

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

RULE CHAPTER NO.: RULE CHAPTER TITLE:

5K-4 Food

RULE NO.: RULE TITLE:

5K-4.020 Food Permits; Requirements and Fees

PURPOSE AND EFFECT: The rule amendment revises the definition for a bottling plant, revises the form number for the Annual Food Permit Application, deletes unnecessary language, and changes the fee schedule for annual permit fees charged to food establishments. This increase in permit fees impacts most food establishments permitted by the Division of Food Safety.

SUBJECT AREA TO BE ADDRESSED: This rule makes a minor clarification concerning the definition of a bottle plant; corrects the form number for the Annual Food Permit Application required to obtain a food permit; deletes unnecessary language relating to the Department's authority to inspect a food facility; and modifies the fee schedule for annual permit fees charged to food establishments to obtain a food permit.

SPECIFIC AUTHORITY: 500.09, 500.12, 570.07(23) FS.

LAW IMPLEMENTED: 500.04, 500.09, 500.10, 500.12(1)(a), (b), (c), (d), 500.121, 500.171, 500.172, 500.177 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 IS: Dr. John Fruin, Chief, Division of Food Safety, Bureau of Food and Meat Inspection, 3125 Conner Boulevard, Mail Stop C-18, Tallahassee, FL 32399-1650; Telephone: (850)245-5520

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5K-4.020 Food Permits; Requirements and Fees.

(1) As used in this rule, the following definitions shall apply in determining food permit fees:

(a) Bottling plant. A processor or packer or both of juices, drinks, carbonated beverages or non-carbonated beverages in hermetically sealed containers (excluding bottled drinking water).

(b) Canning plant. A processor or packer or both of fruit, vegetables, seafoods or other foods in hermetically sealed containers.

(c) Convenience store. A business that is engaged primarily in the retail sale of groceries or motor fuels or special fuels and may offer food services limited to coffee from urns, or iced or frozen drinks, with no retail food processing.

(d) Convenience store with limited food service. A convenience store where food is prepared and intended for individual portion service, but limited to the display of snack foods or pastries, and/or heating or cooking of hot dogs, sausages, prepackaged pizza or meat pastries, regardless of whether consumption is on or off the premises or whether there is a charge for the food, but without retail food processing.

(e) Convenience store with significant food service. A convenience store that has retail food processing activities consisting of on-site cooking or other preparation of hot entrees, chicken (fried, roasted or grilled), sandwiches, salads, or desserts for consumption on or off the premises. The term also applies to such foods brought to a location for sale on individual customer order or by buffet-style display.

(f) Food salvage center. A firm specializing in sorting, segregating and re-working damaged foods, primarily for wholesale distribution.

(g) Food storage warehouse. A cold storage warehouse, a dry storage warehouse, or a commercial food distribution center.

(h) Grocery store. A retail food store stocking a wide variety of foods and engaged in retail food processing which contains four or fewer check-out registers and less than 15,000 total square footage, including display, preparation and storage areas.

(i) Health food store. A retail food store engaged primarily in the sale of prepackaged vitamins, minerals, nutritional supplements and foods intended for health conscious persons but with no food service or retail food processing.

(j) Health food store with food service. A health food store where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided, regardless of whether consumption is on or off the premises, or whether there is a charge for the food, but with no retail food processing.

(k) Limited Sales. Any business fitting any of the definitions in this subsection with gross food sales less than \$15,000.00 annually.

(l) Meat market. A retail food store engaged primarily in the cutting, processing and selling of meats or poultry, or both. A limited number of other foods may be stocked, but inventory and sales are predominantly meat or poultry or both.

(m) Minor food outlet. Any retail establishment that sells groceries and may offer food service to the public limited to coffee from urns, or iced or frozen drinks, but neither the

grocery sales nor the food service is a major retail function based on allocated space or gross sales. No retail food processing may be performed.

(n) Minor food outlet, only non-perishable foods. A minor food outlet which sells, stores or offers only commercially prepackaged, non-potentially hazardous, non-perishable foods and at which there is no food processing activity, no food service or any activity related to repackaging of foods. Commercially prepackaged ice, not bagged on the premises, may be sold.

(o) Minor food outlet with limited food service. A minor food outlet where food is prepared and intended for individual portion service, but limited to the display of snack foods or pastries, and/or heating or cooking of hot dogs, sausages, prepackaged pizza or meat pastries, regardless of whether consumption is on or off the premises or whether there is a charge for the food, and without retail food processing.

