider Course Range Information Form, HSMV Form 77094 (10/2010).

(e) Motorcycle Safety Course Waiver & Indemnification, HSMV Form 77095 (10/2010).

(4) The Regional Coordinator will verify the range area and all forms will be sent to the FRTP Program Manager who will sign and forward them to MSF for approval.

(5) MSF will send a letter of approval to the applicant with a copy to the FRTP Program Manager.

(6) Once FRTP receives clearance from MSF, FRTP will initiate the letter of authorization process.

(7) The Letter of Authorization will be signed by the Director of the Division of Driver Licenses or her designee and provided to the Sponsor.

(8) Only when the applicant receives both official documents, will they be able to start classes.

(9) Any change in the information provided by the applicant must be approved by FRTP. A letter of authorization shall not be transferable. The program shall notify FRTP at least 90 days prior to the effective date of a proposed change in the program's corporate structure. FRTP shall review the proposed changes and may request additional information from the program.

(10) The Sponsor shall be given Primary and Secondary signatory templates designed to designate approval authority for the motorcycle safety course classes. The Sponsor shall keep a record of Online Data Exchange System signatories, signatory ID's and clerical additions.

Rulemaking Authority 322.02(6), ~~322.025~~, 322.0255(1), (2), (4), (6) and (7), and ~~322.12(5)(a)~~ FS. Law Implemented 322.0255, 322.12(5)(a) FS. History—New \_\_\_\_\_.

#### 15A-12.005 Additional Program Requirements.

(1) An organization authorized to conduct the ~~motorcycle safety education~~ program shall adhere to the following:

(a) All RiderCoaches must abide by the FRTP Rules of Professional Conduct, HSMV Form 72201 (10/2010), which is incorporated by reference, copies of which may be obtained from the FRTP website (<http://motorcycles.flhsmv.gov>) under "Forms", or by contacting the Florida Rider Training Program, 2900 Apalachee Parkway, Neil Kirkman Building, MS 88, Room A226, Tallahassee, Florida 32399-0571. ~~(a copy of which may be obtained as set forth in Rule 15A-12.009 Forms).~~

(b) Sponsors must attend required meetings, ~~advise FRTP of organizational changes, location of services, schedules of classes and provide copies of incident reports.~~

(c) Sponsors must advise FRTP of organizational changes and changes in location of services.

(d) Sponsors must provide course class schedules and incident reports to FRTP.

~~(e)(e)~~ Sponsors must submit reports on student completion in the format required by the FRTP. All completions will be entered within three days of the conclusion of the class into the Online Data Exchange System.

~~(f)(4)~~ Sponsors must provide proper insurance coverage as required by MSF.

~~(g)(e)~~ Sponsors and RiderCoaches will cooperate with FRTP staff or ~~representatives their consultants~~ during program regulation visits.

~~(h)(f)~~ Sponsors shall produce and maintain specific records as identified below:

~~1.(4)~~ Student Observation/Incident Report, where applicable, HSMV Form 77008 (10/2010), incorporated by reference, copies of which may be obtained from the FRTP website (<http://motorcycles.flhsmv.gov>) under "Forms", or by contacting the Florida Rider Training Program, 2900 Apalachee Parkway, Neil Kirkman Building, MS 88, Room A226, Tallahassee, Florida 32399-0571. (a copy of which may be obtained as set forth in Rule 15A-12.009 Forms), where applicable. The Sponsor shall submit copies of all incident reports to the Department within 30 days of occurrence.

~~2.(4)~~ The student has one year from completion date of a Basic Rider Course license waiver course to secure the endorsement on their driver license. ~~DHSMV Driver License Operations Manual, Motorcycle Licensing Procedures, MP 3—Motorcycle Also Requirements, DHSMV Issued: 08/00/05, Revised: 04/21/10.~~

~~(i)(g)~~ The Sponsor, upon request, shall permit FRTP and its representatives to inspect the program, its public facilities, equipment and records that are required by these administrative rules to be maintained in the operation of the program.

~~(j)(h)~~ Sponsors must maintain training materials and equipment. All cosmetic damage to state loaned motorcycles must be repaired at least annually. Any motorcycle that has been involved in a crash will be immediately removed from service. The Sponsor must ensure that it is inspected and ridden by a RiderCoach or Certified Range Aide to ensure proper repair prior to student use.

~~(k)(i)~~ Sponsors must maintain all ranges in safe operating condition and meet applicable local ordinances and zoning requirements and meet safety codes.

~~(l)(j)~~ The Sponsor is solely responsible for the performance of all aspects of these administrative rules. The Sponsor may subcontract aspects of these requirements but assumes full responsibility for the performance of that subcontractor.

(2) A Sponsor shall not use any name other than its registered name with the Secretary of State, for advertising or publicity purposes, nor shall a Sponsor advertise or imply that it is "recommended," or "endorsed" by FRTP or the State of Florida.

(3) No Sponsor, RiderCoach or employee shall advertise or represent themselves to be an agent or employee of FRTP or allow the use of any advertisement which would reasonably have the effect of leading the public to believe that they are or were an employee or representative of FRTP.

(4) No Sponsor shall make a false or misleading claim in any of its advertisements.

(5) No Sponsor shall use any form of advertising which is obscene, lewd, or pornographic.

(6) The electronic Online Data Exchange System requires reports to be submitted within three days of course completion. If any portion of the documentation is incorrect or incomplete, it may be addressed via email to the Sponsor or the documentation will be returned to the Sponsor for correction and must be resubmitted by the Sponsor within 3 working days of receipt.

(7) By submission of the online reports, the Sponsor certifies their correctness. All such reports are subject to audit by the State or its designee.

(8) The Sponsor shall direct all required correspondence and reports to the Department which shall bear an original signature of the Sponsor's designated representative.

(9) The Sponsor shall issue each student a current edition of the BRC Student Handbook or S/TEP Student Handbook, which shall be an original and not photocopied. For the BRC-2 ERC, the Sponsor shall provide a set of Rider Classroom Ceards to the students for use during the program.

(10) A student who fails either the Rider Course knowledge test or skills test shall be allowed one retest. The retest shall not be on the same day as the failure. The retest shall be at no cost to the student and shall occur within 60 days of the date of the failure.

Rulemaking Authority 322.02(6), ~~322.025~~, 322.0255(1), (2), (3), (6) and (7), and ~~322.12(5)(a)~~ FS. Law Implemented 322.0255, 322.12(5)(a) FS. History—New \_\_\_\_\_.

#### 15A-12.006 Regulation of Authorized Program.

(1) FRTP will regulate and periodically visit each Sponsor site to ensure compliance and quality assurance with these administrative rules, Florida Statutes, and compliance with all applicable MSF or ESC Agreements and course requirements. FRTP staff and contractors are authorized by MSF and ESC to act in their behalf to insure program compliance. The FRTP staff, ~~consultants~~ or representatives under these administrative rules shall:

(a) Conduct announced or unannounced site visits, or place unannounced rider(s) in a class.

(b) Check the range for size and safety compliance. If there is an immediate safety issue the range shall be shut down. A formal report shall be made on the Quality Assurance Audit Form, HSMV Form 92786 (10/2010), incorporated by reference, copies of which may be obtained from the FRTP website (<http://motorcycles.flhsmv.gov>) under "Forms", or by contacting the Florida Rider Training Program, 2900 Apalachee Parkway, Neil Kirkman Building, MS 88, Room A226, Tallahassee, Florida 32399-0571.



(c) During a site visit, all representatives of the Sponsor shall cooperate with FRTP's representative(s), and, upon request, shall exhibit all records, instructional aids, manuals, or such other materials as necessary for the review.

(2) The FRTP representative visiting the Sponsors will produce a report on the Quality Assurance Audit Form, HSMV Form 92786 (10/2010), incorporated by reference, copies of which may be obtained from the FRTP website (<http://motorcycles.flhsmv.gov>) under "Forms", or by contacting the Florida Rider Training Program, 2900 Apalachee Parkway, Neil Kirkman Building, MS 88, Room A226, Tallahassee, Florida 32399-0571 (a copy of which may be obtained as set forth in Rule 15A-12.009 Forms). A copy of the report shall be provided to the Sponsor.

(a) Sponsors shall be responsible for ensuring any deficiencies noted in the report are remedied and the remedy reported to FRTP in the time allotted. ~~Failure to do so shall be considered administrative rule violations, which are cause for suspension or termination of authorization to provide motorcycle safety education.~~

(b) The Quality Assurance Audit Form, copies of which can be obtained by contacting the Motorcycle Safety Foundation, 2 Jennifer Street, Suite 150, Irvine, CA 92618, (949)727-3227, or from its website, [www.msf-usa.org](http://www.msf-usa.org). This Form HSMV Form 92786 (a copy of which may be obtained as set forth in Rule 15A-12.009 Forms), outlines the steps that will be taken by the FRTP, when the Code of Conduct or the Department "Letter of Authorization" are not adhered to.

(c) On the first observation the FRTP representative documents in a comprehensive report what they saw and why it was viewed as a problem. This report is submitted to FRTP for review. A notice will be provided to the RiderCoach and Sponsor by either the Program Manager or Regional Coordinator. The RiderCoach and Sponsor will be allowed to provide explanations and reasoning as to their actions. If the explanation and/or reasoning is/are acceptable, then no further action will be deemed necessary. If the explanations and reasoning so warrant, either the Regional Coordinator or Program Manager will advise the RiderCoach and Sponsor of the necessary corrective measure(s) to be implemented by them to correct it.

(3) In order to better facilitate site visits, the Sponsor shall provide the Department a quarterly Rider Course schedule no later than the 15th of the month preceding the new quarter, listing the dates of the classes and the names of the RiderCoaches who will be teaching on those dates. The course schedule shall be sent to [FRTP-Schedules@flhsmv.gov](mailto:FRTP-Schedules@flhsmv.gov). The Sponsor shall notify the Department of any changes in course schedules (a monthly submission is permissible).

Rulemaking Authority 322.02(6), 322.0255(2), (3) and (6) FS. Law Implemented 322.0255, 322.12(5)(a) FS. History—New \_\_\_\_\_.

15A-12.007 RiderCoaches.

(1) RiderCoaches, as personnel, must complete the RiderCoach Apprentice Program (RCAP), as established by the MSF, prior to being employed by any Sponsor.

(2) ~~RiderCoaches are to be MSF certified and Florida recognized, maintaining certification, so that they may instruct the motorcycle safety courses.~~ Prospective RiderCoaches must comply with the following:

(a) Find a Sponsor School in their area to sponsor them.

(b) Complete a Basic Rider Course.

(c) Fill out the RiderCoach Apprentice Program Application (RCAP), HSMV Form 77058 (10/2010), incorporated by reference, copies of which may be obtained from the FRTP website (<http://motorcycles.flhsmv.gov>) under "Forms", or by contacting the Florida Rider Training Program, 2900 Apalachee Parkway, Neil Kirkman Building, MS 88, Room A226, Tallahassee, Florida 32399-0571. The Application should be submitted (copies of which may be obtained as set forth in Rule 15A-12.009 Forms), and submit it to the address listed on the Application.

(d) The RiderCoach will be placed in a RiderCoach Preparation Course (RCP).

(e) After successful completion of the RCP, the student will be a certified recognized FRTP RiderCoach and certified by the ~~Motorcycle Safety Foundation (MSF)~~. The RiderCoach identification card will be sent to the RiderCoach by MSF.

~~(3) RiderCoaches are to be Motorcycle Safety Foundation (MSF) certified and Florida recognized maintaining certification so that they may instruct the motorcycle safety courses.~~

~~(a) Maintaining Florida RiderCoach Status:~~

~~(i) For RiderCoaches initially trained at an FRTP sponsored or recognized RiderCoach Preparation Course (RCP), a probationary recognition is automatic. This is based on the individual completing the RCAP and attending an RCP.~~

~~(ii) In order to gain full recognition, the RiderCoach must be observed and receive an average grade in all areas of the Quality Assurance Audit.~~

~~(3)(iii)~~ Continued FRTP certification recognition is predicated upon successful completion of the automatic one-year probationary period, and the RiderCoach maintaining national Rider Course RiderCoach Certification, teach or team-teach a minimum of one complete Basic Rider Course annually, and attend one FRTP RiderCoach Update in a certification period (two years). Updates will not be more than 30 months apart.

~~(4)(b)~~ RiderCoaches trained outside Florida can gain FRTP certification recognition by doing the following:

~~(a)(i)~~ Contact Course Sponsor in the area you want to teach ~~in~~ and discuss the possibility of employment.

(b)(ii) If Sponsor School agrees to employment, complete a RiderCoach Personal Information Qualification Form (provided by Sponsor School), HSMV Form 77122 (10/2010), incorporated by reference for administration of the FRTP Program, copies of which may be obtained from the FRTP website (<http://motorcycles.flhsmv.gov>) under "Forms", or by contacting the Department of Highway Safety and Motor Vehicles, Bureau of Driver Education and DUI Programs, Florida Rider Training Program, 2900 Apalachee Parkway, Neil Kirkman Building, MS 88, Room A226, Tallahassee, Florida 32399-0571. The Form will then need to be submitted; copies of which may be obtained as set forth in Rule 15A-12.009 Forms, and submit the form to the appropriate Regional Coordinator.

(c)(iii) The Sponsor can use the RiderCoach, with a current FRTP certified recognized RiderCoach, for two classes before they are observed.

(d)(iv) The RiderCoach must be observed by an FRTP certified or FRTP approved RiderCoach Trainer (RCT).

(e)(v) The RiderCoach must attend the next available FRTP update. Updates must be within six months of observation.

(f)(vi) All new FRTP certified recognized RiderCoaches will be placed on probationary status for one year.

(5)(4) The Sponsors shall employ only RiderCoaches who are certified recognized by FRTP and certified by MSF, or the ESC.

(6)(5) RiderCoaches and Sponsors must adhere to the professional standards adopted by FRTP as established by the MSF and the ESC; FRTP Rules of Professional Conduct, HSMV Form 72201 (10/2010), incorporated by reference, copies of which may be obtained from the FRTP website (<http://motorcycles.flhsmv.gov>) under "Forms", or by contacting the Florida Rider Training Program, 2900 Apalachee Parkway, Neil Kirkman Building, MS 88, Room A226, Tallahassee, Florida 32399-0571, a copy of which may be obtained as set forth in Rule 15A-12.009 Forms.

(7)(6) RiderCoaches trained in another state, must, prior to teaching in Florida, complete a BRC RiderCoach Information Sheet, and submit their a driver's record and criminal history background, and a copy of their MSF RiderCoach card to the area Regional Coordinator. Then they will be evaluated by FRTP staff or their designee. They must also attend a RiderCoach update within six months of evaluation.

(8)(7) RiderCoaches must maintain their certification and a valid driver license with a motorcycle endorsement.

(9)(8) RiderCoaches must sign and abide by the FRTP's RiderCoach Rules of Professional Conduct, teach or team-teach a minimum of one complete BRC or S/TEP annually, attend one FRTP RiderCoach Update and one professional development activity or any activity that requires them to be in student or learning position, within in their certification period (two years).

(10)(9) RiderCoaches must recertify with MSF on-line every two years and must forward proof of recertification surveys to Sponsors.

(11)(10) RiderCoaches shall ensure that no assistance is given any student in a manner that provides unfair advantage in passing the skills and/or knowledge tests. RiderCoaches cannot conduct tests for their relatives.

(12)(11) RiderCoaches can also gain Florida certification recognition by completing the FRTP Intern/Mentoring Program.

(a) For RiderCoaches who were initially trained at an FRTP sponsored RiderCoach Preparation Course (RCP) or Sidecar and Trike Education program (S/TEP), certification recognition is automatic upon completion of the Intern/Mentoring Program.

(b) RiderCoaches seeking Florida certification recognition must complete the Intern/Mentoring Program and attend an FRTP Update. Both must be completed within 9 months of applying for FRTP certification recognition.

(1)(4) RiderCoach candidates will automatically be entered into the Intern/Mentoring Program when they successfully complete the RCP.

(2)(ii) Under the Intern/Mentoring Program, new RiderCoaches and those seeking Florida certification recognition will be required to team-teach a minimum of three 3 Basic Rider Courses (BRC) with an FRTP recognized RiderCoach.

(3)(iii) An Internship Report – RiderCoach Mentor Form, HSMV Form 77079 (10/2010), incorporated by reference, copies of which may be obtained from the FRTP website (<http://motorcycles.flhsmv.gov>) under "Forms", or by contacting the Florida Rider Training Program, 2900 Apalachee Parkway, Neil Kirkman Building, MS 88, Room A226, Tallahassee, Florida 32399-0571. A Form (copies of which may be obtained as set forth in Rule 15A-12.009 Forms); will need to be completed for each class. The RiderCoach Intern will also need to complete a RiderCoach Intern Form, HSMV Form 77078 (10/2010), incorporated by reference, (copies of which may be obtained from the FRTP website (<http://motorcycles.flhsmv.gov>) under "Forms", or by contacting the Florida Rider Training Program, 2900 Apalachee Parkway, Neil Kirkman Building, MS 88, Room A226, Tallahassee, Florida 32399-0571. This Form will need to be completed as set forth in Rule 15A-12.009 Forms); for each class. Completed forms will be sent to the e-mail or mailing address on the forms.

(4)(iv) Once FRTP receives all of the forms listed in (12)(b)(3)(iii), above, the candidate will gain full FRTP RiderCoach certification recognition.

Rulemaking Authority 112.011, 322.02(6); 322.0255(3) and (6) FS. Law Implemented 322.0255, 322.12(5)(a) FS. History—New\_\_\_\_\_.

15A-12.008 Program Compliance.

(1) Administrative non-compliance is the failure to meet applicable FRTP or MSF or ESC requirements for reporting, providing notifications, record keeping and similar acts that do not compromise testing integrity or public safety. The first occurrence requires a written reprimand and further violations within a one-year period will result in ~~requires~~ a suspension of the authorization to provide motorcycle safety education.

(2) Discrepancy in test procedure is the failure to properly administer a required portion of a test procedure, such as the omission of a required maneuver or to properly follow the evaluation phase of the RiderCoach Guide when conducting the BRC. The first occurrence will result in a suspension of the authorization to provide motorcycle safety education, and a repeated occurrence within a one-year period will ~~may~~ result in program termination.

~~(3) A major discrepancy in testing procedures is a failure to include all required parts, use of an unsafe vehicle for testing, or other action that significantly compromises the integrity of the testing process. A violation will result in a suspension of the authorization to provide motorcycle safety education for the first occurrence and further violations may result in program termination.~~

~~(3)(4) Fraud is defined as the abuse of authority authorities granted under these administrative rules to gain profit through the issuance of test waivers for students who have not passed a complete test or have not completed the course in its entirety. A fraud violation will result in termination from the program.~~

~~(4)(5) The authorization to conduct motorcycle safety education will may be suspended cancelled if a Sponsor refuses to allow public access to all documents subject to Chapter 119, F.S., or fails to comply with any part of these administrative rules, commits an act that compromises the integrity of the program, or uses a RiderCoach who is not Florida recognized. Subsequent violations within a one-year period will result in program termination. The use of a RiderCoach who is not certified under these rules will result in program termination.~~

~~(5)(6) Upon termination of the authorization, all loaned equipment and program materials must be returned to FRTP within 10 calendar days of the termination.~~

Rulemaking Authority ~~420.60, 322.02(6), 322.0255(4), (3), (4) and~~ (6) FS. Law Implemented 322.0255, 322.12(5)(a) FS. History—New \_\_\_\_\_.