(p) Minor food outlet with significant food service. A minor food outlet that has retail food processing activities consisting of on-site cooking or other preparation of hot entrees, chicken (fried, roasted or grilled), sandwiches, salads, or desserts for consumption on or off the premises. The term also applies to such foods brought to a location for sale on individual customer order or by buffet-style display.

(q) Mobile vendor. Persons selling foods other than fresh fruits or vegetables from trucks, trailers or similar self-propelled conveyances.

(r) Processor, other non-perishable foods. A processor or packager of grain products, snack foods, candy, table syrup, honey, coffee, tea, spices or other non-perishable foods not defined elsewhere in this section.

~~(s)(w)~~ Processor, other perishable foods. A processor of cheese, packaged sandwiches, bulk or packaged salads, or other perishable foods not defined elsewhere in this section.

(t) Rabbit or game processor. A processor of rabbits, quail, deer, or other bird or animal species normally considered game, excepting any equine, bovine, goat, sheep, swine, or chickens, turkeys, ducks, geese, squab, ratites or guineas.

(u) Retail bakery. A food establishment that bakes breads, pastries or other similar baked goods, primarily for retail sale on the premises.

(v) Retail bakery with food service. A retail bakery where food other than breads, pastries or other similar baked goods is prepared and intended for individual portion service, and includes the site at which individual portions are provided, regardless of whether consumption is on or off the premises, or whether there is a charge for the food.

(w) Retail food processing. The cutting, grinding, or slicing of meats or cheeses for bulk or packaged display; the preparation and wrapping or packaging of sandwiches, salads, or other foods for retail display; the smoking or cooking of meat, poultry, or fish for retail display or on customer request; the steaming, cracking, or cooking of crustaceans or shellfish

for retail display or on customer request; the on-premises baking of breads or pastries; or the peeling, cutting, or trimming and packing of fruit or vegetables for retail display.

(x) Salvage store. A retail food store specializing in salvage foods.

(y) Seafood market. A retail food store engaged primarily in the sale of seafood. A limited number of other foods may be stocked, but inventory and sales are predominantly fish, crustaceans, or shellfish.

(z) Seafood processor. A processor of fresh or saltwater finfish, crustaceans, other forms of aquatic animal life (including, but not limited to, alligator, frog, aquatic turtle, jellyfish, sea cucumber, and sea urchin and the roe of such animals) other than birds or mammals, and all mollusks, where such animal life is intended for human consumption, primarily for wholesale distribution.

(aa) Semi-permanent vendor. Persons selling foods other than fresh fruits and vegetables from a pushcart, flea market stand, roadside stand, kiosk or similar structure and which may offer ancillary food service.

(bb) Supermarket. A retail food store stocking a wide variety of foods and engaged in retail food processing which contains five or more check-out registers or 15,000 or greater total square footage, including display, preparation and storage areas.

(cc) Wholesale bakery. A food establishment that bakes breads, pastries or other similar baked goods, primarily for wholesale distribution.

(2) No food permit shall be issued until an inspection has been made of the establishment and its equipment and methods of operation, and these found to comply with the provisions of the Florida Food Safety Act and rules adopted thereunder. A permit number will be assigned by the department following receipt of the Annual Food Permit Application, DACS-14306-1403-06, (Rev. 06/03-10/94), herein incorporated by reference, a copy of which can be obtained from the Florida Department of Agriculture and Consumer Services, Bureau of Food and Meat Inspection, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650. The above application shall bear the signature of the applicant or applicant's agent, a satisfactory report of inspection, and a fee in the amount specified in subsection 5K-4.020(4)(5), F.A.C. Said permit number shall not be used on any label or in any advertisement of food. Permits shall be conspicuously displayed at locations for which issued and are not transferable. The provisions of this section do not apply to public food service establishments as defined in Chapter 509, F.S.

~~(3) Any agent of the department shall have access to any factory or establishment which holds a permit from the department, for the purpose of ascertaining whether or not the conditions of the permit are being complied with. Denial of access for such inspection shall be grounds for suspension of the permit.~~

~~(3)~~⁽⁴⁾ Any person violating this rule shall be subject to the injunction procedures of Section 500.171, F.S., and to the penalties provided in Section 500.177, F.S.

~~(4)~~⁽⁵⁾ Food Permit Fees.

(a) One food permit shall be issued to and one fee shall be charged to a person for all food operations at a single location, regardless of whether the location may qualify under the definitions of this subsection for two or more permits. If a location qualifies for two or more permits, only the largest applicable fee shall be charged to that location, except that any location qualifying for a Limited Sales permit shall only be charged the fee applicable to a Limited Sales permit. If the ownership or physical location of a firm changes during a calendar year, a new food permit application, a satisfactory report of inspection, and a fee in the amount specified in subsection 5K-4.020~~(4)~~⁽⁵⁾, F.A.C., is required before a food permit shall be issued. Other license or permit fees ~~as~~ may apply to a business, however, are not voided by payment of the food permit fee. Fees charged new food permit applicants shall be the entire applicable fee if the completed application is submitted January 1 through June 30, and shall be 60 percent of the applicable fee if the completed application is submitted July 1 through December 31.

(b) The following schedule of fees is established for each food permit.

Bottled Water Plant	500
Bottling Plant	<u>385</u> 350
Bottled Water Plant	500
Canning Plant	<u>410</u> 375
Convenience Store	<u>330</u> 300
Convenience Store with Limited Food Service	<u>385</u> 350
Convenience Store with Significant Food Service	<u>465</u> 425
Food Salvage Center	<u>440</u> 400
Food Storage Warehouse	<u>355</u> 325
Grocery Store	<u>465</u> 425
Health Food Store	<u>300</u> 275
Health Food Store with Food Service	<u>385</u> 350
Limited Sales	100
Meat Market	<u>385</u> 350
Minor Food Outlet	<u>300</u> 275
Minor Food Outlet, Only Non-perishable Foods	<u>190</u> 175
Minor Food Outlet with Limited Food Service	<u>355</u> 325
Minor Food Outlet with Significant Food Service	<u>440</u> 400
Mobile Vendor	<u>300</u> 275
Packaged Ice Plant	250
Processor, Other Non-perishable Foods	<u>330</u> 300
Processor, Other Perishable Foods	<u>410</u> 375
Rabbit or Game Processor	<u>330</u> 300
Retail Bakery	<u>355</u> 325
Retail Bakery with Food Service	<u>440</u> 400
Salvage Store	<u>410</u> 375
Seafood Market	<u>355</u> 325
Seafood Processor	<u>440</u> 400
Semi-permanent Vendor	<u>190</u> 175
Supermarket	500
Wholesale Bakery	<u>465</u> 425

~~(5)~~⁽⁶⁾ Late Fees.

(a) The renewal fee for all food permits shall be the same as the food permit fee required by subsection 5K-4.020~~(4)~~⁽⁵⁾, F.A.C., and shall be due annually on January 1. If the renewal fee is not received by the department within thirty days after its due date, a late fee must be paid in addition to the food permit fee required by subsection 5K-4.020~~(4)~~⁽⁵⁾, F.A.C., before the department will issue the food permit.

(b) If a renewal fee is not paid in full by February 1, a late fee of \$100 shall be assessed against the establishment.

(c) No establishment shall be issued a food permit until all applicable fees, including late fees, are received by the department.

~~(6)~~⁽⁷⁾ Recovery of Cost for Reinspections.

(a) A food establishment shall pay a fee of \$110 to the department for recovery of the cost incurred to provide each reinspection of the food establishment. For the purposes of this section, a reinspection refers to any inspection conducted for the purpose of verifying compliance with Chapter 500, F.S., or the rules promulgated thereunder, following a previous unsatisfactory inspection. Such unsatisfactory inspection shall be indicated by issuance of an inspection report listing conditions which are not in compliance and which, when viewed as a whole, are more likely to contribute to food contamination, illnesses or environmental health hazards.

(b) Nothing in this section shall prohibit the department from imposing additional sanctions for violations of Chapter 500, F.S., or the rules promulgated thereunder. The costs of reinspection will be billed by invoice of the department and the reinspection fee shall be paid within 21 days receipt thereof. Failure to timely pay a reinspection fee is a violation of this chapter and shall be grounds for suspension of the establishment's food permit.

(c) The fee established for a reinspection shall include the average cost per inspection for inspectors' salary, benefits, travel, training, equipment, supervision, and other costs or charges directly related to administration of the food establishment inspection program.

(d) The fee shall be applicable for each reinspection regardless of whether the reinspection is satisfactory or unsatisfactory. Provided however, a fee for reinspection shall not be required when both of the following conditions are met:

1. The conditions which were deemed unsatisfactory in the prior inspection are in compliance and the overall finding of the reinspection is satisfactory, and
2. No previous reinspection of the establishment has been conducted during the same calendar year.