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**Division of Driver Licenses**

RULE NO.:                      RULE TITLE:  
15A-12.009                      Forms

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 33, August 20, 2010 issue of the Florida Administrative Weekly has been withdrawn.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE NOS.:	RULE TITLES:
59A-4.103	Licensure, Administration and Fiscal Management
59A-4.106	Facility Policies
59A-4.107	Physician Services
59A-4.1075	Medical Director
59A-4.108	Nursing Services
59A-4.109	Resident Assessment and Care Plan
59A-4.110	Dietary Services
59A-4.112	Pharmacy Services
59A-4.118	Medical Records
59A-4.122	Physical Environment
59A-4.123	Risk Management and Quality Assurance
59A-4.1235	Liability Claims
59A-4.126	Disaster Preparedness
59A-4.128	Evaluation of Nursing Homes and Licensure Status
59A-4.1285	Respite Care (Repealed)
59A-4.1288	Exception
59A-4.1295	Additional Standards for Homes That Admit Children 0 Through 20 Years of Age
59A-4.130	Fire Prevention, Fire Protection, and Life Safety
59A-4.133	Plans Submission and Review and Construction Standards
59A-4.134	Plans Submission and Fee Requirements
59A-4.150	Geriatric Outpatient Nurse Clinic
59A-4.165	Nursing Home Guide
59A-4.166	Nursing Home Consumer Satisfaction Survey

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above proposed rules, as noticed in Vol. 35, No. 22, June 5, 2009 issue of the Florida Administrative Weekly have been withdrawn.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE NO.:               RULE TITLE:  
 59A-7.021               Laboratory Licensure –  
                                   Qualifications, Licensure,  
                                   Operation and Application

**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. 36, September 10, 2010 issue of the Florida Administrative Weekly.

59A-7.021 Laboratory Licensure – Qualifications, Licensure, Operation and Application.

(1)(a) 1. through 10. No change.

11. Such other information requested on the application for licensure as specified in paragraph 59A-35.060(1)(aa), F.A.C. AHCA Form 3170-2004 B, Initial Clinical Laboratory Licensure Application, September, 2009, AHCA Form 3170-2004C, Change of Licensed Owner Application, September 2009, ACHA Form 3170-2004D, Addition of Specialty, Subspecialty or change in Specialty, September 2009, or AHCA Form 3110-1024, Health Care Licensing Application Addendum, October 2009, necessary in carrying out the purpose of this part as stated in Section 483.021, F.S., and Sections 408.805, 408.806, 408.807, 408.810 and 408.813, F.S. as applicable to the laboratory operation. AHCA Forms 3170-2004B, 3170-2004C and 3170-2004D, shall be obtained from the agency and is incorporated by reference herein and are available at: [http://ahca.myflorida.com/MCHQ/Health\\_Facility\\_Regulation/Laboratory\\_Licensure/applications.shtml](http://ahca.myflorida.com/MCHQ/Health_Facility_Regulation/Laboratory_Licensure/applications.shtml).

(b) through (c) No change.

(2) through (11) No change.

Rulemaking Authority 483.051, 408.819 FS. Law Implemented 483.051, 483.101, 483.111, 483.172, 483.221, 483.23, 408.804, 408.805, 408.806, 408.807, 408.812, 408.813, 408.814, 408.815, 408.816, 408.817, 408.831 FS. History—New 11-20-94, Amended 7-4-95, 12-27-95, 3-25-03, 3-1-10,\_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.:               RULE TITLE:  
 59G-4.160               Outpatient Hospital Services

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 21, May 28, 2010 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF MANAGEMENT SERVICES**

**State Technology Office**

RULE NOS.:	RULE TITLES:
60DD-2.001	Purpose; Definitions; Policy; Applicability; Agency Security Programs; Roles and Responsibilities; Risk Management
60DD-2.002	Control of Computers and Information Resources
60DD-2.003	Physical Security and Access to Data Processing Facilities
60DD-2.004	Logical and Data Access Controls
60DD-2.005	Data and System Integrity
60DD-2.006	Network Security
60DD-2.007	Backup and Disaster Recovery
60DD-2.008	Personnel Security and Security Awareness
60DD-2.009	Systems Acquisition, Disposal, Auditing, and Reporting
60DD-2.010	Standards Adopted

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 24, June 18, 2010 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Hotels and Restaurants**

RULE NOS.:	RULE TITLES:
61C-1.001	Definitions
61C-1.004	General Sanitation and Safety Requirements

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 18, May 7, 2010 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NOS.:	RULE TITLES:
61G15-31.003	Design of Structures Utilizing Pre-Engineered Wood Trusses
61G15-31.006	Design of Structural Systems Utilizing Open Web Steel Joists and Joist Girders

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 31, of the August 7, 2009, issue of the Florida Administrative Weekly, and a Notice of Change published in Vol. 36, No. 29, of the July 23, 2010, issue of the Florida Administrative Weekly. The

changes are in response to concerns by the Joint Administrative Procedures Committee in a letter dated December 16, 2009. The change is as follows:

61G15-31.003(1) shall read as:

61G15-31.003 Design of Structures Utilizing ~~Pre-Engineered Prefabricated~~ Wood Trusses.

(1) Where the Engineer of Record has delegated the responsibility for truss design, the responsibilities of the Engineer of Record and the Delegated Engineer shall be as set forth in Section 2319.17.12 of the Florida Building Code, wherein the Engineer of Record is the Building Designer and the Delegated Engineer is the Truss Design Engineer as defined in Section 2303.4, of the Florida Building Code.

Rule 61G15-31.006(1) and (2) shall read as:

61G15-31.006 Design of Structural Systems Utilizing Open Web Steel Joists and Joist Girders.

(1) The Engineer of Record shall indicate on the ~~structural engineering documents Structural Engineering Documents~~ the steel joist and joist girder designations ~~from the 1997 Steel Joist Institute's Specifications~~ and load tables set forth in Section 2206.2, of the Florida Building Code, and shall indicate the appropriate standards for joist and joist girder design, layout, end supports, anchorage, bridging requirements, etc., including connections to walls. These documents shall indicate special requirements for concentrated loads, non-uniform loads, openings, extended ends, and resistance to uplift loads.

(2) The steel joist and joist girder manufacturer shall design the steel joist and joist girder members in accordance with the ~~1997 Steel Joist Institute Specifications~~ and load tables set forth in Section 2206.2 of the Florida Building Code, to support the loads per the ~~engineer of record's Engineer of Record's~~ specified joist and joist girder designations and/or special loading diagrams, as set forth in the structural engineering documents Structural Engineering Documents. The Engineer of Record may require the submission of the steel joist and joist girder design calculations, prepared by a delegated engineer, as an indication of compliance. When required to submit the steel joist and joist girder calculations, the steel joist and joist girder manufacturer shall submit a cover letter along with the steel joist and joist girder design calculations. The cover letter shall bear the seal, date and signature of a Florida ~~licensed registered~~ professional engineer responsible for design of the steel joist and joist girders and shall contain the following information:

(a) The name, address and license number of the delegated engineer.

(b) Identification of the project by name and address.

(c) Identification of the applicable building code and the design criteria used.

(d) An index of the attached calculations and a list of the drawings to which they apply.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Board of Cosmetology, P. O. Box 5377, Tallahassee, Florida 32399-5377

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NO.: 61G15-31.010  
 RULE TITLE: Design of Structures Utilizing Cold-Formed Steel Framing

**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. 45, November 13, 2009 issue of the Florida Administrative Weekly.

The changes are in response to concerns by the Joint Administrative Procedures Committee in a letter dated December 16, 2009. The change is as follows:

61G15-31.010(1) shall read as:

61G15-31.010 Design of Structures Utilizing Cold-Formed Steel Framing.

(1) Where the Engineer of Record has delegated the responsibility for truss design, the responsibilities of the Engineer of Record and the Delegated Engineer shall be as set forth in Section 2319.17.12, of the Florida Building Code, wherein the Engineer of Record is the Building Designer and the Delegated Engineer is the Truss Design Engineer as defined in Section 2303.4 of the Florida Building Code. The Engineer of Record and the Delegated Engineer shall have additional responsibilities identical to those stipulated for wood trusses in accordance with Rule 61G15-31.003, F.A.C. The Engineer of Record may also delegate the design of a truss system comprising cold-formed steel framing as outlined in Rule 61G15-31.003, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Board of Cosmetology, P. O. Box 5377, Tallahassee, Florida 32399-5377

**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.: 64B10-16.005  
 RULE TITLE: Domains of Practice, Objectives, Reports

SECOND NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 38, of the September 25, 2009, issue of the Florida Administrative Weekly. The change is in response to concerns stated by the Joint Administrative Procedures Committee in a letter dated October 8, 2009.

The changes are as follows:

64B10-16.005(1)(d) shall read as:

(d) The preceptor and Administrator ~~administrator-in-Training training~~ must file a reports with the Board every 90 days. The report shall be made on the State of Florida AIT Domains of Practice Quarterly Checklist, Form DH-MQA 1209 (revised ~~07/10~~ ~~06/09~~, hereby adopted and incorporated by reference) which can be obtained from the Board of Nursing Home Administrators' website at: <http://www.doh.state.fl.us/mqa/nurshome/index.html>. Each report shall be co-signed by the preceptor and Administrator ~~administrator-in-Training training~~ and shall be filed within two weeks after the completion of each reporting period of the program. Failure to file the report on the correct form or within the stated time period may result in non-acceptance of the report. The reports shall contain a synopsis of the areas covered in the program and a narrative describing relevant learning experiences. The reports shall show how the Administrator ~~administrator-in-Training training~~ used the following methods to further his or her training:

1. through 7. No change.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bruce Deterding, Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.: 64B16-26.351  
 RULE TITLE: Standards for Approval of Registered Pharmacy Technician Training Programs

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. 37, September 17, 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. The rule shall now read as follows:

64B16-26.351 Standards for Approval of Registered Pharmacy Technician Training Programs.

(1) The following programs are approved Registered Pharmacy Technician Training programs:

(a) Pharmacy technician training programs accredited, ~~approved or licensed~~ on or before ~~December 1, 2010~~ ~~January 1, 2011~~ by the American Society of Health-System Pharmacists,

(b) Pharmacy technician training programs at institutions accredited, ~~approved or licensed~~ on or before ~~December 1, 2010~~ ~~January 1, 2011~~ by the Southern Association of Colleges and Schools,

(c) Pharmacy technician training programs ~~accredited~~, ~~approved or licensed~~ on or before ~~December 1, 2010~~ ~~January 1, 2011~~ by the ~~Florida Department of Education~~, or Florida Commission for Independent Education,

(d) Pharmacy technician training programs provided by a branch of the federal armed services for which the applicant possesses a certificate of completion on or before December 1, 2010.

(e) Pharmacy technician training programs at institutions accredited, ~~approved or licensed~~ on or before ~~December 1, 2010~~ ~~January 1, 2011~~ by the Council on Occupational Education.

(2) All programs not listed in paragraphs (1)(a) through (e) and which are not employer based programs, must:

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

(b) Offer a course of study that includes:

1. Introduction to pharmacy and health care systems:

- a. Confidentiality.
- b. Patient rights and Health Insurance Portability and Accountability Act (HIPAA).

2. Pharmacy law:

- a. Federal law.
- b. State law.
- c. State rules.
- d. Pharmacy technician rules and law.

3. Pharmaceutical – medical terminology, abbreviations, and symbols:

- a. Medication safety and error prevention.
- b. Prescriptions and medication orders.
- 4. Records management and inventory control:

- a. Pharmaceutical supplies.
- b. Medication labeling.
- c. Medication packaging and storage.
- d. Controlled substances.
- e. Adjudication and billing.
- 5. Interpersonal relations, communications, and ethics:

- a. Diversity of communications.
- b. Empathetic communications.
- c. Ethics governing pharmacy practice.
- d. Patient and caregiver communication.
- 6. Pharmaceutical calculations.

(c) Apply directly to the Board of Pharmacy on approved form DH-MQA 1239 "Board of Pharmacy Application for Registered Pharmacy Technician Training Programs," effective October 2010, which is hereby incorporated by reference. To obtain an application, contact the Board of Pharmacy at 4052 Bald Cypress Way, Bin #C04, Tallahassee, FL 32399-3254, or (850)488-0595, or download the application from the board's website at <http://www.doh.state.fl.us/mqa/pharmacy> and provide the following information:

1. Sample transcript and diploma;
2. Copy of curriculum, catalog or other course descriptions; and
3. Faculty credentials.

(d) The curriculum, catalog or course description must demonstrate that:

1. Learning experiences and teaching methods convey the content stated above.
2. Time allocated for each participant shall be sufficient to meet the objectives of each activity.
3. Principles of adult education are utilized in determining teaching strategies and learning activities.

(e) Faculty Qualifications.

1. The program shall provide evidence of academic preparation or experience in the subject matter by submitting a job description, resume or curriculum vitae which describes the faculty member's work experience and level of academic preparation.

2. When the subject matter of an offering includes pharmacy technician practice, a licensed pharmacist or registered pharmacy technician with expertise in the content area must be involved in the planning and instruction.

3. Pharmacy technician faculty supervising learning experiences in a clinical area in this State shall be licensed or registered.

(3)(2) All other training programs must be employer based. Any pharmacy technician training program sponsored by a Florida permitted pharmacy or affiliated group of pharmacies under common ownership, must contain a minimum of 160 hours of training, that extends over a period not to exceed 6 months; is provided solely to employees of said pharmacy or affiliated group; and has been approved by the Board. An application for approval of a Registered Pharmacy Technician Training Program shall be made on Board of Pharmacy approved form DH-MQA ~~1239~~ 1232 "Board of Pharmacy Application for Registered Pharmacy Technician Training Programs Provider Application," effective October ~~February~~ 2010, which is hereby incorporated by reference. To obtain an application, contact the Board of Pharmacy at 4052 Bald Cypress Way, Bin #C04, Tallahassee, FL 32399-3254, or (850)488-0595, or download the application from the board's website at <http://www.doh.state.fl.us/mqa/pharmacy>. The application must be accompanied with a non-refundable application fee. The applicant must attach to the application

copy of curriculum, catalog or other course description. All employer based programs must: The following objectives must be met:

(a) Offer a course of study that includes: ~~Program content:~~ 1. through 6. No change.

(b) ~~Use mMaterials and mMethods that demonstrate that:~~ Evidence satisfactory to the Board shall be presented that:

1. Learning experiences and teaching methods convey are appropriate to meet the content stated above.

2. Time allocated for each participant activity shall be sufficient to meet the objectives of each activity ~~for the participant to meet the objectives.~~

3. No change.

(c) Faculty Qualifications.

1. The program ~~faculty~~ shall provide evidence of academic preparation or experience in the subject matter by submitting a job description, resume or curriculum vitae which describes the faculty member's work experience and level of academic preparation.

2. No change.

3. Pharmacy technician faculty supervising learning experiences in a clinical area in this State shall be licensed or currently registered.

(d) Evaluation. Evidence satisfactory to the Board shall be presented that participants are given an opportunity to evaluate learning experiences, instructional methods, facilities and resources used for the offering. Satisfactory evidence is a sample evaluation to be reviewed by the Board. Self-directed learning experiences, including ~~but not limited to~~ home study, computer programs, internet or web-based courses, are required to evaluate participant knowledge at the completion of the learning experience. The evaluation must include a minimum of 100 questions. The participant must achieve a minimum score of 70% on the evaluation to receive the certificate of completion. The evaluation must be graded by the provider.

(e) No change.

(f) Required documentation.

1. through 3. No change.

4. Providers shall furnish each participant with an ~~authenticated individual~~ Certificate of Completion.

5. No change.

Rulemaking Authority 465.014 FS. Law Implemented 465.014 FS. History—New 6-23-10, Amended \_\_\_\_\_.

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

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.: 64B16-28.902  
 RULE TITLE: Nuclear Pharmacy – Minimum Requirements

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 39, October 2, 2009 issue of the Florida Administrative Weekly has been withdrawn.

**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. In sub-subparagraph (2)(k)1.a., the words, “All other rules” will be removed from the rule text.

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

**DEPARTMENT OF HEALTH**

**Division of Disease Control**

RULE NO.: 64D-3.046  
 RULE TITLE: Immunization Requirements: Public and Nonpublic Schools, Grades Preschool, Kindergarten Through 12, and Adult Education Classes

**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. 42, October 22, 2010 issue of the Florida Administrative Weekly.

Rulemaking Authority:

Rulemaking Specific Authority 381.0011(13), 381.003(1), (2), ~~381.005(3)~~ ~~381.005(2)~~, 1003.22 FS. Law Implemented 381.0011(4), 381.003(1), 381.005(1)(i), 1003.22 FS. History–New 11-20-06, Amended 7-15-07, 7-28-08.

*Editorial Note: Formerly 10D-3.88, 10D-3.088 and 64D-3.011.*

SUMMARY: Now reads:

This Amendment updates forms DH-680, Florida Certification of Immunization, DH Form 150-615, Immunization Guidelines – Florida Schools, Child Care Facilities and Family Day Care Homes, DH Form 684, Immunization Annual Report of Compliance for Kindergarten and Seventh Grade, and DH Form 685, Kindergarten and Seventh Grade Annual Report of Compliance County Summary.

64D-3.046(1)(b):

~~(b)~~ Specific immunization requirements by grade, ~~in addition to those in paragraph (1)(a)~~ which must be documented prior to admittance, attendance or any other initial entrance are detailed in the Immunization Guidelines-Florida Schools, Childcare Facilities and Family Daycare Homes DH Form 150-615 (July 2010), incorporated by reference, available online at: [www.doh.state.fl.us/disease\\_ctr/immune/schoolguide.pdf](http://www.doh.state.fl.us/disease_ctr/immune/schoolguide.pdf) ~~transfer.~~

64D-3.046(1)(b)2:

~~2.(e)~~ A DH Form 680 that does not include a temporary or permanent medical exemption must be signed ~~Forms are to be fully executed~~ by a practitioner licensed under Chapter 458, 459, 460, or 464, F.S., or their authorized representative (where permitted in the particular certification) per instructions for the appropriate school year as provided in DH Form 150-615, Immunization Guidelines Florida Schools, Child Care Facilities and Family Day Care Homes (July 2008), incorporated by reference, available online at: [www.doh.state.fl.us/disease\\_ctr/immune/schoolguide.pdf](http://www.doh.state.fl.us/disease_ctr/immune/schoolguide.pdf).

64D-3.046(2)(c)1:

1. Each public and nonpublic school with a kindergarten and/or seventh grade shall submit an annual compliance report. The report shall be completed on DH Form 684, Immunization Annual Report of Compliance for Kindergarten and Seventh Grade (July 2010 June 2007), incorporated by reference, available at DOH CHDs. The report shall include the immunization status of all children who were attending kindergarten and seventh grades at the beginning of the school year. The report shall be forwarded to the CHD director/administrator no later than October 1 of each school year where the data will be compiled on DH Form 685, Kindergarten and Seventh Grade Annual Report of Compliance County Summary (July 2010 November 2006), incorporated by reference, available at DOH CHDs; or electronically generated by the Department of Education.

64D-3.046(5):

~~(5)(6)~~ Florida SHOTS (State Health Online Tracking System) Opt Out Provision – Parents or guardians may elect to decline participation in the Florida immunization registry, Florida SHOTS, by submitting a Florida SHOTS Notification and Opt Out Form to the DOH. The form, either a DH Form 1478 (English)(January 2007) or DH Form 1478S (Spanish)



(September 2003) or DH Form 1478H (Haitian-Creole)(January 2006), incorporated by reference, is available from the DOH, Bureau of Immunization, 4052 Bald Cypress Way, Bin #A-11, Tallahassee, FL 32399-1719. The immunization records of children whose parents choose to opt-out will not be shared with other entities that are allowed by law to have access to the children’s immunization record via authorized access to Florida SHOTS.

**DEPARTMENT OF HEALTH**

**Division of Emergency Medical Operations**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
64J-3.001	Certification of 911 Emergency Dispatchers
64J-3.002	Public Safety Telecommunication Course Equivalency
64J-3.003	Renewal of 911 Emergency Dispatchers Certification

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 39, October 1, 2010 issue of the Florida Administrative Weekly.

The agency head listed as Chief John Bixler should read Ana M. Viamonte Ros, M.D., M.P.H with the contact number of (850)245-4321.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Agency for Persons with Disabilities**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
65G-4.001	Definitions for Behavior Analysis Certification and Services Rules
65G-4.0011	Recognized Certification Organizations for Behavior Analysts and Assistant Behavior Analysts
65G-4.002	Service Delivery
65G-4.003	Certification as a Behavior Analyst
65G-4.004	Certification as an Associate Behavior Analyst
65G-4.005	Renewal of Behavior Analysis Certification
65G-4.006	Approved Continuing Education
65G-4.007	Behavior Analysis Certification Fees
65G-4.008	Behavior Analysis Services Oversight System Organization
65G-4.009	Design, Implementation and Monitoring of Behavior Analysis Services
65G-4.010	Behavior Analysis Services Approval

65G-4.011 Determination of Mental Retardation in Capital Felony Cases: Intelligence; Tests to be Administered

65G-4.012 Determination of Mental Retardation: Intelligence Tests to Be Administered

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 12, March 26, 2010 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Insurance Agents and Agency Services**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
69B-210.005	Unlawful Inducements, Generally

**NOTICE OF PUBLIC HEARING**

The Department of Financial Services announces an additional hearing regarding the above rule, as noticed in Vol. 36, No. 33, August 20, 2010 Florida Administrative Weekly.