Specific Authority 500.09, 500.12(1)(b), 570.07(23) FS. Law Implemented 500.04, 500.09, 500.10, 500.12(1)(a), (b), (c), (d), 500.121, 500.171, 500.172, 500.177 FS. History—New 1-10-93, Formerly 5E-6.020, Amended 8-8-95, 3-11-98, 3-6-01, 10-30-01, 1-1-03, 11-1-04,_____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09421
 RULE TITLE: High School Competency Test Requirements

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to change the required administration schedule for the High School Competency Test to an annual administration. The effect of this change will be to provide an administration schedule that is commensurate with the current number of test takers each year. In addition, the amendment will eliminate obsolete provisions.

SUBJECT AREA TO BE ADDRESSED: High School Competency Test.

SPECIFIC AUTHORITY: 1001.02, 1008.22 (11) FS.

LAW IMPLEMENTED: 1001.02, 1003.428, 1003.43, 1008.22 FS.

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

DATE AND TIME: August 16, 2007, 2:00 p.m. – 4:00 p.m.

PLACE: Florida Department of Education, Turlington Building, 325 W. Gaines Street, Suite 414, 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: Office of Equity and Access (850)245-0511. If you are 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: Kris Ellington, Chief, Bureau of K-12 Assessment, Office of Assessment and School Performance, Florida Department of Education, 325 W. Gaines Street, Suite 414, Tallahassee, Florida 32399, (850)245-0513

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

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NO.: 12C-1.0221
 RULE TITLE: Returns, Notices, and Elections; Signing and Verification

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-1.0221, F.A.C. (Returns, Notices, and Elections; Signing and Verification), is to provide procedures for how and when the Department will accept electronic signatures on corporate income tax returns or notices that are filed with the Department electronically.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed procedures regarding the acceptance of electronic signatures on corporate income tax returns or notices that are filed with the Department electronically.

SPECIFIC AUTHORITY: 213.06(1), 220.51 FS.

LAW IMPLEMENTED: 213.755, 220.221, 220.23(2)(a) FS.

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

DATE AND TIME: August 14, 2007, 10:00 a.m.

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robert DuCasse, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4715

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12C-1.0221 Returns, Notices, and Elections; Signing and Verification.

(1) A return, election, or notice required of a taxpayer shall be signed by an officer duly authorized to sign. A return or notice required of a taxpayer made by a fiduciary under subsection 220.22(3), F.S., shall be signed by the fiduciary. An officer's or fiduciary's signature on a return or notice made by or for a taxpayer shall be prima facie evidence that such individual was authorized to sign the return or notice on behalf of the taxpayer. The filing of a return that is not signed or that is improperly signed and verified may be treated as a failure to file the return for purposes of starting the limitation period or for the imposition of penalty for failure to file.

(a) Florida corporate income/franchise and emergency excise tax returns (Form F-1120), amended returns (Form F-1120X), or notices shall be signed by the president, vice-president, treasurer, assistant treasurer, chief accounting officer, or any other officer duly authorized to sign such returns or notices.

(b) Consolidated returns (Form F-1120) and affiliations schedules (Form F-851) shall be signed by the president, vice-president, treasurer, assistant treasurer, chief accounting officer, or any other officer of the common parent authorized to

sign. Each authorization and consent of subsidiary corporation to be included in a consolidated return (Form F-1122) shall be signed by an officer duly authorized by the subsidiary to sign.

(c) Form F-7004 shall be signed by a person authorized by the taxpayer to request such extension. Such person must be an individual authorized under paragraph (a) or (b) to sign the taxpayer's return; a person currently enrolled as an agent under Treasury Department Circular Number 230 to practice before the Internal Revenue Service; an attorney who is a member in good standing of the bar of the highest court of any state, possession, territory, commonwealth or the District of Columbia; or any certified public accountant who is duly qualified to practice in any state, possession, territory, commonwealth, or the District of Columbia.

(d) A fiduciary includes a receiver, trustee in dissolution, trustee in bankruptcy, or assignee, who, by order of a court of competent jurisdiction, by operation of law or otherwise, has possession of or holds title to all or substantially all of the property or business of a corporation.

(e) Notices include, but are not limited to, waivers on restrictions on assessment and collection of proposed assessments under Section 220.715, F.S., consents to extend the statutory period under Section 213.23, F.S., and notifications of federal adjustments under subsection 220.23(2), F.S.