DATE AND TIME: November 15, 2010, 2:00 p.m.

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

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
This rule was originally published in the August 20, 2010 (Vol. 36, No. 35) issue of the Florida Administrative Weekly. A hearing on this rule was held on July 30, 2010. A draft copy of the proposed changes to this rule can be obtained from the Department’s website: [http://www.MyFloridaCFO.com/Agents/Industry/Laws-Rules/docs/Notice\\_69B-210\\_Induce\\_Ti\\_tle.pdf](http://www.MyFloridaCFO.com/Agents/Industry/Laws-Rules/docs/Notice_69B-210_Induce_Ti_tle.pdf).

Pursuant to the provisions of 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: Lorna Noren at (850)413-5634 or [Lorna.Noren@MyFloridaCFO.com](mailto:Lorna.Noren@MyFloridaCFO.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Insurance Agents and Agency Services**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
69B-210.010	Unlawful Inducements, Title Insurance

**NOTICE OF PUBLIC HEARING**

The Department of Financial Services announces an additional hearing regarding the above rule, as noticed in Vol. 36, No. 33, August 20, 2010 Florida Administrative Weekly.

DATE AND TIME: November 15, 2010, 2:00 p.m.

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

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This rule was originally published in the August 20, 2010 (Vol. 36, No. 35) issue of the Florida Administrative Weekly. A hearing on this rule was held on July 30, 2010. A draft copy of the proposed changes to this rule can be obtained from the Department's website: [http://www.MyFloridaCFO.com/Agents/Industry/Laws-Rules/docs/Notice\\_69B-210\\_Induce\\_Title.pdf](http://www.MyFloridaCFO.com/Agents/Industry/Laws-Rules/docs/Notice_69B-210_Induce_Title.pdf).

Pursuant to the provisions of 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: Lorna Noren at (850)413-5634 or [Lorna.Noren@MyFloridaCFO.com](mailto:Lorna.Noren@MyFloridaCFO.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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## 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."

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## Section V Petitions and Dispositions Regarding Rule Variance or Waiver

### **BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT on October 13, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from Embassy Suites, filed July 28, 2010, and advertised in Vol. 36, No. 33, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until 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 2010-490).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on October 13, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for Variance from City of Jacksonville, filed August 4, 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 2.14.1.4 ASME A17.1a, 2005 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that does not allow a lockable steel openwork mesh divider in each elevator car to create two compartments 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 2010-509).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on October 13, 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 Thorsen Bldg., 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 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 or given a date that the demolition of the elevator would take place (VW 2010-532).

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.

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NOTICE IS HEREBY GIVEN THAT on October 13, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for emergency Variance from Silver Sands Condo, filed September 13, 2010, and advertised in Vol. 36, No. 40, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.7.4 ASME A17.3, 1996 edition, 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, 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 2010-579).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on October 13, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order. The Final Order was in response to a Petition for emergency Variance from Oak Hill Hospital, filed September 13, 2010, and advertised in Vol. 36, No. 40, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until May 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 2010-580).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on October 8, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Pineda Ocean Club. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.3.2 and of ASME A17.1, Section 303.3d and 304.2c, 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, manual shut-off valve and means to check hydraulic oil level 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 2010-627).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on October 8, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Colonial Square Properties, LLC. 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 2010-628).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on October 8, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Beach Walker Condos. 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 2010-629).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on October 14, 2010, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code, and Section 5-203.13, 2001 FDA Food Code, Paragraph 4-301.12(A), 2001 FDA Food Code and subsection 61C-4.010(5), Florida Administrative Code, from Subway, Kissimmee, FL. The above referenced F.A.C. addresses the requirements that at least one service sink is provided for the cleaning of mops or similar cleaning tools and the disposal of mop water and that dishwashing facilities for manually washing, rinsing and sanitizing equipment and utensils are provided. They are requesting to utilize a mopsink and dishwashing facility located within another establishment. A copy of the Petition for Variance or Waiver may be obtained by contacting: Lydia.Gonzalez@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

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NOTICE IS HEREBY GIVEN THAT on October 18, 2010, the Board of Architecture and Interior Design has issued an order. The Order is regarding the Petition for Waiver or Variance, filed on June 4, 2010, by Michael R. Fernandez. The Notice of Petition for Waiver or Variance was published in Vol. 36, No. 26, of the July 2, 2010, Florida Administrative Weekly. Petitioner sought a waiver or variance of Rule 61G1-13.0021, F.A.C., entitled "Intern Development Program," which requires that applicants follow the Intern Development Program through the Nation Council of Architectural Registration Boards in order to satisfy the requirements of Section 481.211, F.S. The Board considered the instant Petition at a duly-noticed public meeting, held August 17, 2010, in Ponte Vedra, Florida.

The Board's Order granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 481.211, Florida Statutes, would be met by granting a variance or waiver from Rule 61G1-13.0021, F.A.C. The Board further found that Petitioner established that applying the requirements of the aforementioned rule to his circumstances would violate principles of fairness and impose a substantial hardship.

A copy of the Order may be obtained by contacting: Anthony Spivey, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750.

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NOTICE IS HEREBY GIVEN THAT on October 15, 2010, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on July 19, 2010, by Laura Ballenger. The Notice of Petition for Waiver or Variance was published in Vol. 36, No. 31, of the August 6, 2010, Florida Administrative Weekly. Petitioner sought a waiver or variance of paragraph 61H1-27.0041(1)(b) and subsection (2), F.A.C., entitled "One Year of Work Experience," which lists the requirements for work experience supervision as the subjection of the applicant, during employment, to oversight, guidance and evaluation by a supervisor who had the right to control and direct the applicant as to the result to be accomplished by the work and also as to the means by which the result was to be accomplished and which requires that one year of work experience shall be held and understood to mean the rendition of services such as are customarily performed by full-time, regularly employed staff employees of a certified public accountant during the normal workweek as required by the employing certified public accountant, commencing after the completion of the educational requirements set forth in subsection 61H1-27.002(3), F.A.C. The Board considered the instant Petition at a duly-noticed public meeting, held August 27, 2010, in Tampa, Florida.

The Board's Order granted the petition finding that Petitioner had established that the purpose of the underlying statute, Section 473.308(4), Florida Statutes, would be met by granting a variance or waiver from paragraph 61H1-27.0041(1)(b) and subsection (2), F.A.C. The Board further found that Petitioner established that applying the requirements of the aforementioned rule to her circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

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NOTICE IS HEREBY GIVEN THAT on October 15, 2010, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Variance, filed on May 14, 2010, by Patrick Callen. The Notice of Petition for Waiver or Variance was published in Vol. 36, No. 22, of the June 4, 2010, Florida Administrative Weekly. Petitioner sought a waiver or variance of subsection 61H1-28.0052(2), F.A.C., entitled "Number of Sittings, and Granting of Credit, Release of Grades and Completion of Examination, Transition Rules," which requires the initial licensure fees and all required documents be received within 36 months of the date of certification of examination scores by the Board or the initial license will not be issued. The Board considered the instant Petition at a duly-noticed public meeting held on August 27, 2010, in Tampa, Florida.

The Board's Order denied the petition finding that Petitioner failed to establish that the purpose of the underlying statute, Section 473.308, Florida Statutes, would be met by granting a variance from subsection 61H1-28.0052(2), F.A.C. The Board further found that Petitioner failed to establish that applying the requirements of the aforementioned Rule to his circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

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NOTICE IS HEREBY GIVEN THAT on October 15, 2010, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Variance, filed on May 10, 2010, by Coretta James. The Notice of Petition for Waiver or Variance was published in Vol. 36, No. 22, of the June 4, 2010, Florida Administrative Weekly. Petitioner sought a waiver or variance of paragraph 61H1-28.0052(1)(b), F.A.C., entitled "Number of Sittings, and Granting of Credit, Release of Grades and Completion of Examination, Transition Rules" which requires candidates to pass all four test sections of the CPA Examination within a rolling eighteen-month period, which begins on the NASBA grade release for the first test section passed. The Board considered the instant Petition at a duly-noticed public meeting held on June 30, 2010, in Tampa, Florida.

The Board's Order granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 473.306, Florida Statutes, would be met by granting a variance from paragraph 61H1-28.0052(1)(b), F.A.C. The Board further found that Petitioner established that applying the requirements of the aforementioned Rule to her circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

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NOTICE IS HEREBY GIVEN THAT on October 15, 2010, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on April 20, 2010, by Baby Varkey. The Notice of Petition for Waiver or Variance was published in Vol. 36, No. 22, of the June 4, 2010, Florida Administrative Weekly. Petitioner sought a waiver or variance of paragraph 61H1-27.001(5)(a), F.A.C., entitled "College or University Requirements," which lists the requirements for an applicant for licensure who holds a degree from a college that is not accredited. Petitioner also sought a waiver or variance of subsection 61H1-27.002(2), F.A.C., entitled, "Concentrations in Accounting and Business," which requires that an applicant shall have completed "36 or 54 quarter hours in accounting education at the upper division level which shall include not less than the equivalent of 6

semester or 8 quarter hours in business law courses which shall include coverage of the uniform commercial code, contracts and torts." The Board considered the instant Petition at a duly-noticed public meeting, held June 30, 2010, in Tampa, Florida.

The Board's Order granted the petition finding that Petitioner had established that the purpose of the underlying statute, Section 473.306, Florida Statutes, would be met by granting a variance or waiver from paragraph 61H1-27.001(5)(a) and subsection 61H1-27.002(2), F.A.C. The Board further found that Petitioner established that applying the requirements of the aforementioned rule to his circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

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## 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."

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NOTICE IS HEREBY GIVEN THAT on October 14, 2010, the Florida Department of Environmental Protection has issued an order.

On June 29, 2010, the Department received a petition for variance or waiver under Section 120.542, F.S., from MB Development, Inc. The Petition requested a variance from or waiver of certain provisions in Rule 62B-33.024, Florida Administrative Code, as those provisions apply to calculating the thirty year erosion projection. Notice of receipt of this petition was published in the Florida Administrative Weekly on July 16, 2010. No public comment was received. On October 11, 2010, the Petitioner withdrew its petition for variance or waiver, and an order closing file was issued on October 14, 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, Florida 32399-3000, email: [west.gregory@dep.state.fl.us](mailto:west.gregory@dep.state.fl.us).

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## Section VI Notices of Meetings, Workshops and Public Hearings

### DEPARTMENT OF STATE

The **Friends of Mission San Luis, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 8, 2010, 11:00 a.m. – conclusion

PLACE: Mission San Luis Conference Room, 2100 West Tennessee Street, Tallahassee, FL 32304

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Executive Committee will meet to discuss fall and winter events, budgets, and other Friends business.

A copy of the agenda may be obtained by contacting: Jessica Shiver at (850)487-1666.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Jessica Shiver at (850)487-1666. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Jessica Shiver at (850)487-1666 or jbshiver@dos.state.fl.us.

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#### 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: November 9, 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: December 9, 2010, 2:00 p.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Nominating Committee.

DATE AND TIME: November 18, 2010, 9:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: 4th Quarterly Meeting of 2010 of the Florida Commission on the Status of Women.

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, Florida 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, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Fax: (850)921-4131.

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#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Florida Agriculture in the Classroom, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, November 16, 2010, 10:00 a.m.

PLACE: Florida Farm Bureau, 5700 S. W. 34th St., Gainesville, FL 32608

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Agriculture in the Classroom, Inc. Board of Directors will meet for a regularly scheduled meeting.

A copy of the agenda may be obtained by contacting: Lisa Gaskalla at email: gaskalla@ufl.edu.

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The **Florida Agricultural Center and Horse Park Authority** announces a public meeting to which all persons are invited.

DATES AND TIME: Tuesday, November 9, 2010; Tuesday, November 23, 2010, 4:00 p.m.

PLACE: Florida Horse Park Office, 11008 South Highway 475, Ocala, Florida 34480

GENERAL SUBJECT MATTER TO BE CONSIDERED: These will be a meeting of the Horse Park Committees to discuss committee business.

A copy of the agenda may be obtained by contacting: Janella Johnson at (850)488-3022 or email: johnsoj1@doacs.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Janella Johnson at (850)488-3022 or email:

johnsoj1@daocs.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).

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## DEPARTMENT OF EDUCATION

The **State Advisory Committee for the Education of Exceptional Students** announces a public meeting to which all persons are invited.

**DATES AND TIMES:** Monday, December 6, 2010, 8:30 a.m. – 5:00 p.m.; Tuesday, December 7, 2010, 8:30 a.m. – 12:45 p.m.; Executive Committee, Sunday, December 5, 2010, 6:30 p.m. – 7:30 p.m.; Opportunity for Public Comment, Tuesday, December 7, 2010, 11:15 a.m.

**PLACE:** Residence Inn Marriott Tallahassee Universities at the Capitol, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Agenda topics include Bureau of Exceptional Education and Student Services Update, Restraint/Seclusion, Graduation/Diploma Options, State Performance Plan/Annual Performance Report, Rules in Process, Portal to Exceptional Education Resources (PEER), Medicaid Tracking System (MTS).

A copy of the agenda may be obtained by contacting: State Advisory Committee, Bureau of Exceptional Education and Student Services, Florida Department of Education, 614 West Gaines Street, Tallahassee, Florida 32399-0400.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 28 days before the workshop/meeting by contacting: Michele Polland, Bureau of Exceptional Education and Student Services at (850)245-0475. If you are 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: Michele Polland, Bureau of Exceptional Education and Student Services at (850)245-0475.

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The **Education Practices Commission** announces a workshop to which all persons are invited.

**DATE AND TIME:** Training for the New Commission Member, November 4, 2010, 2:00 p.m. or as soon thereafter

**PLACE:** Senate Office Building (Room 401), 404 South Monroe Street, Tallahassee, Florida 32399, (850)245-0455

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To train a newly appointed Commission Member in the duties and responsibilities of the Education Practices Commission and to orient and familiarize the appointee with the hearing process.

A copy of the agenda may be obtained by contacting: The Education Practices Commission, 325 W. Gaines Street, 224 Turlington Building, Tallahassee, Florida 32399-0400.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kathleen M. Richards at (850)245-0455. If you are 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: Janice Harris or Kathleen M. Richards at (850)245-0455.

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The **Commission for Independent Education** announces a public meeting to which all persons are invited.

**DATES AND TIMES:** November 16, 2010, Rules Committee, 1:00 p.m. – 4:30 p.m.; Health Science Committee, 5:00 p.m. – 6:00 p.m.; November 17, 2010, Commission Meeting, 9:00 a.m.

**PLACE:** Mission Inn Resort & Club, 10400 County Road 48, Howey-In-The-Hills, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Rules Committee will consider approving rule amendments to licensure standards, including placement and retention criteria and reporting. The Health Science Committee will conduct the business of the Committee. The Commission for Independent Education will consider: All Degree Granting Institutions and Non-Degree granting institutions for the following: Disciplinary Matters, Informal Hearings, Institutions Ordered to Appear Back Before the Commission, New Applications for Licensure, Institutional Applications for Program Modifications and Additional Programs, Application for Annual License, Motions for Extension of License, Motions for Request for Extension of Time to Comply with Contingencies, Reports, Approved Applicant Letters Sent, Licenses Sent, Closed Schools, Agent Training Programs, Annual Renewals, Extension of Annual License, Licenses by Means of Accreditation, Annual Reviews of License By Means of Accreditation, Substantive Change Applications, Name Change Applications, Rule Amendments, Attorney and Executive Director Reports, Applications for Exemption for Religious Colleges, and the General Business of the Commission.

A copy of the agenda may be obtained by contacting: Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

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

contacting: Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

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### DEPARTMENT OF TRANSPORTATION

The Florida **Department of Transportation**, District 6 announces two public meetings to which all persons are invited.

DATE AND TIME: DATE: Monday, November 1, 2010, 5:00 p.m. – 7:00 p.m.

PLACE: Borinquen Health Care Center (in the Design District), 100 N. E. 38 Street, Miami, FL 33137

DATE AND TIME: Thursday, November 4, 2010, 6:30 p.m. – 8:30 p.m.

PLACE: Moore Park, 765 N. W. 36 Street, Miami, FL 33127

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Information Meetings about the Upcoming construction project on State Road (S.R) 112/I-195 between S.R. 9A/I-95/NW 10 Avenue and Biscayne Bay, FIN No. 405578-1-52-01.

A copy of the agenda may be obtained by contacting: Public Information Specialist Monica Diaz at (305)215-9777 or via email: monica@publicinvolvement.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 day before the workshop/meeting by contacting: Brian Rick at (305)470-5349 or by writing: The FDOT Public Information Office, 1000 N. W. 111 Avenue, Miami, FL 33172, email: Brian.Rick@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). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Commercial Motor Vehicle Review Board** announces a public meeting to which all persons are invited.

DATE AND TIME: November 9, 2010, 8:30 a.m.

PLACE: Embassy Suites Ft. Lauderdale, 1100 S. E. 17th St., Ft. Lauderdale, FL 33316

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a monthly meeting of the Commercial Motor Vehicle Review Board for the purpose of reviewing penalties imposed upon any vehicle or persons under the provisions of Chapter 316, Florida Statutes, relating to weights imposed on the highway by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.

A copy of the agenda may be obtained by contacting: Christine Jones, Executive Assistant, Commercial Motor Vehicle Review Board, 325 John Knox Rd., Bldg. K, Tallahassee, FL 32303.

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

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The **Commercial Motor Vehicle Review Board** announces a public meeting to which all persons are invited.

DATE AND TIME: December 9, 2010, 8:30 a.m.

PLACE: Florida Department of Transportation, Burns Building Auditorium, 605 Suwannee St., Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a monthly meeting of the Commercial Motor Vehicle Review Board for the purpose of reviewing penalties imposed upon any vehicle or persons under the provisions of Chapter 316, Florida Statutes, relating to weights imposed on the highway by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.

A copy of the agenda may be obtained by contacting: Christine Jones, Executive Assistant, Commercial Motor Vehicle Review Board, 325 John Knox Rd., Bldg. K, Tallahassee, FL 32303.

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



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**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."

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The Florida **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 8, 2010, 5:30 p.m. – 7:00 p.m.

PLACE: Rookery Bay National Estuarine Research Reserve (Rookery Bay Reserve) Environmental Learning Center, 300 Tower Road, Naples, FL 34113

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose is to receive public comments on the draft Rookery Bay Reserve Management Plan.

A copy of the draft plan will be available for viewing by November 8, 2010, website: [www.FloridaCoasts.org/rookery/](http://www.FloridaCoasts.org/rookery/). The Rookery Bay Reserve Advisory Committee will be participating.

A copy of the agenda may be obtained by contacting: Brenda Varnes at (239)417-6310, by mail: 300 Tower Road, Naples, Florida 34113 or by email: [Brenda.Varnes@dep.state.fl.us](mailto:Brenda.Varnes@dep.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Brenda Varnes at [Brenda.Varnes@dep.state.fl.us](mailto:Brenda.Varnes@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).

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**PUBLIC SERVICE COMMISSION**

The Florida **Public Service Commission** will consider at its Commission Conference, Docket No.: 100422-GU, Application of Florida City Gas, a Division of Pivotal Utility Holdings, Inc., for authority to issue short-term debt security 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 finance its on-going cash requirements through its participation and borrowings from and investments in AGL Resources Inc.'s (AGLR) Utility Money Pool. In addition, the Company seeks approval to make short-term borrowings not to exceed \$800 million (aggregate for the Company's three utilities) annually from the Utility Money Pool according to limits that are consistent, given the seasonal nature of the Company's business and its anticipated cash demands, with the Company's capitalization. The Company's share of these borrowings will not exceed \$250 million.

DATE AND TIME: Tuesday, November 9, 2010, Commission Conference, 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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To take final action in Docket No.: 100422-GU.

Emergency Cancellation Of 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 to participate in this hearing because of a physical impairment should call the: Office of Commission Clerk, (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, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, please contact: Katherine Fleming, Office of the General Counsel at (850)413-6218.

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The Florida **Public Service Commission** announces public customer meeting in the following docket to which all persons are invited.

DATE AND TIME: Thursday, November 18, 2010, 6:00 p.m.

PLACE: School Board of Lee County Board Room, Lee County Education Center, 2855 Colonial Boulevard, Fort Myers, FL 33966

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, 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.

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The Florida **Public Service Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, November 19, 2010, 1:30 p.m.

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Docket No.: 040763-TP – Request for submission of proposals for relay service, beginning in June 2005, for the hearing and speech impaired, and other implementation matters in compliance with the Florida Telecommunications Access System Act of 1991. This is a meeting of the Telecommunications Access System Act Advisory Committee established pursuant to Section 427.706, Florida Statutes. The purpose of this committee meeting is to discuss current relevant issues related to relay such as Federal and State Regulatory updates, FTRI equipment distribution services and outreach, current call volumes, a new Relay Request For Proposal, and other Telecommunications Relay Service updates.

If a named storm or other disaster requires cancellation of the proceedings, Commission staff will attempt to give timely direct notice. Notice of cancellation 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.

A copy of the agenda may be obtained by contacting: Cindy Miller at (850)413-6082. Also, after November 5, the agenda will be available on the Commission website at: [www.psc.state.fl.us](http://www.psc.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: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770. If you are

hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Cindy Miller, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6082 or email: [cmiller@psc.state.fl.us](mailto:cmiller@psc.state.fl.us).

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## EXECUTIVE OFFICE OF THE GOVERNOR

The **Florida Energy & Climate Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, November 5, 2010, 1:00 p.m. – until completion

PLACE: Florida Atlantic University, Building 96 (Engineering East), 777 Glades Road, Boca Raton, FL 33431; Conference Call: 1(866)233-5216, Conference Code: 5654699#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Energy & Climate Commission (Commission) will hold a meeting to hear presentations on energy and climate change, discuss and consider mechanisms for implementing the American Recovery and Reinvestment Act Spending Plan, and other Commission business. Staff will conduct the meeting from: The Florida Atlantic University, Building 96 (Engineering East), 777 Glades Road, Boca Raton, FL 33431, where members of the public are invited to attend. Members of the public are also invited to listen to the call, but due to noise consideration are asked to dial-in from a land line and keep their phone lines muted until the public comment section of the agenda.

A copy of the agenda may be obtained by contacting: Brittany Cummins at (850)487-3800.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Brittany Cummins at (850)487-3800. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Brittany Cummins at (850)487-3800.

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## REGIONAL PLANNING COUNCILS

The **West Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 10, 2010, Audit Committee, 2:00 p.m.

PLACE: WFRPC Office, 4081 East Olive Road, Pensacola, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Oral presentation for Audit Selection. A discussion meeting will follow the final presentation.

A copy of the agenda may be obtained by contacting: Ms. K. Dawn Schwartz, Finance Director, West Florida Regional Planning Council at email: dawn.schwartz@wfrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: Ms. K. Dawn Schwartz, Finance Director, West Florida Regional Planning Council at email: dawn.schwartz@wfrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Ms. K. Dawn Schwartz, Finance Director, West Florida Regional Planning Council at email: dawn.schwartz@wfrpc.org.

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The **West Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 10, 2010, 2:30 p.m. – 4:00 p.m.

PLACE: WFRPC Office, 4081 East Olive Road, Pensacola, FL 32514

GENERAL SUBJECT MATTER TO BE CONSIDERED: Oral Presentation for Audit Selection. A discussion meeting will follow the final presentation.

A copy of the agenda may be obtained by contacting: Ms. K. Dawn Schwartz, Finance Director, West Florida Regional Planning Council at email: dawn.schwartz@wfrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: Ms. K. Dawn Schwartz, Finance Director, West Florida Regional Planning Council at email: dawn.schwartz@wfrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Ms. K. Dawn Schwartz, Finance Director, West Florida Regional Planning Council at email: dawn.schwartz@wfrpc.org.

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The **Holmes and Washington County Transportation Disadvantaged Local Coordinating Boards** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, November 16, 2010, 1:00 p.m.

PLACE: Chipley One Stop Career Center Community Room, 680 Second Street, Chipley, FL 32428

GENERAL SUBJECT MATTER TO BE CONSIDERED: Combined Quarterly Board Meeting.

A copy of the agenda may be obtained by contacting: www.wfrpc.org/holmestd and/or www.wfrpc.org/washtd.

Pursuant to the provisions of 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: Amy Brown at email: amy.brown@wfrpc.org or 1(800)226-8914, ext. 281. If you are 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: Julia Pearsall at julia.pearsall@wfrpc.org or 1(800)226-8914, ext. 231.

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The **Northeast Florida Regional Council** announces a public meeting to which all persons are invited.

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

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, Florida 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Quarterly Meeting of the Northeast Florida Regional Council Local Emergency Preparedness Committee.

Notice is also given that one or more members of Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at this meeting.

A copy of the agenda may be obtained by contacting: The Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, Florida 32216.

Pursuant to the provisions of 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: Bonnie Magee 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.

For more information, you may contact: Jason Taylor or Bonnie Magee at (904)279-0880, email: jtaylor@nefrfc.org or bmagee@nefrfc.org.

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The **Levy County Transportation Disadvantaged Local Coordinating Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Levy County TD LCB Meeting, Thursday, November 18, 2010, 1:00 p.m., followed by a meeting of the Grievance Committee

PLACE: Levy County Courthouse, County Commissioners Board Room, 355 S. Court Street, Bronson, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Local Coordinating Board.

A copy of the agenda may be obtained by contacting: The Staff of the Levy County TD LCB, c/o Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34471-0323.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **Tampa Bay Regional Planning Council**, Executive/Budget Committee announces a public meeting to which all persons are invited.

DATE AND TIME: November 8, 2010, 9:00 a.m.

PLACE: 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive/Budget Committee.

A copy of the agenda may be obtained by contacting: Wren Krahl at (727)570-5151, ext. 22 or email: wren@tbrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Wren Krahl at (727)570-5151, ext. 22 or email: wren@tbrpc.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: Wren Krahl at (727)570-5151, ext. 22 or wren@tbrpc.org.

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The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: November 8, 2010, 10:00 a.m.

PLACE: 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Tampa Bay Regional Planning Council.

A copy of the agenda may be obtained by contacting: www.tbrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Wren Krahl at (727)570-5151, ext. 22 or email: wren@tbrpc.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: Wren Krahl at (727)570-5151, ext. 22 or email: wren@tbrpc.org.

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### METROPOLITAN PLANNING ORGANIZATIONS

The **Walton County Transportation Disadvantaged Local Coordinating Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 17, 2010, 1:00 p.m.

PLACE: Walton County Extension Services Bldg., 732 N. 9th St., DeFuniak Springs, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Local Coordinating Board meeting.

A copy of the agenda may be obtained by contacting: www.wfrpc.org/waltontd one week 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 48 hours before the workshop/meeting by contacting: Dorothy McKenzie at email: dorothy.mckenzie@wfrpc.org or call 1(800)226-8914. If you are 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: Julia Pearsall at julia.pearsall@wfrpc.org or 1(800)226-8914, ext. 231.

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### WATER MANAGEMENT DISTRICTS

The **Southwest Florida Water Management District (SWFWMD)** announces a workshop to which all persons are invited.

DATE AND TIME: Friday, November 5, 2010, 9:00 a.m.

PLACE: Safety Harbor Marina, 110 Veterans Memorial Lane, Safety Harbor, FL 34695

GENERAL SUBJECT MATTER TO BE CONSIDERED: Old Tampa Bay Restoration Tour. Boating excursion to educate the Board members on current and future efforts of the District to restore the bay. Governing and Basin Board members may attend.

A copy of the agenda may be obtained by contacting: WaterMatters.org – Boards, Meetings & Event Calendar, 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).

For more information, you may contact: Lou.Kavouras @watermatters.org, 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4606 (Ad Order EXE0089).

The **Southwest Florida Water Management District (SWFWMD)** announces a workshop to which all persons are invited.

DATE AND TIME: Wednesday, November 10, 2010, 9:30 a.m.

PLACE: Highlands Hammock State Park, 5931 Hammock Road, Sebring, FL 33872

GENERAL SUBJECT MATTER TO BE CONSIDERED: Lake Wales Ridge Tour. Visit Lake Clay, FARMS projects and Archibold Biological Station to educate Board members about the unique characteristics of the Ridge. Governing and Basin Board members may attend.

A copy of the agenda may be obtained by contacting: WaterMatters.org – Boards, Meetings & Event Calendar, 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).

For more information, you may contact: Lou.Kavouras @watermatters.org, 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4606 (Ad Order EXE0088).

The Governing Board of the **South Florida Water Management District** announces a public meeting to which all persons are invited.

Human Resources & Outreach Committee Meeting

DATE AND TIME: November 9, 2010, 11:00 a.m.

PLACE: Florida Gulf Coast University, Student Union Ballroom, 10501 FGCU Blvd., South, Ft. Myers, FL 33965  
Workshop Meeting

DATE AND TIME: November 9, 2010, 1:00 p.m.

PLACE: Florida Gulf Coast University, Student Union Ballroom, 10501 FGCU Blvd., South, Ft. Myers, FL 33965  
Regular Business Meeting

DATE AND TIME: November 10, 2010, 9:00 a.m.

PLACE: Florida Gulf Coast University, Student Union Ballroom, 10501 FGCU Blvd., South, Ft. Myers, FL 33965

All or part of these meetings may be conducted as a teleconference in order to permit maximum participation by Governing Board members. The Governing Board may take official action at the meeting on any item appearing on the agenda and on any item that is added to the agenda as a result of a change to the agenda approved by the presiding officer of the meeting pursuant to Section 120.525, Florida Statutes. If Workshop items are not discussed on 11/9, the items may be discussed on 11/10.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board to discuss and consider District business, including regulatory and non-regulatory matters, and may include an amendment to the District's Fiscal Year 2010-11 budget to revise revenues and expenditures.

A copy of the agenda may be obtained by contacting: Jacki McGorty at (561)682-2087, website: [http://my.swfwmd.gov/portal/page/portal/pg\\_grp\\_govboard/pg\\_paa\\_gbgroup\\_archives](http://my.swfwmd.gov/portal/page/portal/pg_grp_govboard/pg_paa_gbgroup_archives).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Jacki McGorty at (561)682-2087 or email: jmcgorty@swfwmd.gov. If you are 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 Governing Board of the **South Florida Water Management District** announces a public meeting to which all persons are invited.

Special Governing Board Meeting

DATE AND TIME: November 19, 2010, 8:30 a.m.

PLACE: SFWMD Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33406

Special Governing Board Meeting

DATE AND TIME: December 17, 2010, 8:30 a.m.

PLACE: SFWMD Headquarters, B-1 Building, 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](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 7 days before the workshop/meeting by contacting: Jacki McGorty at (561)682-2087 or email: [jmcgorty@sfwmd.gov](mailto:jmcgorty@sfwmd.gov). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Jacki McGorty at (561)682-2087 or email: [jmcgorty@sfwmd.gov](mailto:jmcgorty@sfwmd.gov).

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The **South Florida Water Management District** announces a hearing to which all persons are invited.

**DATE AND TIME:** Thursday, December 9, 2010. Regular Meeting, 9:00 a.m.; Public hearing is anticipated to start after completion of the Discussion Agenda but may occur earlier or later in the day. The draft Florida Forever Work Plan, 2011 Annual Update (Volume II, Chapter 6A, of the 2011 South Florida Environmental Report) will be available for public review and comment from November 15, 2010 through December 9, 2010.

**PLACE:** South Florida Water Management District Headquarters, B-1 Building, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Public Hearing of the Governing Board of the South Florida Water Management District to adopt the Florida Forever Work Plan, 2011 Annual Update, included as Chapter 6A; Volume II of the South Florida Environmental Report. Public comments on the Plan may be made by regular mail or e-mail received by

the District no later than 5:00 p.m., December 7, 2010 or in person at the public hearing on December 9, 2010. At the conclusion of the public hearing, the District Governing Board will vote on the recommendation to adopt the Plan.

For more information regarding the Plan, please contact: Wanda Caffie-Simpson, Land Acquisition Department at (561)682-6445, email: [wsimpso@sfwmd.gov](mailto:wsimpso@sfwmd.gov) or in writing: South Florida Water Management District Headquarters, 3301 Gun Club Road, Mail Stop Code 7112, West Palm Beach, FL 33406.

A copy of the agenda may be obtained by contacting: (1) District website: [www.sfwmd.gov](http://www.sfwmd.gov) or (2) by writing: South Florida Water Management District, Mail Stop 2214, P. O. Box 24680, West Palm Beach, FL 33416-4680.

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: District Clerk's Office at (561)682-2087.

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## DEPARTMENT OF THE LOTTERY

The **Department of the Lottery** announces a public meeting to which all persons are invited.

**DATE AND TIME:** Monday, November 8, 2010, 2:00 p.m. (Eastern Time) continuing from day to day thereafter as may be required

**PLACE:** Florida Lottery Headquarters, 250 Marriott Drive, Tallahassee, Florida 32301

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Meeting of the Evaluation Committee to evaluate and score for ITN04-10/11, Market Research and Analysis Services.

A copy of the agenda may be obtained by contacting: Summer Silvestri at (850)487-7710.

Pursuant to the provisions of 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: Summer Silvestri at (850)487-7710. If you are 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: Summer Silvestri at (850)487-7710.

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#### 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:** November 2, 2010, 9:30 a.m. – 10:45 a.m. (EDT) (NOTE: Meeting date has changed since original submission that was published in the 8/27/10, Vol. 36, No. 34 issue of the F.A.W.)

**PLACE:** Temple Shalom, 23190 Utica Avenue, Port Charlotte, FL 33949

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Southwest Florida District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Ann Proie, Department of Elder Affairs, 2295 Victoria Avenue, Room 152, Ft. Myers, Florida 33901, (239)338-2563 or by email: prioed@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Ann Proie, Department of Elder Affairs, 2295 Victoria Avenue, Room 152, Ft. Myers, FL 33901, (239)338-2563 or by email: prioed@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ann Proie, Department of Elder Affairs, 2295 Victoria Avenue, Room 152, Ft. Myers, Florida 33901, (239)338-2563 or by email: prioed@elderaffairs.org.

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**NOTICE OF CHANGE – The Department of Elder Affairs, Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

**DATES AND TIME:** November 9, 2010; December 14, 2010; 12:30 p.m. – 1:45 p.m. (NOTE: Meeting time has changed since original submission that was published in the 9/3/10, Vol. 36, No. 35 issue of the F.A.W.)

**PLACE:** 1400 West Commercial Blvd., 2nd Floor, Room 205, Ft. Lauderdale, FL 33309

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Broward District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: David Gillespie at 7771 W Oakland Park Blvd., Sunrise, FL 33351, (954)474-7919 or email: gillespie@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: David Gillespie at 7771 W Oakland Park Blvd., Sunrise, FL 33351, (954)474-7919 or email: gillespie@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: David Gillespie at 7771 W Oakland Park Blvd., Sunrise, FL 33351, (954)474-7919 or email: gillespie@elderaffairs.org.

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**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:** November 18, 2010, 2:00 p.m. – 3:00 p.m. (EDT) (NOTE: Meeting date has changed since original submission that was published in the 8/27/10, Vol. 36, No. 34 issue of the F.A.W.)

**PLACE:** United Way of Central Florida, 5605 US Hwy. 98 South, Highland City, FL 33846

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** South Central Florida District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Tresa Johnston, Department of Elder Affairs, 200 N. Kentucky Avenue, #224, Lakeland, FL 33801, (863)413-2764 or email: johnstont@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Tresa Johnston, Department of Elder Affairs, 200 N. Kentucky Avenue, #224, Lakeland, Florida 33801, (863)413-2764, email: johnstont@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Tresa Johnston, Department of Elder Affairs, 200 N. Kentucky Avenue, #224, Lakeland, Florida 33801, (863)413-2764, email: johnstont@elderaffairs.org.

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#### DEPARTMENT OF MANAGEMENT SERVICES

**NOTICE OF CORRECTION – The Department of Management Services, Division of Telecommunications, E911 Board** announces the following notice of correction meeting schedule information update:

DATE AND TIME: November 16, 2010, 9:00 a.m. – until conclusion of business Grant Committee meeting to discuss issues related to the E911 Grant Programs.

PLACE: Embassy Suites at USF, 3705 Spectrum Boulevard, Tampa, FL

If accommodation due to disability is needed in order to participate, please notify the DMS, Division of Telecommunications Office, E911 Board in writing at least five (5) days in advance at: 4050 Esplanade Way, Tallahassee, Florida 32399-0950.

The **Agency for Workforce Innovation**, Unemployment Compensation Claims and Benefits Information System, Executive Steering Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 10, 2010, 10:30 a.m. – 12:00 Noon

PLACE: Caldwell Building, Conference Room B49, 107 E. Madison Street, Tallahassee, Florida 32399; or by Conference Call: 1(888)808-6959, Conference Code:7532872126#

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/Events/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).

The **State Retirement Commission** announces a hearing to which all persons are invited.

DATE AND TIME: November 8, 2010, 8:30 a.m.

PLACE: Department of Management Services, 4050 Esplanade Way, Room 101, Tallahassee Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct hearings pursuant to Section 121.23, Florida Statutes, and to consider other matters related to the business of the Commission.

A copy of the agenda may be obtained by contacting: Department of Management Services, State Retirement Commission, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950, (850)487-2410.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 15 days before the workshop/meeting by contacting: Department of Management Services, State

Retirement Commission, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950, (850)487-2410. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Department of Management Services, State Retirement Commission, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950, (850)487-2410.

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Board of Veterinary Medicine** announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 17, 2010, 9:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 9226020#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel meeting, portions which are closed to the public. Agenda available on request.

A copy of the agenda may be obtained by contacting: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399, (850)922-7154.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399, (850)922-7154. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399, (850)922-7154.

The **Board of Accountancy** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, November 18, 2010, 10:00 a.m. – until completion of business

PLACE: Conference Call: 1(888)808-6959, Conference Code: 9299108#



GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will meet to consider enforcement proceedings including consideration of investigation officers' reports, rules, and other general business. This is a public meeting.

A copy of the agenda may be obtained by contacting: June Carroll, Administrative Assistant II, Board of Accountancy, 240 N. W. 76th Drive, Suite A, Gainesville, FL 32607.

Pursuant to the provisions of 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: June Carroll at (352)333-2505. If you are 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: June Carroll at (352)333-2505.

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The Probable Cause Panel of the **Florida Real Estate Commission** announces a hearing to which all persons are invited.

DATE AND TIME: Monday, November 15, 2010, 2:30 p.m. or the soonest thereafter (Portions of the probable cause proceedings are not open to the public)

PLACE: Zora Neale Hurston Building, North Tower, Suite N901, 400 West Robinson Street, Orlando, Florida 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.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Florida Real Estate Commission, 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 5 days before the workshop/meeting by contacting: Division of Real Estate at (407)481-5662. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Florida Real Estate Commission** announces a public meeting to which all persons are invited.

DATES AND TIME: Tuesday, November 16, 2010; Wednesday, November 17, 2010, 8:30 a.m.

PLACE: Zora Neale Hurston Building, North Tower, Suite N901, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Florida Administrative Code 61J2 rule amendments, budget discussions, escrow disbursement requests, recovery fund claims, education issues, petitions for declaratory statement, petitions for rule variance/waiver, and disciplinary actions.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

Pursuant to the provisions of 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 Real Estate at (407)481-5662. If you are 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: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

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## 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."

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The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: November 10, 2010, 1:30 p.m. – 4:30 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 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 or by e-mail: [samantha.budd@dep.state.fl.us](mailto: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).

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The Florida **Department of Environmental Protection**, Bureau of Beaches and Coastal Systems announces a workshop to which all persons are invited.

DATE AND TIME: November 10, 2010, 2:00 p.m.

PLACE: 5050 W. Tennessee Street, Building B, Tallahassee, FL 32304

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Environmental Protection, Bureau of Beaches and Coastal Systems, proposes amendments to Chapter 62B-36, F.A.C. (Rule 62B-36.001, F.A.C.: Purpose; Rule 62B-36.002, F.A.C.: Definitions; Rule 62B-36.003, F.A.C.: Policy; Rule 62B-36.005, F.A.C.: Annual Funding Requests; Rule 62B-36.006, F.A.C.: Project Ranking Procedure; Rule 62B-36.007, F.A.C.: Project Cost Sharing; Rule 62B-36.009, F.A.C.: Project Agreements, ), in order to implement the new inlet management priorities and procedures set forth in Section 161.143, F.S., and make other changes to improve program implementation. Further, the amendments to the chapter will incorporate recommendations made by the Beach Management Working Group.

A copy of the agenda may be obtained by contacting: Roxanne Dow, Florida Department of Environmental Protection, Bureau of Beaches and Coastal Systems, Mail Station #300, Tallahassee, Florida 32399-3000, (850)922-7852, email: [roxanne.dow@dep.state.fl.us](mailto:roxanne.dow@dep.state.fl.us) or by checking the Bureau's website: <http://www.dep.state.fl.us/beaches/>.

Pursuant to the provisions of 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: same individual listed above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: same individual listed above.

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#### DEPARTMENT OF JUVENILE JUSTICE

The Florida **Department of Juvenile Justice** announces a workshop to which all persons are invited.

DATE AND TIME: Wednesday, November 17, 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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion will be had on draft rule provisions for Chapter 63K-1, F.A.C., addressing the certification and operation of local juvenile detention centers.

A copy of the agenda may be obtained by contacting: John Milla, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100, email: [john.milla@djj.state.fl.us](mailto:john.milla@djj.state.fl.us).

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#### DEPARTMENT OF HEALTH

The Florida **Department of Health, Office of Public Health Nursing** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 15, 2010, 1:00 p.m. – 4:00 p.m.

PLACE: 4042 Bald Cypress Way, Room. 301, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Special Needs Shelter Interagency Committee Meeting is being hosted by the Florida Department of Health, Office of Public Health Nursing, to identify and resolve challenges related to special needs shelters that are not currently addressed in the state comprehensive plan, relating to Rules 64-3.010, .020, .030, .040, .050, .060, .070, .080, F.A.C. The meeting shall also serve as a forum to develop policies and procedures which support sheltering best practices throughout the state. The continuation of the committee work assures the best quality service to clients with special medical needs and Florida's vulnerable population.

A copy of the agenda may be obtained by contacting: Susan "Lori" Johnson at (850)245-4444, ext. 2183 or email: [susan\\_johnson3@doh.state.fl.us](mailto:susan_johnson3@doh.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Susan "Lori" Johnson at (850)245-4444, ext. 2183 or email: [susan\\_johnson3@doh.state.fl.us](mailto:susan_johnson3@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).

The **Department of Health, Board of Medicine, Dietetics and Nutrition Practice Council** announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 8, 2010, 2:00 p.m. – 4:00 p.m.

PLACE: Conference Call: 1(888)808-6959, After dialing the conference call, enter Conference Code: 1022351047 followed by the # sign in order to join the meeting

GENERAL SUBJECT MATTER TO BE CONSIDERED: Orientation and Training of New Dietetics Council Members.

A copy of the agenda may be obtained by contacting: Department of Health, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255, (850)245-4373, ext. 3475 or by visiting our web site at: [www.doh.state.fl.us/mqa](http://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 **Board of Dentistry** announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 9, 2010, 6:00 p.m.

PLACE: Conference Call: 1(888)808-6959, when prompted enter Conference Code: 2453454#

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general board business.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Dentistry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

If any 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 at (850)245-4474.

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: Monday, November 15, 2010, 12:00 Noon

PLACE: Conference Call: 1(888)808-6959, Conference Code: 6321783289#

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss standards of practice for physicians practicing in pain management clinics subject to the provisions set forth by SB 462 (2009) & SB 2272 (2010).

A copy of the agenda may be obtained by contacting: Crystal Sanford at email: [crystal\\_sanford@doh.state.fl.us](mailto:crystal_sanford@doh.state.fl.us) or call (850)245-4132.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 hours before the workshop/meeting by contacting: Crystal Sanford at email: [crystal\\_sanford@doh.state.fl.us](mailto: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.

NOTICE OF REVISION – The Florida **Board of Nursing and Council on Certified Nursing Assistants** announces a public meeting to which all persons are invited.

DATES AND TIMES: Wednesday–Friday, December 1-3, 2010

PLACE: Hyatt Regency Miami, 400 S. E. 2nd Avenue, Miami, FL 33131, (305)358-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Revised – Wednesday, 8:30 a.m. CNA Council meets to discuss general business.

Wednesday, 2:00 p.m. Credentials Committee.

Wednesday, 2:00 p.m. Education Committee.

Thursday, 8:30 a.m. Full Board Meeting to discuss general business.

Friday, 8:30 a.m. Full Board Meeting to discuss general business.

To view the public agenda materials visit: <http://www.doh.state.fl.us/mqa/nur-meeting.html>.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Florida Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3252.

Pursuant to the provisions of 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 at (850)245-4125. If you are 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: Joe Baker, Jr., Florida Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3252.

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**NOTICE OF CANCELLATION – 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: \*CANCELLATION \* of 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.

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The **Board of Optometry**, Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, November 9, 2010, 8:30 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 9849329103#; Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3257

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda may be obtained by contacting: Bruce Deterding, Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **Board of Medicine and Osteopathic Medicine Pain Management Clinic Standards of Practice Joint Committee** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, November 15, 2010, 12:00 Noon  
PLACE: Conference Call: 1(888)808-6959, Conference Code: 6321783289#

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss standards of practice for physicians practicing in pain management clinics subject to the provisions of SB 462 (2009) and SB 2272 (2010).

A copy of the agenda may be obtained by contacting: Anthony Jusevitch, Executive Director at (850)245-4161, 4052 Bald Cypress Way, Bin #C-06, Tallahassee, FL 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Anthony Jusevitch, Executive Director at (850)245-4161. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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**NOTICE OF CHANGE – The Department of Health, Board of Psychology** announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 9, 2010, 8:00 a.m. or soon thereafter

PLACE: Meet Me Number: 1(888)808-6959, After dialing the Meet Me Number, enter Conference Code: 4246812343 followed by the # sign in order to join the meeting

GENERAL SUBJECT MATTER TO BE CONSIDERED: Credentials Committee Meeting.

A copy of the agenda may be obtained by contacting: Department of Health, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3255 or by calling The Board Office at (850)245-4373, ext. 3482 or by visiting our website: [www.doh.state.fl.us/mqa](http://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.

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The Florida **Council of Licensed Midwifery** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday November 16, 2010, 9:30 a.m. or shortly thereafter

PLACE: Conference Call: 1(888)808-6959, Conference Code: 2454594#

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review those cases on which a determination of existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: Council of Licensed Midwifery, 4052 Bald Cypress Way, Bin #C-06, Tallahassee, Florida 32399-3256.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Council of Licensed Midwifery at (850)245-4161. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **Diabetes Prevention and Control Program** announces a public meeting to which all persons are invited.

DATES AND TIMES: November 4, 2010, 10:00 a.m. – 5:30 p.m.; November 5, 2010, 8:30 a.m. – 4:15 p.m.

PLACE: Department of Health Headquarters, 4025 Esplanade Drive, Room 301, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a combined meeting of the statewide core leadership partners. Diabetes Advisory Council (DAC), Leadership Council (LC) of the Florida Alliance for Diabetes Prevention and Care, and the Diabetes Prevention Control Program (DPCP). During this meeting, the core leadership group will address the statewide strategic plan for diabetes prevention and care.

A copy of the agenda may be obtained by contacting: Cathy Monlyn at (850)245-4444, ext. 2867.

Pursuant to the provisions of 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: Cathy Monlyn at (850)245-4444, ext. 2867. If you are 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: <http://www.floridadiabesity.org/meetings.html>.

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The Florida **Department of Health, Division of Health Access and Tobacco** announces a series of public meetings to which all persons are invited.

DATES AND TIME: January 10-11, 2011, 9:00 a.m. – 4:30 p.m. each day

PLACE: 4052 Bald Cypress Way, 3rd Floor, Room 301, Tallahassee, Florida 32399; Conference Call: 1(888)808-6959, Conference Code: 6849116#

DATE AND TIME: March 7, 2011, 9:00 a.m. – 4:30 p.m.

PLACE: 4052 Bald Cypress Way, 3rd Floor, Room 301, Tallahassee, Florida 32399; Conference Call: 1(888)808-6959, Conference Code: 6849116#

DATE AND TIME: June 6, 2011, 9:00 a.m. – 4:30 p.m.

PLACE: 4052 Bald Cypress Way, 3rd Floor, Room 301, Tallahassee, Florida 32399; Conference Call: 1(888)808-6959, Conference Code: 6849116#

DATE AND TIME: September 12, 2011, 9:00 a.m. – 4:30 p.m.  
PLACE: 4052 Bald Cypress 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 meeting of an Advisory Council required by Section 381.84, Florida Statutes. The council meets four times per year to provide advice to the Department of Health relating to the Comprehensive Tobacco Education and Use Prevention Program. The meetings will provide evaluation information and reports about the Tobacco Education and Use Prevention Program and each of the program's major components

including media, the cessation quitline, and community programs. There will be additional discussion in the Advisory Council Subcommittee breakout sessions during this meeting.

A copy of the agenda may be obtained by contacting: Jane Parker at (850)245-4444, ext. 2774, email: Jane\_Parker@doh.state.fl.us or by going to the Department of Health Tobacco website: <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, email: 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).

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.

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The Florida **Department of Health, Division of Health Access and Tobacco** announces a series of public meetings held via conference call to which all persons are invited. The subcommittees are Health Communications and Youth Programs.

Health Communications Subcommittee

DATE AND TIME: February 7, 2011, 9:00 a.m. – 11:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 6849116#

DATE AND TIME: April 4, 2011, 9:00 a.m. – 11:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 6849116#

DATE AND TIME: August 1, 2011, 9:00 a.m. – 11:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 6849116#

DATE AND TIME: November 7, 2011, 9:00 a.m. – 11:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 6849116#

Youth Subcommittee

DATE AND TIME: February 9, 2011, 3:30 p.m. – 5:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 6849116#

DATE AND TIME: May 11, 2011, 3:30 p.m. – 5:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 6849116#

DATE AND TIME: July 13, 2011, 3:30 p.m. – 5:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 6849116#

DATE AND TIME: October 12, 2011, 3:30 p.m. – 5:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 6849116#

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Each is a subcommittee meeting of an Advisory Council required by Section 381.84, Florida Statutes. The Health Communications Subcommittee meets quarterly and the Youth Subcommittee meets monthly. These conference calls will address the committees' continued development of policy recommendations and work tasks to address the mandates of the Tobacco Education and Use Prevention Program as instituted in Section 381.84, Florida Statutes.

A copy of the agenda may be obtained by contacting: Jane Parker at (850)245-4444, ext. 2774, email: Jane\_Parker@doh.state.fl.us or by going to the Department of Health Tobacco website: <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, email: 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). If you are 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 a subcommittee 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.

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The Florida **Department of Health, Division of Health Access and Tobacco** announces a series of public meetings to which all persons are invited.

DATE AND TIME: March 10, 2011, 1:00 p.m. – 2:00 p.m.

PLACE: 4025 Esplanade Way, 3rd Floor, Room 340N, Tallahassee, Florida 32399; Conference Call: 1(888)808-6959, Conference Code: 6849116#

DATE AND TIME: March 17, 2011, 1:00 p.m. – 2:00 p.m.

PLACE: 4025 Esplanade Way, 3rd Floor, Room 340N, Tallahassee, Florida 32399; Conference Call: 1(888)808-6959, Conference Code: 6849116#

DATE AND TIME: March 24, 2011, 1:00 p.m. – 2:00 p.m.

PLACE: 4025 Esplanade Way, 3rd Floor, Room 340N, Tallahassee, Florida 32399; Conference Call: 1(888)808-6959, Conference Code: 6849116#

DATE AND TIME: March 31, 2011, 1:00 p.m. – 2:00 p.m.  
 PLACE: 4025 Esplanade Way, 3rd Floor, Room 340N,  
 Tallahassee, Florida 32399; Conference Call: 1(888)808-6959,  
 Conference Code: 6849116#

DATE AND TIME: April 7, 2011, 1:00 p.m. – 2:00 p.m.  
 PLACE: 4025 Esplanade Way, 3rd Floor, Room 340N,  
 Tallahassee, Florida 32399; Conference Call: 1(888)808-6959,  
 Conference Code: 6849116#

DATE AND TIME: April 14, 2011, 1:00 p.m. – 2:00 p.m.  
 PLACE: 4025 Esplanade Way, 3rd Floor, Room 340N,  
 Tallahassee, Florida 32399; Conference Call: 1(888)808-6959,  
 Conference Code: 6849116#

DATE AND TIME: April 21, 2011, 1:00 p.m. – 2:00 p.m.  
 PLACE: 4025 Esplanade Way, 3rd Floor, Room 340N,  
 Tallahassee, Florida 32399; Conference Call: 1(888)808-6959,  
 Conference Code: 6849116#

DATE AND TIME: April 28, 2011, 1:00 p.m. – 2:00 p.m.  
 PLACE: 4025 Esplanade Way, 3rd Floor, Room 340N,  
 Tallahassee, Florida 32399; Conference Call: 1(888)808-6959,  
 Conference Code: 6849116#

DATE AND TIME: May 5, 2011, 1:00 p.m. – 2:00 p.m.  
 PLACE: 4025 Esplanade Way, 3rd Floor, Room 340N,  
 Tallahassee, Florida 32399; Conference Call: 1(888)808-6959,  
 Conference Code: 6849116#

DATE AND TIME: May 12, 2011, 1:00 p.m. – 2:00 p.m.  
 PLACE: 4025 Esplanade Way, 3rd Floor, Room 340N,  
 Tallahassee, Florida 32399; Conference Call: 1(888)808-6959,  
 Conference Code: 6849116#

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
 This is a meeting of an Advisory Council required by Section 381.84, Florida Statutes. The council meets to provide advice to the Department of Health relating to the Comprehensive Tobacco Education and Use Prevention Program. The meeting will provide information about the Tobacco Education and Use Prevention Program and each of the program's major components including media, the cessation quitline, and community programs.

A copy of the agenda may be obtained by contacting: Jane Parker at (850)245-4444, ext. 2774, email: Jane\_Parker@doh.state.fl.us or by going to the Department of Health Tobacco website: <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, email: 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).

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.

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## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Community Action Team** announces a public meeting to which all persons are invited.

DATE AND TIME: November 10, 2010, 11:00 a.m. – 12:30 p.m.

PLACE: Wesson Media Center, 2813 South Meridian Street, Tallahassee, FL 32301

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
 DCF, District 2B Community Alliance members, Whole Child Agency Heads and other stakeholders will discuss current issues of importance to children and families throughout the six county area (Leon, Gadsden, Franklin, Liberty, Wakulla and Jefferson) that comprise Circuit 2. Specific topics include Trauma Informed Care and Whole Child initiatives.

A copy of the agenda may be obtained by contacting: Nicole Stookey at (850)488-0568, 1940 N. Monroe Street, Suite 3002, Tallahassee, FL 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Nicole Stookey at (850)488-0568, 1940 N. Monroe Street, Suite 3002, Tallahassee, FL 32399. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Nicole Stookey at (850)488-0568, 1940 North Monroe Street, Suite 3002, Tallahassee, FL 32399

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The **Refugee Services Program** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 10, 2010, 1:30 p.m. – 3:30 p.m.

PLACE: 5920 Arlington Expressway, Jacksonville, Florida 32211

**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: Debbie Ansbacher at (904)726-1540 or Taddese Fessehaye at (407)317-7335.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Debbie Ansbacher at (904)726-1540 or Taddese Fessehaye at (407)317-7335. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Debbie Ansbacher at (904)726-1540 or Taddese Fessehaye at (407)317-7335.

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The **Refugee Services Program** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, November 12, 2010, 10:00 a.m. – 12:00 Noon

PLACE: South Florida Workforce, 7300 Corporate Centre Drive, Suite 500, Conference Room 3, Miami, Florida 33126

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the Miami-Dade Refugee Task Force 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.

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The **Department of Children and Families**, Domestic Violence Program announces a telephone conference call to which all persons are invited.

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

PLACE: Conference Call: 1(888)808-6959, Code: 4148313#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Local Fatality Review Team Chairpersons general discussion and review of definitions for current data collection form.

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A copy of the agenda may be obtained by contacting: Susan Prater DeBeaugrine, 1317 Winewood Blvd., Building 3, Room 324, Tallahassee, FL 32399-0700, (850)414-8312.

Pursuant to the provisions of 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. If you are 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: Susan Prater DeBeaugrine, 1317 Winewood Blvd., Building 3, Room 324, Tallahassee, FL 32399-0700, (850)414-8312.

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### **FISH AND WILDLIFE CONSERVATION COMMISSION**

The Florida **Fish and Wildlife Conservation Commission** announces a facilitated stakeholder meeting to discuss and examine manatee issues.

DATE AND TIME: November 8, 2010, 9:00 a.m.

PLACE: Florida Fish and Wildlife Research Institute, 100 8th Avenue, S.E., 2nd Floor, Auditorium, St. Petersburg, FL 33701.

Participation by video also will be available at the following location, or remotely via the Internet or telephone (see contact information below for who to contact for details.)

VIDEO FEED: Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Conference Room G52C, Ground Floor, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is fact finding, to solicit input from stakeholders to the agency and its federal partners in evaluating current issues concerning the manatee. The public can attend the meeting; however, space is limited. This meeting will be structured and facilitated. Limited public comments will be taken.

A copy of the agenda may be obtained by contacting: Ms. Carol Knox at (850)922-4330 or Carol.Knox@MyFWC.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: The FWC at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ms. Carol Knox, Florida Fish and Wildlife Conservation Commission, Imperiled Species Management Section 6A, 620 South Meridian Street, Tallahassee, Florida 32399, (850)922-4330.

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**DEPARTMENT OF FINANCIAL SERVICES**

The Florida **Department of Financial Services** announces a meeting of the Chief Financial Officer's Treasury Investment Committee, to which all persons are invited.

DATE AND TIME: Wednesday, November 10, 2010, 1:00 p.m.

PLACE: 1801 Hermitage Boulevard, Room 440 C, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a quarterly meeting of the Treasury Investment Committee pursuant to Section 17.575, Florida Statutes. The purpose of the meeting is to provide an overview of Treasury operations and performance.

CONTACT: Shari Bruno, Administrative Assistant II, Florida Department of Financial Services, Division of Treasury, 1801 Hermitage Boulevard, Tallahassee, FL 32399, (850)413-2762.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting, please advise the Department at least five (5) calendar days before the meeting by contacting: Shari Bruno at (850)413-2762.

PLEASE NOTE: The Hermitage Building is a secure facility. Persons wishing to attend should call: Ms. Bruno to obtain access to the elevator that accesses the Fourth Floor.

**FINANCIAL SERVICES COMMISSION**

The **Financial Services Commission, Office of Insurance Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: November 16, 2010, 9:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Peninsula Insurance Company has requested rate increases for its Homeowners Preferred (Ex-sinkhole), Homeowners Elite (Ex-sinkhole), Homeowners Preferred (Sinkhole) and Homeowners Elite (Sinkhole) programs. The average statewide rate increase requested for each program is 19.1%, 19.5%, 3.3%, and 5.4%, respectively. The proposed rate increases would be effective March 1, 2011, for new business and January 1, 2011, for renewal business. The requested rate increases are not uniform and some areas are subject to higher rate increases.

Florida law allows the Office of Insurance Regulation to hold a public hearing for any purpose within the scope of the Insurance Code deemed to be necessary. Input from the insurers as well as interested parties will be received at this public hearing. If you are unable to attend this public hearing, please forward your comments to the: Office of Insurance Regulation at email: [ratehearings@flor.com](mailto:ratehearings@flor.com); the subject line of your email should read "Florida Peninsula."

A copy of the agenda may be obtained by contacting: Rhoda K. Johnson, Esquire at (850)413-4252 or Cindy Walden at (850)413-2616.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Cindy Walden at (850)413-2616 or email: [cindy.walden@flor.com](mailto:cindy.walden@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: Rhoda K. Johnson, Esquire at (850)413-4252 or Cindy Walden at (850)413-2616.

**FLORIDA ATLANTIC RESEARCH AND DEVELOPMENT AUTHORITY**

The **Florida Atlantic R & D Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, November 2, 2010, 10:00 a.m. – 3:00 p.m.

PLACE: Offices of Daszkal Bolton, 2401 N. W. Boca Raton Boulevard, Boca Raton, FL 33431

GENERAL SUBJECT MATTER TO BE CONSIDERED: FARDA President & CEO Interviews.

A copy of the agenda may be obtained by contacting: Christine Cannon-Burres at email: [ccannon@edc-tech.org](mailto:ccannon@edc-tech.org).

**SOUTHWOOD SHARED RESOURCE CENTER**

The **Southwood Shared Resource Center** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, November 5, 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](mailto: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](mailto: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](mailto: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, November 8, 2010, 1:30 p.m. – 4:00 p.m. or until Board business is concluded

PLACE: Turlington Building, Room 1703, 325 W. Gaines Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting of the SSRC Board of Trustees.

A copy of the agenda may be obtained by contacting: Rick Mitchell at (850)488-9895 or email: rick.mitchell@ssrc.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Rick Mitchell at (850)488-9895 or email: rick.mitchell@ssrc.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Rick Mitchell at (850)488-9895 or email: rick.mitchell@ssrc.myflorida.com.

The **Southwood Shared Resource Center** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 10, 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.

**CITIZENS PROPERTY INSURANCE CORPORATION**

The Information Systems Advisory Committee of **Citizens Property Insurance Corporation** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, November 10, 2010, 9:00 a.m.

PLACE: Conference Call: 1(866)765-5861

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business before the Information Systems Advisory Committee. A copy of the agenda may be obtained by contacting: The Corporate website at: <https://www.citizensfla.com> or Stephanie Martin at (850)513-3751.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Stephanie Martin at (850)513-3751. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**FLORIDA LOCAL GOVERNMENT FINANCE COMMISSION**

The **Florida Local Government Finance Commission** announces a hearing to which all persons are invited.

DATE AND TIME: Friday, November 12, 2010, 10:00 a.m.

PLACE: 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: YOU ARE HEREBY NOTIFIED that on the 12th day of November, 2010, at 10:00 a.m. (or as soon thereafter as the same may be heard), a public hearing (the “Hearing”) will be held at the offices of Nabors, Giblin & Nickerson, P.A., 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607, with respect to the issuance by the Florida Local Government Finance Commission (the “Issuer”) of its Florida Local Government Finance Commission Pooled Commercial Paper Notes (the “Notes”) in the principal amount of not exceeding \$6,025,000, all of the proceeds of which will be loaned (the “Port Loan”) to the Manatee County Port Authority (the “Port Authority”). The Hearing will be conducted by Counsel to the Issuer.

The Port Authority now owns, operates and maintains a navigable port of entry known as the “Port Manatee” including storage, dockage and terminal facilities, an administrative building, warehouses, docks, jetties, quaywalls, slips, roadways and parkways and other facilities, by means of which general import and export, storage and passenger cruise line businesses are conducted (herein collectively, the “Port Facilities”). The Port Facilities are located in the northwestern portion of the County at Port Manatee whose headquarters are located at 300 Regal Cruise Way, Suite 1, Palmetto, Florida 34221, on approximately 1,150 acres of land being bounded on the East by CSX railroad tracks, on the West by the Gulf of Mexico, on the South by State owned land, and on the North by the Hillsborough County line. The Port Authority owns all improvements to the Port Facilities to be refinanced with the Notes.

The proceeds of the Notes in the amount of \$6,025,000 will be loaned to the Port Authority and applied to refinance an existing loan of the Port Authority, the proceeds of which were used to refinance a portion of the cost of any of the following capital improvements:

**Berth 5 Improvements.** The existing Berth 5 with an adjacent dredged depth of approximately 18 feet is being dredged to a depth of approximately 40 feet and the dock and structure of said berth are being renovated to accommodate increased depth of the adjacent waters.

**Berth 12 Improvements.** The existing Berth 12 which accommodates only shallow draft barges and other similar vessels is being enlarged and the adjacent waters are being dredged to a depth of approximately 40 feet to accommodate larger deep draft vessels.

**Warehouse Intermodal Office Complex.** A 3-story facility of 45,000 square feet, of which the first floor contains approximately 12,000 square feet of usable warehouse space, the second and third floors provide approximately 24,000 square feet of usable office space was constructed. Site work, including road access, utilities, drainage and parking was included.

**Intermodal Transit Warehouse at Berth 9.** An intermodal transit warehouse at Berth 9 of approximately 150,000 square feet with approximately 5,000 square feet of office space, approximately 20,000 square feet of truck loading dock area and extension of rail siding to the facility was constructed.

**Intermodal Access and Improvements to Newly Acquired Port Property.** These improvements involve access and basic initial improvements to a newly acquired property. There are four aspects: (1) immediate road access; (2) extension of utilities; (3) road and infrastructure; and (4) rail bridge access.

**Railroad Interchange Trackage.** Expansion of the railroad interchange trackage between Port Manatee's switching railroad and the CSX Transportation System. This trackage system parallels US Highway 41 by the entrance to Port Manatee.

**Cold Storage Warehouse.** A 65,340 square foot warehouse, of which 49,500 square feet would be chilled space and the balance would be vestibules and truck loading dock areas in the vicinity of Berth 11.

The Notes do not constitute a general indebtedness or obligation of the Issuer within the meaning of any constitutional or statutory provision or limitation, but shall be generally payable from and secured by the loan repayments made by the Port Authority to the Issuer pursuant to the Port Loan. The Port Loan is payable from and secured by revenues of the Port Authority and will also be secured by a covenant of the County to budget and appropriate non-ad valorem revenues whenever the other sources are insufficient or unavailable. The Port Loan will not be or constitute an indebtedness of the Port

Authority, the County, the State of Florida or any political subdivision thereof within the meaning of any constitutional, statutory or other limitation of indebtedness.

The aforementioned meeting shall be a public meeting and all persons who may be interested will be given an opportunity to be heard concerning the same. Written comments may also be submitted to: Kathy Wall, Chairman, Florida Local Government Finance Commission, c/o Osceola County, One Courthouse Square, Suite 4600, Kissimmee, Florida 34741, and Steven E. Miller, Esq., Nabors, Giblin & Nickerson, P.A., 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607, prior to the hearing.

ALL PERSONS FOR OR AGAINST SAID PROPOSAL CAN BE HEARD AT SAID TIME AND PLACE. IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE ISSUER WITH RESPECT TO SUCH HEARING OR MEETING, (S)HE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF SUCH HEARING OR MEETING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact: Steven E. Miller, Nabors, Giblin & Nickerson, P.A., 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607, (813)281-2222, no later than seven days prior to the proceeding at the address given in this notice.

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#### **TRANSPORTATION DISADVANTAGED DESOTO COUNTY LOCAL COORDINATING BOARD**

The **Transportation Disadvantaged DeSoto County Local Coordinating Board** announces a public meeting to which all persons are invited.

**DATE AND TIME:** November 10, 2010, 9:30 a.m.

**PLACE:** DeSoto County Board of County Commissioners Meeting Room, DeSoto County Administrative Building, 201 East Oak Street, Suite 103, Arcadia, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** DeSoto County Board of County Commissioners meeting.

A copy of the agenda may be obtained by contacting: Peggy Waters, Social Services Manager, DeSoto County Community Services Department, 201 East Oak Street, Suite 202, Arcadia, Florida 34266.

Pursuant to the provisions of 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: Peggy Waters, Social Services Manager, DeSoto County Community Services Department, 201 East Oak Street, Suite 202, Arcadia, Florida 34266. If you are 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: Peggy Waters, Social Services Manager, DeSoto County Community Services Department, 201 East Oak Street, Suite 202, Arcadia, Florida 34266.

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**FLORIDA TELECOMMUNICATIONS RELAY, INC.**

The **Florida Telecommunications Relay, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 8, 2010, 10:00 a.m.

PLACE: 1820 E. Park Avenue, Suite 101, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual membership meeting followed by a regular meeting of the Board of Directors. Note that the Board of Directors meeting will convene immediately after conclusion of the membership meeting. The meeting is subject to cancellation for lack of a quorum or unavailability of an interpreter.

A copy of the agenda may be obtained by contacting: Mr. James Forstall, Executive Director, Florida Telecommunications Relay, Inc., 1820 E. Park Avenue, Suite 101, Tallahassee, FL 32301.

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**Section VII**

**Notices of Petitions and Dispositions  
Regarding Declaratory Statements**

**DEPARTMENT OF LAW ENFORCEMENT**

NOTICE IS HEREBY GIVEN THAT the Criminal Justice Standards and Training Commission has issued an order disposing of the petition for declaratory statement filed by Keith Begelman on July 1, 2010. The following is a summary of the agency’s disposition of the petition:

Even though his record has been expunged, Mr. Begelman is still required to acknowledge his felony conviction. Therefore, he is not exempt from the eligibility requirements set forth in Section 943.13(4), F.S., and is not eligible for Florida certification as an officer.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Office of the General Counsel, Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302.

Please refer all comments to: Joe White, Assistant General Counsel, Office of the General Counsel, Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302.

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**DEPARTMENT OF REVENUE**

NOTICE IS HEREBY GIVEN THAT the Florida Department of Revenue has received the petition for declaratory statement from Jesse Toca. The petition seeks the agency’s opinion as to the applicability of Section 196.011(11), Florida Statutes, and subsection 12D-7.001(4), Florida Administrative Code, as it applies to the petitioner.

Petitioner is seeking a declaratory statement which declares and holds that a taxpayer may decline to provide a social security number, as required by Section 196.011(11), Florida Statutes and subsection 12D-7.001(4), Florida Administrative Code, if the taxpayer establishes that providing a social security number substantially burdens the taxpayer’s sincerely held religious beliefs.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Nancy Purvis, Agency Clerk, Department of Revenue, Office of General Counsel, Post Office Box 6668, Tallahassee, FL 32314-6668, (850)617-8347. Please refer all comments to: Nancy Purvis, Department of Revenue, Office of General Counsel at (850)617-8347.

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**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.”

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**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 Douglas Kaplan, Petitioner/Unit Owner, In Re: One Island Place Condominium Association, Inc. on June 24, 2010. The following is a summary of the agency’s declination of the petition:

The division declined to issue a declaratory statement because the petitioner did not provide a statute, rule or order that may apply to this particular set of circumstances; or because petitioner failed to provide a complete current set of governing documents and the division lacks competent substantial evidence on which to issue a statement.

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.

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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.

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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 Portofino Tower One Homeowners Association at Pensacola Beach, Inc., Docket No. 2010042890 on August 26, 2010. The following is a summary of the agency's declination of the petition:

The division declined to issue a declaratory statement because petitioner failed to provide a complete current set of governing documents for both the condominium association and master association and the division lacks competent substantial evidence on which to issue a statement.

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.

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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 Deborah L. Ross, Esq., on behalf of Ocean Bay Villas Condominium Association, Inc. on August 30, 2010. The following is a summary of the agency's declination of the petition:

The division closed the file as the petitioner voluntarily withdrew its Petition for Declaratory Statement.

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.

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## **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."

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## **DEPARTMENT OF HEALTH**

The Board of Optometry hereby gives notice that on October 18, 2010, it received a request to withdraw the Petition for Declaratory Statement that was filed by Alexis Rodriguez, O.D., and was noticed in Vol. 36, No. 31, August 6, 2010 issue of the Florida Administrative Weekly.

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## **DEPARTMENT OF FINANCIAL SERVICES**

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal, has received the petition for declaratory statement from Shores of Madeira Condominium (Numerous Unit Owners at) 15400 Gulf Boulevard, Madeira Beach, Florida, on October 12, 2010, from Donald Kieffer, Petitioner. The petition seeks the agency's opinion as to the applicability of Fire Code Section 10.11.7. as it applies to the petitioner.

The condominium had two outdoor gas grills for about 20 years located near the pool and (interior) kitchen, but underneath a large overhang. This location was extremely convenient as it was near the kitchen, near the pool, near dining tables, and completely under cover. The City Fire Marshal has ordered the grills to be moved. There is no convenient or covered place on the grounds. Offers to install a sprinkler have been rejected. The only suggestion from the local officer is to get an electric grill or cook outside. Arguments: Are the local Fire Chief's interpretation of the Code correct – that there is no way that these long standing gas grills can be used under cover? Is this true notwithstanding the masonry construction of the building and the long history of incident free use of the grills? Is there no way to install sprinklers to abate the risk and return to the prior convenience – especially when so many other beachfront condos have the same arrangement? What if we had a cut off for the propane and sprinklers?

A copy of the Petition for Declaratory Statement may be obtained by contacting: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604 or (850)413-4238, Fax: (850)922-1235 or (850)488-0697 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in case any question arises), or by email: [Lesley.Mendelson@myfloridacfo.com](mailto:Lesley.Mendelson@myfloridacfo.com).

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**FINANCIAL SERVICES COMMISSION**

NOTICE IS HEREBY GIVEN THAT the Office of Financial Regulation has received the petition for declaratory statement from We the People, Inc. of the United States. The petition seeks the agency’s opinion as to the applicability of Section 120.565, Florida Statutes as it applies to the petitioner.

NOTICE IS HEREBY GIVEN THAT the Office of Financial Regulation received a request for a Declaratory Statement on October 11, 2010, from We The People, Inc., of the United States, a public charity approved by the Internal Revenue Code as a section 501(c)(3) tax-exempt organization, regarding the application of Sections 517.02(21), 517.07 and 517.12, Florida Statutes, to the We the People’s proposed “Charitable Installment Bargain Sale Application and Agreement.” The request has been assigned the No. 0546-S-10/10.

A copy of the request may be obtained by writing: Alan Jackson, Senior Attorney, Office of Financial Regulation, 200 E. Gaines Street, Fletcher Building, Suite 660K, Tallahassee, Florida 32399-0379.

**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:**

Miami Corporation vs. Department of Community Affairs; Case No.: 10-9330RX; Rule No.: 9J-5.005(6)

Conservancy of Southwest Florida and Ralk Brookes vs. South Florida Water Management District; Case No.: 10-8898RX; Rule No.: 40E-20.091

Broward Children’s Center, Inc. vs. Agency for Health Care Administration; Case No.: 10-9517RP; Rule No.: 59A-4.1295

New Hope Sugar Company and Okeelanta vs. Department of Environmental Protection; Case No.: 10-9518RP; Rule No.: 62-302.540

United States Sugar Corporation vs. Department of Environmental Protection; Case No.: 10-9519RP; Rule No.: 62-302.540

Appalachian Material Services, Inc. vs. Department of Environmental Protection; Case No.: 10-8971RX; Rule No.: 62-640.400(10), (11), 62-640.500, 62-640.700(5), (6)

Kelvin Gorrell, M.D. vs. Department of Health; Case No.: 10-9406RX; Rule Nos.: 64B-4.005, 64B-4.006

Eva Etienne vs. Department of Children and Family Services; Case No.: 10-9516RP; Rule No.: 65A-1.205(1)

Manatee Education Association and Patricia Barber vs. Manatee County School District and Manatee County School Board; Case No.: 10-9760RP

Macla Ltd., II, Limited Partnership, H. Joseph Hughes, as Trustee of the Betty Price Hughes Qualified Vacation Residence Trust, and Kershaw Manufacturing Company, Inc. vs. Department of Environmental Protection and Board of Trustees of the Internal Improvement Trust Fund; Case No.: 10-8197RU

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

Miami Corporation vs. Department of Community Affairs; Case No.: 10-9330RX; Rule No.: 9J-5.005(6); Voluntarily Dismissed

Bernadette Rodriguez vs. Department of Corrections; Case No.: 10-5866RP; Rule No.: 33-501.301(7)(a); Dismissed

Anheuser-Busch, Inc. vs. Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco; Case No.: 06-4772RX; Rule No.: 61A-1.010(1); Voluntarily Dismissed

Barbara M. Blanco vs. Department of Business and Professional Regulation, Regulatory Council of Community Association Managers; Case No.: 10-2905RX; Rule No.: 61E14-2.001(5); Invalid

Appalachian Material Services, Inc. vs. Department of Environmental Protection; Case No.: 10-8971RX; Rule No.: 62-640.400(10), (11), 62-640.500, 62-640.700(5), (6); Voluntarily Dismissed

Kelvin Gorrell, M.D. vs. Department of Health; Case No.: 10-9406RX; Rule Nos.: 64B-4.005, 64B-4.006; Withdrawal

Nicole Nicodemo vs. Department of Health, Board of Physical Therapy; Case No.: 10-5136RX; Rule No.: 64B17-3.001(4)(j); Dismissed

Elmwood Terrace Limited Partnership vs. Florida Housing Finance Corporation; Case No.: 10-2799RX; Rule No.: 67-48.0072(10); Dismissed

Luis B. Jaramillo, Jr. vs. Department of Financial Services; Case No.: 10-1139RX; Rule No.: 69B-211.042(7)(b)1.; Dismissed

Florida Association of Public Insurance Adjusters, Inc., A Florida Corporation; Mark Dimmit Boardman, an Individual; and Kimberly S. Pope, an Individual vs. Department of Financial Services, Division of Insurance Agents and Agency Services; Case No.: 10-6141RP; Rule Nos.: 69B-220.051, 69B-220.201; Withdrawal

Moshe Leib vs. Hillsborough County Public Transportation Commission a Legislatively Created Independent Special District of the State of Florida; Case No.: 10-5714RX; Dismissed

Bay Point Schools, Inc. vs. Department of Juvenile Justice; Case No.: 10-1125RU; Voluntarily Dismissed

N.W. and the Advocacy Center for Persons with Disabilities, Inc. vs. Department of Education, Division of Vocational Rehabilitation; Case No.: 10-4980RU; Voluntarily Dismissed

V. S. by Next of Friend G. S. and D. L. J., by Next of Friend S. C. vs. Agency for Persons with Disabilities; Case No.: 09-2511RU; Dismissed

FFVA Mutual Insurance Company vs. Office of Insurance Regulation and Financial Services Commission; Case No.: 09-4193RU; Dismissed

**Section IX**  
**Notices of Petitions and Dispositions**  
**Regarding Non-rule Policy Challenges**

**NONE**

**Section X**  
**Announcements and Objection Reports of**  
**the Joint Administrative Procedures**  
**Committee**

**NONE**

**Section XI**  
**Notices Regarding Bids, Proposals and**  
**Purchasing**

**DEPARTMENT OF EDUCATION**

**NOTICE TO DESIGN/BUILDER:**

The University of Florida Board of Trustees and University Athletic Association announce that Design/Build services will be required for the project listed below:

Project: UAA-25: Stadium Concourse Renovation, Gainesville, Florida

The project focuses on the Stadium concourse. Included in the scope are the West, East and South Concourses on both the main and upper levels plus adjacent Restrooms and Concessions. But, the project will be in phases depending on funding availability. The design scope for this phase will include west stadium concourse, and it is aimed at improving the Stadium functionality and image for both game day and non-game day use. The primary goals are as follows:

1. Update finishes for a consistent and clean appearance.
2. Reduce visual clutter especially overhead mechanical and electrical utilities.
3. Improve crowd flow.
4. Improve the functionality of Concessions for users and vendors.
5. Create exciting spaces for game day as non-game day visitors.

The total project budget is projected at \$18M. The first phase, West Concourse renovation is budgeted at \$7M including site improvement, fees, survey existing conditions, testing, and contingencies. Should additional funding become available, the project scope would be increased for additional phases. Construction for this phase shall be “fast-tracked” to begin by January 2, 2011 and completed by August 1, 2011. Based on the project scope, the appropriate LEED (Leadership in Energy and Environmental Design) certification by the U.S. Green Building Council will be utilized.

The contract for design/build services will consist of two parts. Part one services include design, construction administration, value engineering, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) proposal may be based on 60% Construction Documents pending the strength and experience of the D/B team, for which the design/build will be paid a fixed fee.

If the GMP is accepted, part two, the construction phase, will be implemented. In part two of the contract, the design/build becomes the single point of responsibility for completion of the construction documents, performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for part one of the contract, or

to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the design/builder's contract.

Blanket design professional liability insurance will be required from the architect, mechanical, electrical, plumbing, fire protection and structural engineering sub-consultants for this project and will be provided as a part of Basic Services. Plans and specifications for University of Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes.

Applicants will be evaluated on the basis of their past performance, experience, personnel, design and construction ability, references, bonding capacity, workload, and responses to questions posed both in the shortlist and interview phases. The Selection Committee may reject all proposals and stop the selection process at any time.

At the time of application, the applicant must be licensed to practice as a general contractor in the State of Florida and the applicant or its architectural, 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 design/build services for the project shall submit a proposal only after thoroughly reviewing the facilities program, Project Fact Sheet, and other background information. The proposal shall be prepared as specified in the DBQS Instructions and shall include:

1. A Letter of Application that concisely illustrates the applicant's understanding of the scope of services, schedule, and other goals and considerations as outlined in the Project Fact Sheet and facilities program.
2. Company information and signed certification.
3. A completed, project-specific "Design/Builder Qualifications Supplement" (DBQS) proposal. Applications on any other form will not be considered.
4. Resumes and other pertinent credentials for all proposed staff (applicant and consultants).
5. Proof of the applicant's corporate status in Florida (if applicable) and copies of current licenses for all construction, architectural, landscape architectural, and engineering entities (applicant and consultants) from the appropriate governing board.
6. Proof of bonding capacity and proof of all design entities' or consultants' (architecture and engineering) 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 design/builder must warrant that it will neither utilize the services of, nor contract

with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

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 DBQS forms, instructions, Project Fact Sheet, facilities program, UF Design Services Guide, UF Design and Construction Standards, standard University of Florida Owner-Design/Builder agreement, and other project and process information – can be found on the Facilities Planning & Construction website.

Finalists may be provided with supplemental interview requirements and criteria as needed.

Provide the number of copies prescribed in the Project Fact Sheet. Submittals must be received in the Facilities Planning & Construction office by 3:00 p.m. (Local Time), Monday, November 29, 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](http://www.facilities.ufl.edu)

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#### NOTICE FOR PROFESSIONAL SERVICES

The University of South Florida announces that Professional Services in the discipline of Architecture will be required for the project listed below:

**PROJECT NUMBER: 537**

**PROJECT AND LOCATION:** USF Sun Dome Arena and Convocation Center – Renovation Project, University of South Florida, Tampa Campus, Tampa, Florida.

**PROJECT DESCRIPTION:**

The USF Sun Dome Arena and Convocation Center – Renovation Project ("Sun Dome Project") includes modifications to the existing 250,000 gsf facility aimed at improving the overall building functionality. The modifications would extend the useful life of the Sun Dome for an additional 20 to 30 years and would include reconfiguration of the 10,000 seat bowl, adding a center hung scoreboard, adding concessions & restrooms at the Concourse Level, adding an east expansion building, modifying the southeast & southwest entries, and restoration of existing exterior concrete.

Building systems that require a major upgrade and replacement include the existing mechanical infrastructure, the existing electrical systems and retractable seating systems. The modified electrical system must accommodate the increasing electrical needs for NCAA Division I sound, broadcasting and lighting standards.



Building components that require improvements include correction of water penetration at the lower roof membranes, upgrade of entries to be appealing to Sun Dome patrons attending events, upgrades to entries to be code compliant, and repair of sections of concrete to protect steel reinforcements from the elements.

The renovation would provide a solution to the current state of the Sun Dome. Two new entries and club lounge as well as other exterior improvements will enhance the exterior appearance of the facility. Through permanent and interactive signage, the exterior of the new entries would allow for facility and event identification. The interior of the new entries would provide an opportunity for an impactful first impression.

Enhancing the patron experience and providing increased participation in events will be achieved by providing a fixed seating bowl from the main concourse that allows for the best sightlines with an intimate atmosphere and resolves accessibility and seating issues. A fixed bowl would also provide an interior concourse, concessions, restrooms, club rooms, and lounge boxes all increasing revenues. These improvements would allow the Sun Dome to secure more events which would benefit the campus life of the students and student athletes. The upgrades will allow the Sun Dome to be at par and competitive with other NCAA Division I and Big East collegiate basketball arenas.

The project time frame requires initial demolition in March 2011, and construction of the improvements to be completed for occupancy by the end of November 2011.

The construction budget is estimated to be approximately \$28,500,000. Project development, including professional services, is contingent upon availability of funds. If additional funding is realized, the University has the option to incorporate additional scope/funding under this contract. The construction delivery method is anticipated to be Construction Management.

The University is seeking to hire a consultant team with extensive experience in arena design and arena renovation – NCAA Division I collegiate basketball arenas.

The selected firm will provide planning, design, construction documents, construction administration and post-occupancy services for the project in coordination with the USF Tampa Campus 10 Year Master Plan update and USF standards for design and construction. All disciplines required for the design of the facility are to be provided for this project under the contract with the selected firm and the USF Financing Corporation, including architecture, engineering, interior design and any specialty consultants. Consultant services for design expertise unique to arena design and arena renovation may be provided by specialty design consultants. Firm submittals should include descriptions of experience and knowledge of Sustainable Design and LEED Certification. The design and construction administration services by the selected team shall facilitate the facility needs, and accomplishing those needs within the mandatory project schedule in order to meet

occupancy requirements for this project. The selected firm will be required to provide computer drawings according to the standards of the University of South Florida, including computer record drawings reflecting as-built conditions to facilitate the University's space management program. Blanket professional liability insurance will be required for this project in the amount of \$3,000,000, and will be provided as a part of Basic Services.

It is the University's responsibility to negotiate a fair, competitive, and reasonable compensation per Section 287.055, F.S. A fair, competitive and reasonable compensation shall be evaluated based upon the following information: (1) Compensation on similar projects; (2) other compensation reference data; and (3) after approval of the ranking, proposals requested from the short-listed firms based upon a scope of services document to be provided at the time of negotiations. Selection of finalists for interview will be made on the basis of professional qualifications of the proposed design team, including experience and ability to meet the project requirements and the goals and objectives of the University's Strategic Plan; past experience; design ability; volume of work; and distance from project. The distance factor for this project will provide a maximum of one point difference in scoring for location between in-state and out-of-state applicants.

As part of the University of South Florida's Strategic Plan, USF made a commitment to foster a diverse community distinguished by a shared purpose, collaboration, open and timely communication, mutual respect, trust, and inclusiveness. The University of South Florida is an equal opportunity institution, and, as such, strongly encourages the lawful use of certified Minority and Women-owned Business Enterprises ("MBEs") in the provision of design and construction-related services by providing a fair and equal opportunity to compete for, or for participation in, design and/or construction-related services.

The plans and specifications for the University of South Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

#### INSTRUCTIONS:

Firms desiring to apply to provide professional services shall submit one (1) original submittal and five (5) bound copies consisting of the information as required in the "Submittal Requirements" of the Project Fact Sheet including a letter of interest, a completed "USF Professional Qualifications Supplement (PQS)" dated October 2010 for the USF Sun

Dome Arena and Convocation Center – Renovation Project and any required or additional information within the proposal limits. Applications on any other form will not be considered. Submittals are part of the public record. All applicants must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

The “USF Professional Qualifications Supplement dated October 2010” and Project Fact Sheet which includes project information and selection criteria, may be obtained by contacting: Kathy Bennett, University of South Florida, Facilities Planning and Construction, 4202 East Fowler Avenue, FPC110, Tampa, Florida 33620-7550, email: kbennett@admin.usf.edu, (813)974-3098, (813)974-2625 or Fax: (813)974-3542.

All interested firms are invited and encouraged to attend a Pre-Submittal Meeting to be held at 2:00 p.m. (Eastern Time), Tuesday, November 16, 2010, at the: University of South Florida, Tampa Campus, Sun Dome, (Entry 4, Southwest Corner of the Sun Dome) Green and Gold Room, 4202 East Fowler Avenue, Tampa, Florida 33620, to review the scope and requirements of this project. (Directions and parking information can be obtained at the Campus Information Center at the Fowler entrance, consult a campus map website at: <http://www.usf.edu/Locations/Maps-Directions/tampa.asp> and parking information at: [http://usfweb2.usf.edu/parking\\_services/default.asp](http://usfweb2.usf.edu/parking_services/default.asp).

Requests for meetings by individual firms will not be granted. No verbal communication shall take place between the applicants and the employees of the University of South Florida except as provided at the Pre-Submittal Meeting, the Pre-Interview Meeting and the request for the PQS and Fact Sheet. Requests for any project information must be in writing to the above email address. The Selection Committee may reject all proposals and stop the selection process at any time. One (1) original and five (5) copies of the requested submittal data, bound in the order listed in the “Submittal Requirements” of the Project Fact Sheet shall be addressed to: Ray Gonzalez, RA, Facilities Planning and Construction, University of South Florida, 4202 East Fowler Avenue, FPC110, Tampa, Florida 33620-7550.

Applications that do not comply with the above instructions may be disqualified. Submittals are to be received in the University of South Florida, Facilities Planning and Construction Office, FPC110 by 2:00 p.m. (Eastern Time), Tuesday, November 30, 2010 Facsimile (FAX) or electronic submittals are not acceptable and will not be considered.

UNIVERSITY OF WEST FLORIDA  
CALL FOR QUALIFICATIONS  
PROFESSIONAL SERVICES

The University of West Florida Board of Trustees and the University of West Florida announce that it is accepting sealed qualifications submittals for professional services for minor projects on an as-needed basis:

Campus Engineering – Site and Civil – 10PQS-07JJ

Sealed submittals will be received until December 9, 2010, 10:00 a.m. (Central Time), at the Office of Procurement and Contracts, Bldg. 90, Room 134, The University of West Florida, 11000 University Parkway, Pensacola, FL 32514.

The solicitation documents and related information may be downloaded from the website: <http://uwf.edu/procurement>.

Respondents must comply with all requirements of the solicitation documents.

All inquiries must be submitted in writing to: Judy Jasmyn at email: [jjasmyn@uwf.edu](mailto:jjasmyn@uwf.edu).

NOTICE TO DESIGN BUILDERS

The University of Central Florida announces that Design Build Services will be required for the project listed below:

Project No.: UCF-562, Project and Location: Academic Villages Parking Garage Main Campus, University of Central Florida 32816-3020

Project description: The project consists of the new construction of a new parking garage adjacent to Libra Drive on the main campus of the University of Central Florida, Orlando, Florida. The new garage must accommodate at least 1080 new parking spaces with associated ingress, egress and traffic signalization.

The selected Design Build (DB) team will provide design, construction documents, and construction services.

Conceptual and advanced schematic design phases shall take place at the University of Central Florida employing an interactive style format. The design team shall prepare graphic illustrations of design concepts for review and will participate in the presentation of those concepts.

The total project budget for this project is \$12,572,280, which includes planning and construction. This project is contingent upon bond financing and appropriate approvals.

The contract for design build services will consist of two phases. Phase One is for pre-construction services, for which the design builder will be paid a fixed fee. Phase One services include value engineering, constructability analyses, and development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 75% Construction Document phase. If the GMP is accepted, Phase Two, the construction phase, will be implemented. The Design Builder is the single point of responsibility for performance of the design and construction of the project and shall publicly bid trade contracts, encouraging the inclusion of Minority Business Enterprises. Failure to negotiate an acceptable fixed fee for

phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the design builder's contract.

Selection of finalists for interviews will be made on the basis of the design builder's qualifications, including experience and ability, past experience, bonding capacity, cost estimating, and qualification of the firm's personnel, staff and consultants. Finalists will be provided with a copy of the final interview requirements, a copy of the University of Central Florida Design and Construction Standards, and the University of Central Florida Design Build agreement. The Selection Committee may reject all proposals and stop the selection process at any time.

Carefully review the Design Build Contract and General Conditions documents. Submitting a proposal for this project constitutes complete agreement with and acceptance of the terms and conditions contained within these documents. These documents can be found on our website at [www.fp.ucf.edu](http://www.fp.ucf.edu) with the advertisement. Please note that the University of Central Florida will not compensate for lodging, food, or travel associated with this project.

Firms desiring to provide design build services for the project shall submit a letter of application and a completed University of Central Florida "Design Builder Qualifications Supplement." Proposals must not exceed 40 pages, including the Design Builder Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals, which do not comply with these requirements or do not include the requested data, will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a design build firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected design build firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of placement on the convicted vendor list.

The University of Central Florida Design Builder Qualifications Supplement forms and the Project Fact Sheet which contains the Selection Criteria may be obtained by contacting: Gina Seabrook at (407)823-2166, Fax: (407)823-5141, email: [gseabroo@mail.ucf.edu](mailto:gseabroo@mail.ucf.edu) or on our website: [www.fp.ucf.edu](http://www.fp.ucf.edu).

Five (5) bound copies of the required proposal data shall be submitted to: Mrs. Gina Seabrook, Facilities Planning, 4000 Central Florida Blvd., Post Office Box 163020, Orlando, FL 32816-3020. Submittals must be received by 4:30 p.m. (Local

Time), December 10, 2010. Facsimile (FAX) submittals are not acceptable and will not be considered. Late submissions will not be accepted.

#### NOTICE FOR CONSTRUCTION MANAGEMENT SERVICES – Request for Qualifications – RFQ 11-10

Construction Management Services – North Satellite Plant  
The University of North Florida – Board of Trustees, a public body corporate, announces that Construction Management Services will be required for the project termed North Satellite Plant to be located at 1 UNF Drive, Jacksonville, FL 32224.

The scope of work for this project is anticipated to include a new modular satellite central energy plant (CEP) to provide chilled and heating hot water service to the facilities north of UNF Drive, including the new Student Wellness Center currently in design. The plant cooling capacity is estimated to be approximately 1,000 tons; and heating capacity is estimated to be approximately 8,000 MBH. Also included is site distribution piping between the new plant and the new Student Wellness Center. The plant will be located just south of Hodges Stadium.

The tentative solicitation schedule for this RFQ:

Submissions due	November 29, 2010, 2:00 p.m.
Evaluation/Short listing	December 2010
Interviews (TBD)/Award	January 2011
Substantial Completion	September 2011

#### INSTRUCTIONS:

Firms desiring to apply for consideration shall submit a letter of application with all of the appropriate documents from the RFQ 11-10 Construction Management Services – North Satellite Plant.

The letter of application should have attached:

1. The most recent version of the "UNF Construction Management Qualifications Supplement Form," completed by the applicant. Applications on any other form will not be considered.
2. A copy of the applicant's current Florida Contractor's License from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.
3. Submit six (6) complete copies of the above requested data bound and in the order listed above. Applications which do not comply with the above instructions will be disqualified. Application materials will not be returned.

Minority Business participation is strongly recommended and supported by the University of North Florida.

As required by Section 287.133, Florida Statutes, a construction manager may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services

of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Construction Management Qualifications Supplemental forms, additional information, required forms and the selection criteria may be obtained electronically online at the UNF Purchasing department website: [http://www.unf.edu/anf/purchasing/Bids\\_and\\_Notices.aspx](http://www.unf.edu/anf/purchasing/Bids_and_Notices.aspx) or by emailing:

Dianna White	AND	Angela Dyal
Dianna.white@unf.edu	University of North Florida	angela.dyal@unf.edu
(904)620-1731	Purchasing Dept.	(904)620-1733
	Bldg. 53, Suite 2950	
	1 UNF Drive	
	Jacksonville, FL 32224	

Submit one (1) original and five (5) complete copies of submittals to the above referenced address. RFQ submittals must be received no later than 2:00 p.m. (Local Time), November 29, 2010. Facsimile (FAX) or email submittals are not acceptable and will not be considered.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**DEPARTMENT OF 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 CORRECTION  
 NOTICE OF INVITATION TO BID  
 BID NO. BDC 10-10/11

PROJECT NAME: Oscar Scherer State Park-Phase I  
 Wastewater Improvements  
 HAS BEEN CORRECTED TO BID NO. BDC 11-10/11  
 PROJECT NAME: Oscar Scherer State Park-Phase I  
 Wastewater Improvements

The remainder of the advertisement regarding this bid which was published in Vol. 36, No. 41, October 15, 2010 issue of the F.A.W., will remain as advertised unless changed by addendum.

**FLORIDA HOUSING FINANCE CORPORATION**

ITN 2010-15 Business Insurance

The Florida Housing Finance Corporation invites all qualified firms to submit proposals for business insurance to cover Commercial General Liabilities, Director and Officers Liability, Employment Practices and Fiduciary Liability.

The services are to be provided in accordance with the technical specifications and terms and conditions set forth in this Invitation to Negotiate (ITN) 2010-15. Proposals shall be accepted until 2:00 p.m. (Eastern Time), Monday, November 15, 2010, to the Attention: Sherry Green, Contracts Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. For questions or additional information, please contact: Sherry Green at (850)488-4197 or email: [sherry.green@floridahousing.org](mailto:sherry.green@floridahousing.org). To obtain a copy of the Invitation to Negotiate, which outlines selection criteria and applicant's responsibilities, please submit your request to the Attention: Sherry Green, or you can download the Invitation to Negotiate from the Florida Housing Finance Corporation web site at: [http://apps.floridahousing.org/StandAlone/FHFC\\_ECM/AppPage\\_LegalITNs.aspx](http://apps.floridahousing.org/StandAlone/FHFC_ECM/AppPage_LegalITNs.aspx). Any modifications that occur to the Invitation to Negotiate will be posted at the web site and may result in an extension of the deadline.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

BIDS ARE REQUESTED FROM QUALIFIED CONTRACTORS BY THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FOR THE CONSTRUCTION OF:

PROJECT NO: FWC 10/11-32  
 PROJECT NAME: CAMP BRANCH CREEK HYDROLOGIC RESTORATION

PROJECT LOCATION: PUTNAM COUNTY, FLORIDA  
 FOR:

Work on this proposed project is comprised of filling the adjacent rim ditch, regrading of existing on site access trail and staging areas, planting with native vegetation, and stabilization of all project areas using erosion control BMP's.

QUALIFICATION:

Each bidder whose field is governed by Chapters 399, 455, 489 and 633, Florida Statutes for licensure or certification must submit qualification data of their eligibility to submit proposals with their bid.

PRE-BID CONFERENCE:

A non-mandatory pre-bid conference has been scheduled for 11:00 a.m. (EST), Wednesday, November 10, 2010, on site at Caravelle Ranch Wildlife Management Area (WMA) (approximately 10 miles south of Palatka on SR 19), Caravelle Ranch Road, Putnam County, Florida. Coordinates: N29° 30' 48", W81° 44' 02"

**REQUIRED BONDS:**

Bids shall be accompanied by a bid guarantee of not less than five (5) percent of the amount of the bid.

After award of contract, a 100% performance bond and a 100% labor and material payment bond will be required.

Sealed bids will be received, publicly opened and read aloud on:

**DATE AND TIME:** November 30, 2010, 3:00 p.m. (EST)

**PLACE:**

Purchasing Office, Room 364, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-3427

**PROPOSAL:**

Bids must be submitted in full accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions.

**BID PACKAGE:**

Bid documents shall be obtained from the Commission, upon payment of \$100.00, non-refundable, for one set. The payment envelope **MUST** be plainly marked on the outside with the bid number. The bid package will be sent overnight upon receiving payment by the above-mentioned Purchasing Office. Provide contact information, phone and fax number, as well as complete return address. **DO NOT PROVIDE POST OFFICE BOX FOR RETURN ADDRESS.**

or by downloading at no cost from: [http://myflorida.com/apps/vbs/vbs\\_www.search.criteria\\_form](http://myflorida.com/apps/vbs/vbs_www.search.criteria_form)

search for Number: FWC 10/11-32

**CONTACT PERSON:**

Direct questions to:  
 Ms. Sharita Spradley  
 Florida Fish & Wildlife Conservation Commission  
 Purchasing Department  
 620 South Meridian Street  
 Tallahassee, Florida 32399-1600  
 Tel.: (850)488-3427  
 Fax: (850)921-2500  
 Email: [sharita.spradley@MyFWC.com](mailto:sharita.spradley@MyFWC.com)

**GILBANE BUILDING COMPANY**

**BID ADDENDUM NO. 1**

This Bid Addendum modifies the University of North Florida (UNF) Student Wellness and Sports Education Center (SWSEC) Demolition, Site Work, Concrete & Structural Steel Bid Packages as follows.

Gilbane Building Company, Construction Manager, will receive subcontractor bids at the above address for:

- BP-02A – Demolition
- BP-03A – Concrete
- BP-05A – Structural Steel

**BP-31A – Sitework**

on the University of North Florida Student Wellness and Sports Education Center project. All original copies of bids must be completed on Gilbane’s proposal form, and delivered to the above address on or before November 19, 2010, 2:00 p.m.

The Wellness Center is a 2 story + track level, metal panel and glass exterior, steel structure approximately 70,000 SF in area. It will contain administrative office space, group fitness rooms, track, and exercise equipment area. The project is currently scheduled for completion in December 2011.

Drawings and specifications will be made available through Gilbane Building Company on October 29, 2010 at <ftp://transfer.gilbaneco.com>.

Username: unf

Password: ftpunf!

There will be a non-mandatory pre-bid meeting held at the address listed below on November 10, 2010, 1:00 p.m.

UNF Hall (Bldg. 53), Room 1420  
 4892 First Coast Technology Parkway  
 Jacksonville, FL 32224

Prospective Trade Contractors shall complete an online prequalification form at: [www.ibidpro.com](http://www.ibidpro.com). A tutorial with step by step instructions on how to complete the online prequalification form is available on the ftp site. Contact: Brian Wilson at [bwilson@gilbaneco.com](mailto:bwilson@gilbaneco.com) for additional information.

**SCHOOL BOARD OF PASCO COUNTY**

**INVITATION TO BID**

11-042-AF Purchase and Installation of Storage Sheds – “As Needed” / FEPC

On behalf of Florida Education Purchasing Consortium NOTICE IS HEREBY GIVEN THAT sealed bids will be accepted, and publicly opened thereafter, at the office of the Purchasing Agent, 20430 Gator Lane, Land O’ Lakes, FL 34638-2803 on or until November 30, 2010, 2:30 p.m. (EST). Bids will be accepted and publicly opened on November 30, 2010, if date/time stamped 2:30 p.m.; date/time stamps of 2:30:01 p.m. or later will be rejected and returned unopened. Late bids, regardless of reason, will be considered non-responsive.

PROJECT: BID NO. 11-042-AF, Purchase and Installation of Storage Sheds

The intent of this bid is to establish a three-year contract (renewable annually upon mutual consent of both parties) between the District School Board of Pasco County and a supplier for the Purchase and Installation of Storage Sheds on an “as needed” basis for various members of the Florida Education Purchasing Consortium, throughout the state of Florida. The award of this bid will be based on an “all or none” basis by group to the lowest and best, responsive and responsible, bidder meeting written specifications for the estimated quantities listed.

**DOCUMENTS:** Available through  
<http://purchasing.pasco.k12.fl.us/>.

**INSURANCE:** Standard Workman’s Comprehensive,  
 General Liability, etc.

**PLANS:** None

The District School Board of Pasco County reserves the right to waive minor formalities in any bid and to accept any bid which they consider to be in the best public interest, and to reject any part of, or any and all bids. Award will be made to the lowest and best, responsive and responsible, bidder in the opinion and at the option of the Board. Their decision shall be final and conclusive.

I/s Heather Fiorentino  
 Superintendent of Schools  
 District School Board of Pasco County

**PUTNAM COUNTY PUBLIC WORKS**

**REQUEST FOR QUALIFICATIONS**  
 RFQ NO: 11-02

The Putnam County Board of County Commissioners is requesting interested firms to provide Statements of Qualifications and Letters of Interest for the FLORIDA BLACK BEAR SCENIC BYWAY MASTER PLAN STUDY. The work shall consist of, but not be limited to, the preparation of a master plan written report for the Florida Black Bear Scenic Byway through Marion, Lake, Putnam and Volusia Counties a total of 126 miles.

The Putnam County Board of County Commissioners solicits responses from qualified and experienced Professional Engineering and Surveying, Design and Planning Consultants for the purpose of providing the County with an active list of available consulting firms for Selection to provide a Master Plan Study and Report. The selection process shall meet the requirements of the Consultants Competitive Negotiation Act “CCNA” Chapter 287, Florida Statutes, and in accordance with FDOT current standards.

A detailed Request for Qualifications Proposals information packet is available for download at: [www1.putnam-fl.com/live/gscfb.asp](http://www1.putnam-fl.com/live/gscfb.asp) or a copy may be obtained from the: Putnam County General Services Department, 223 Putnam County Boulevard, East Palatka, Florida, (386)329-0346, for a non-refundable cost of \$25.00 each (check or cash only, exact change).

Deadlines for receipt of RFQ responses has been set for 2:00 pm, Friday, December 3, 2010. Send one (1) original and five (5) copies of complete responses or deliver in person to: Putnam County General Services Department, 223 Putnam County Boulevard, East Palatka, Florida 32131. Only Statements of Qualifications received on or before the aforesaid time and date will be considered. Responders must indicate the RFQ number and description on the submittal package front cover.

There will be a mandatory pre-submittal conference held at 10:00 a.m., Friday, November 19, 2010, in the Putnam County Commission Meeting Room, 2509 Crill Avenue, Suite 100, Palatka, Florida 32177. Questions concerning this project may be directed to: Mr. Angelo A Speno, P.E. at (386)329-0346 or Fax: (386)329-0340.

Putnam County complies with all federal status relating to non-discrimination.

The local preference provisions of the County Purchasing Ordinance do not apply to this RFQ.

The Board of County Commissioners reserves the right to accept or reject any and all submittals of qualifications and to waive all informalities.

**Section XII**  
**Miscellaneous**

**DEPARTMENT OF REVENUE**

**NOTICE OF ADOPTION OF COMMUNICATIONS SERVICES TAX ADDRESS/JURISDICTION DATABASE**

Section 202.22(2), F.S., requires the Department of Revenue to create and maintain an electronic siting database that assigns customer service addresses to local taxing jurisdictions for purposes of the communications services tax. The update to the Address/Jurisdiction Database, as posted on October 1, 2010, becomes effective on January 1, 2011. The database can be accessed at <http://geotax.state.fl.us>. The next update to the database will be effective July 1, 2011, and is required to be posted 90 days in advance of the effective date. Local governments are required to submit changes and additions for inclusion in the July 1, 2011, update no later than March 3, 2011. Additional information concerning procedures for requesting changes and additions to the database is available from the: Department of Revenue Local Government Unit at 1(800)352-3671 or by email: [local-govt-unit@dor.state.fl.us](mailto:local-govt-unit@dor.state.fl.us). Persons with hearing or speech impairments may call the TDD line at 1(800)367-8331 or (850)922-1115.

**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 JH Global Services, Inc., intends to allow the establishment of Allstar Golf Cars, LLC, as a dealership for the sale of low-speed vehicles manufactured by JH Global Services, Inc. (STAR) at 570 North Highway 441/27, Lady Lake (Lake County), Florida 32159, on or after November 21, 2010.

The name and address of the dealer operator(s) and principal investor(s) of Allstar Golf Cars, LLC are dealer operator(s): Roger Brownell, 572 North Highway 441/27, Lady Lake, Florida 32159, and Jason Brownell, 572 North Highway 441/27, Lady Lake, Florida 32159, principal investor(s): Roger Brownell, 572 North Highway 441/27, Lady Lake, Florida 32159, and Jason Brownell, 572 North Highway 441/27, Lady Lake, Florida 32159.

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: Jane Zhang, JH Global Services, Inc., 52 Pelham Davis Circle, Greenville, South Carolina 29615.

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.

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#### 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 Taotao USA, Inc., intends to allow the establishment of Cycle Exchang, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Tao Tao Industry Co., Ltd., (TAOI) at 14540 North Florida Avenue, Tampa (Hillsborough County), Florida 33613, on or after November 28, 2010.

The name and address of the dealer operator(s) and principal investor(s) of Cycle Exchang, LLC, are dealer operator(s): Patcharee Clark, 14540 North Florida Avenue, Tampa, Florida 33613; principal investor(s): Patcharee Clark, 14540 North Florida Avenue, Tampa, Florida 33613.

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 Hillman, Taotao USA, Inc., 2425 Camp Avenue, #100, Carrollton, Texas 75006.

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.

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#### 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 Kandi USA, Inc., intends to allow the establishment of Family Power Sports, LLC, d/b/a Family Motorsports as a dealership for the sale of motorcycles manufactured by Zhejiang Kangdi Vehicles Co., Ltd., (KANG) at 7914 B US Highway 19 North, Port Richey (Pasco County), Florida 34668, on or after November 21, 2010.

The name and address of the dealer operator(s) and principal investor(s) of Family Power Sports, LLC, d/b/a Family Motorsports are dealer operator(s): Stuart Taft, 7914 B Highway 19 North, Port Richey, Florida 34668; principal investor(s): Stuart Taft, 7914 B Highway 19 North, Port Richey, Florida 34668.

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: Ya Li, Kandi USA, Inc., 10955 Arrow Route, Suite 101, Rancho Cucamonga, California 91730.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Western Golf Car Manufacturing, Inc., intends to allow the establishment of J & L Koscoe, Corp., d/b/a Golf Carts of St. Augustine as a dealership for the sale of low-speed vehicles manufactured by Western Golf Car Manufacturing, Inc. (WSTN) at 5960 US 1 North, St. Augustine (St. Johns County), Florida 32095, on or after November 21, 2010.

The name and address of the dealer operator(s) and principal investor(s) of J & L Koscoe, Corp., d/b/a Golf Carts of St. Augustine are dealer operator(s): Janice Koscoe, 170 Pantano Cay Boulevard, Unit 4103, St. Augustine, Florida 32080, principal investor(s): Gerald L. Koscoe, 170 Pantano Cay Boulevard, Unit 4103, St. Augustine, Florida 32080, and Howard Cordon, 115 E Pinehollow Trail, Unit 106, St. Augustine, Florida 32080.

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: Scott Stevens, Western Golf Car Manufacturing, Inc., 69-391 Dillon Road, Desert Hot Springs, California 92241.

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 Puma Cycles Corporation, intends to allow the establishment of Sunset Point Scooters, Inc., as a dealership for

the sale of motorcycles manufactured by Foshan City Fosti Motorcycle Manufacturer Co., Ltd (FSTI) at 2300 Sunset Point Road, Clearwater (Pinellas County), Florida 33765, on or after November 28, 2010.

The name and address of the dealer operator(s) and principal investor(s) of Sunset Point Scooters, Inc., are dealer operator(s): Doug Vitello, 2300 Sunset Point Road, Clearwater, Florida 33765, Gary Parr, 2300 Sunset Point Road, Clearwater, Florida 33765; principal investor(s): Doug Vitello, 112 South Maywood Avenue, Clearwater, Florida 33765, Gary Parr, 6481 27th Avenue, North, St. Petersburg, Florida 33710.

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: Paul M. Byrne, Puma Cycles Corporation, 1550 South Sinclair Street, Anaheim, California 92806.

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."

**STATE BOARD OF ADMINISTRATION**

Estimated Capacity

NOTICE IS HEREBY GIVEN by the State Board of Administration of Florida (the Board) of the estimated borrowing capacity, estimated claims-paying capacity, and projected balance of the Florida Hurricane Catastrophe Fund (the Fund) as of December 31, 2010, in compliance with the requirements of Section 215.555(4)(c)2., Florida Statutes. The Fund's projected post-event borrowing capacity estimate is \$9.363 billion. Given the current state of the financial markets, the range of potential borrowing capacity estimates is



dependent on many factors, such as: the size of the event, the markets accessed, the time necessary to access such markets, and the interest rates utilized. The estimated borrowing capacity and projected available year-end cash balance, together with other liquid resources, provides the Fund with a total estimated claims-paying capacity of \$18.776 billion over the next twelve months. Greater detail can be obtained in the "October 2010 Estimated Claims Paying Capacity Report," which can be found on the Fund's website at: [www.sbafla.com/fhcf/](http://www.sbafla.com/fhcf/) under "Bonding Program." The obligation of the Board for the payment of reimbursable losses is limited in Section 215.555(4)(c)2., Florida Statutes, and shall not exceed the actual claims-paying capacity of the Fund. The projected year-end balance on December 31, 2010, is estimated to be \$5.914 billion, which represents the amount of assets available to pay claims, not including any bond proceeds, resulting from Covered Events which may occur during the June 1, 2010 through May 31, 2011 Contract Year. The Board recognizes that its good faith estimate is being made while highly volatile global financial market conditions exist; therefore, changing market conditions can dramatically impact the Fund's actual claims-paying capacity either positively or negatively. Current conditions may or may not be the same if and when the Board determines that it is necessary to seek the issuance of revenue bonds.

#### AGENCY FOR HEALTH CARE ADMINISTRATION

##### LETTERS OF INTENT

The Agency for Health Care Administration received and accepted the following letters of intent for the November 17, 2010, application filing date for Other Beds and Programs batching cycle:

County: Alachua District: 3  
 Date Filed: 10/18/2010 LOI #: N1010001  
 Facility/Project: Gainesville Health Care Center  
 Applicant: The Gainesville Council on Aging, Inc.  
 Project Description: Establish a 180-bed replacement community nursing home

County: Duval District: 4  
 Date Filed: 10/18/2010 LOI #: N1010002  
 Facility/Project: San Marco Terrace Rehabilitation and Care  
 Applicant: Brooks Skilled Nursing Facility A, Inc.  
 Project Description: Establish a 68-bed replacement community nursing home

County: Polk District: 6  
 Date Filed: 10/18/2010 LOI #: N1010003  
 Facility/Project: Lakeland Investors II, L.L.C.  
 Applicant: Lakeland Investors II, L.L.C.  
 Project Description: Establish a 60-bed community nursing home thru delicensure of 60 beds from Valencia Hills Health and Rehabilitation Center

County: Brevard District: 7

Date Filed: 10/18/2010 LOI #: N1010004  
 Facility/Project: Hospice of St. Francis  
 Applicant: Hospice of St. Francis, Inc.  
 Project Description: Establish an inpatient hospice facility of up to 12 beds

County: Orange District: 7  
 Date Filed: 10/18/2010 LOI #: N1010005  
 Facility/Project: West Orange Healthcare District  
 Applicant: West Orange Healthcare District  
 Project Description: Establish a 60-bed community nursing home through the delicensure of 60 beds from Health Central Park

County: Palm Beach District: 9  
 Date Filed: 10/18/2010 LOI #: N1010006  
 Facility/Project: M.T. Health Center, LLC  
 Applicant: M.T. Health Center, LLC  
 Project Description: Addition of up to 30 community nursing home beds to the 99-bed facility approved under CON #10007

County: Broward District: 10  
 Date Filed: 10/18/2010 LOI #: N1010007  
 Facility/Project: Memorial Hospital West  
 Applicant: South Broward Hospital District  
 Project Description: Establish an adult inpatient autologous and allogeneic bone marrow transplant program at Memorial Hospital West

If requested within 14 days after notice that an application has been filed, a public hearing may be held at the local level within 21 days after December 22, 2010, the date the application is scheduled to be deemed complete. Tentative hearing dates will be published on December 10, 2010.

Lake Wales Medical Center emergency service exemption  
 The Agency for Health Care Administration has received an application for an emergency service exemption from Lake Wales Medical Center, 410 South 11th Street, Lake Wales, FL 33853, pursuant to Section 395.1041(3), Florida Statutes and Rule 59A-3.255, Florida Administrative Code. The hospital is requesting an emergency service exemption for the services of Gastroenterology, Gynecology, Neurology, Orthopedics, Pulmonary Medicine, Urology, & Vascular Surgery. Comments received within 15 days of publication will be considered by the Agency prior to making a determination of exemption status.

Additional information may be obtained by writing: Agency for Health Care Administration, Attention: Jessica Munn, 2727 Mahan Drive, MS #31, Tallahassee, FL 32308, (850)412-4359 or by email: [Jessica.Munn@ahca.myflorida.com](mailto:Jessica.Munn@ahca.myflorida.com).

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**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/](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 October 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 Francita Eupersia Brown, L.P.N. License #PN 1138631. 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 October 20, 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 Kara Leigh Burns, L.P.N. License #PN 5168006. 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 October 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 Diana Faye Fuchs, L.P.N. License #PN 5144768. 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 October 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 Thomas Patrick O'Callaghan, R.Ph. License #PS 36115. 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.

**FINANCIAL SERVICES COMMISSION**

**NOTICE OF FILINGS**

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received the following application. Comments may be submitted to the: Division Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Agency Clerk 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 32314-8050		The Fletcher Building, 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., November 19, 2010):

**APPLICATION TO MERGE**

Constituent Institutions: Florida Bank, Tampa, Florida, and Anderen Bank, Palm Harbor, Florida  
 Resulting Institution: Florida Bank  
 Received: October 15, 2010

**Section XIII**  
**Index to Rules Filed During Preceding Week**

**RULES FILED BETWEEN October 11, 2010  
 and October 15, 2010**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF MANAGEMENT SERVICES**  
**Division of Administrative Hearings**

60Q-6.102	10/11/10	10/31/10	36/29	
60Q-6.103	10/11/10	10/31/10	36/29	
60Q-6.104	10/11/10	10/31/10	36/29	
60Q-6.105	10/11/10	10/31/10	36/29	
60Q-6.106	10/11/10	10/31/10	36/29	
60Q-6.107	10/11/10	10/31/10	36/29	36/35
60Q-6.108	10/11/10	10/31/10	36/29	
60Q-6.110	10/11/10	10/31/10	36/29	
60Q-6.111	10/11/10	10/31/10	36/29	
60Q-6.113	10/11/10	10/31/10	36/29	
60Q-6.114	10/11/10	10/31/10	36/29	
60Q-6.115	10/11/10	10/31/10	36/29	
60Q-6.116	10/11/10	10/31/10	36/29	
60Q-6.117	10/11/10	10/31/10	36/29	
60Q-6.118	10/11/10	10/31/10	36/29	
60Q-6.120	10/11/10	10/31/10	36/29	
60Q-6.122	10/11/10	10/31/10	36/29	
60Q-6.123	10/11/10	10/31/10	36/29	
60Q-6.124	10/11/10	10/31/10	36/29	
60Q-6.125	10/11/10	10/31/10	36/29	
60Q-6.128	10/11/10	10/31/10	36/29	

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

62-346.010	10/12/10	11/1/10	35/20	36/29
62-346.020	10/12/10	11/1/10	35/20	
62-346.030	10/12/10	11/1/10	35/20	36/29
62-346.040	10/12/10	11/1/10	35/20	
62-346.050	10/12/10	11/1/10	35/20	36/29
62-346.051	10/12/10	11/1/10	35/20	36/29

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
62-346.060	10/12/10	11/1/10	35/20	
62-346.070	10/12/10	11/1/10	35/20	36/29
62-346.071	10/12/10	11/1/10	35/20	36/29
62-346.075	10/12/10	11/1/10	35/20	
62-346.080	10/12/10	11/1/10	35/20	36/29
62-346.090	10/12/10	11/1/10	35/20	36/29
62-346.091	10/12/10	11/1/10	35/20	36/29
62-346.095	10/12/10	11/1/10	35/20	36/29
62-346.100	10/12/10	11/1/10	35/20	36/29
62-346.110	10/12/10	11/1/10	35/20	36/29
62-346.120	10/12/10	11/1/10	35/20	
62-346.130	10/12/10	11/1/10	35/20	36/29
62-346.140	10/12/10	11/1/10	35/20	36/29
62-346.301	10/12/10	11/1/10	35/20	36/29
62-346.302	10/12/10	11/1/10	35/20	36/29
62-346.381	10/12/10	11/1/10	35/20	36/29
62-346.451	10/12/10	11/1/10	35/20	
62-346.900	10/12/10	11/1/10	35/20	36/29

**DEPARTMENT OF HEALTH**  
**Board of Chiropractic**

64B2-11.012	10/15/10	11/4/10	35/50	36/19
64B2-12.0155	10/15/10	11/4/10	36/22	36/37
64B2-12.022	10/15/10	11/4/10	36/22	36/37
64B2-18.002	10/15/10	11/4/10	36/22	36/37

**Board of Nursing**

64B9-4.004	10/13/10	11/2/10	36/34	
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**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self Sufficiency Program**

65A-1.603	10/12/10	11/1/10	36/35	
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