(2) A Florida partnership information return (Form F-1065) or notice required of a partnership shall be signed by any one (1) of the general partners, and the fact that a partner has signed a return or notice shall be prima facie evidence that such partner was authorized to sign such document on behalf of the partnership. A Florida partnership return or notice made by a receiver, trustee in bankruptcy, or assignee shall be signed by such fiduciary. A Form F-7004, application of extension of time to file a Florida partnership return, shall be signed by a person authorized to make such application. Such person shall include a general partner; a person currently enrolled as an agent under Treasury Department Circular Number 230 to practice before the Internal Revenue Service; an attorney who is a member in good standing of the bar of the highest court of any state, possession, territory, commonwealth, or the District of Columbia; or any certified public accountant who is duly qualified to practice in any state, possession, territory, commonwealth, or the District of Columbia.

(3) Each return or notice required to be filed under this code shall be verified by a written declaration that is made under the penalties of perjury. A return prepared for the taxpayer by another person shall contain a declaration by the preparer that it was prepared on the basis of all information of which the preparer has knowledge.

(a) Florida ~~corporate corporation~~ income tax returns (Form F-1120), amended returns (Form F-1120X), and partnership information returns (Form F-1065) shall contain a declaration, under the penalties of perjury, that the officer, partner, or

fiduciary signing the return has examined the return, including accompanying schedules and statements, and declares that to the best of his knowledge and belief the return is true, correct, and complete. If such returns are prepared by a person other than the taxpayer, the preparer shall declare, under penalties of perjury, that the return, accompanying schedules, and statements, are true, correct, and complete to the best of his knowledge and belief based on all of the information of which he has any knowledge.

(b) Affiliations schedules (Form F-851) shall contain a declaration, under the penalties of perjury, that the officer ~~or~~ fiduciary signing the schedule has examined the information and statements contained therein and declares to the best of his knowledge and belief that the schedule is true and correct.

(c) Florida tentative income tax return and application for extension of time to file income tax return (Form F-7004) and authorization and consent of subsidiary corporation to be included in a consolidated return (Form F-1122) shall contain a declaration, under the penalties of perjury, that the person signing such form has been authorized to sign the form and that the information and statements therein are true and correct to the best of his knowledge and belief.

(4)(a) An electronically filed return or notice shall be deemed to be signed when the individual who is authorized to sign under subsection (1) includes his or her name in the filed electronic return data identified as signature information.

(b) When the individual who is authorized to sign includes his or her name in the filed electronic return data identified as signature information it will also be deemed to serve as the written declaration made under penalties of perjury in accordance with subsection (3).

Specific Authority 213.06(1), 220.51 FS. Law Implemented 213.755, 220.221, 220.23(2)(a) FS. History—New 3-5-80, Amended 12-18-83, Formerly 12C-1.221, Amended 12-21-88, 4-8-92,_____.

DEPARTMENT OF REVENUE

Division of Child Support Enforcement

RULE NO.:	RULE TITLE:
12E-1.008	Determination of Cooperation; Determination of Noncooperation; Determination of Good Cause

PURPOSE AND EFFECT: The purpose of the rule amendment is to clarify that an individual does not have to cooperate with the child support enforcement program when they are receiving or applying for public assistance and they live in a disaster area, during a disaster as defined in Section 252.34, F.S. The effect of proposed Rule 12E-1.008, F.A.C., is to inform the public that individuals do not have to cooperate with the child support enforcement program when they are receiving or applying for public assistance and they live in a disaster area, during a disaster as defined in Section 252.34, F.S.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is to develop improvements in the procedures that deal with cooperation requirements for applicants or recipients of public assistance.

SPECIFIC AUTHORITY: 409.2557(3)(h) FS.

LAW IMPLEMENTED: 409.2572 FS.

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

DATE AND TIME: August 10, 2007; 9:00 a.m.

PLACE: 4070 Esplanade Way, Room 301, Tallahassee, FL. 32399-3150

Pursuant to the provisions of 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: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD). If you are 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: Phil Scruggs, Government Analyst II, Child Support Enforcement Program, Department of Revenue, P. O. Box 8030, Tallahassee, Florida 32314-8030, telephone (850)922-9558, e-mail address scruggsp@dor.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12E-1.008 Determination of Cooperation; Determination of Noncooperation; Determination of Good Cause.

(1) Definitions and Federal and State Law.

(a) Definitions. As used in this section:

1. "Applicant or recipient" means an individual who has applied for or receives public assistance.

2. "Cooperation" means an applicant or recipient taking the actions identified in the good faith cooperation provisions of Section 409.2572, Florida Statutes, F.S., as requested by the child support enforcement program or legal service provider staff, to assist in identifying and locating the noncustodial parent, establishing paternity, establishing, modifying, and enforcing medical and financial support, and collecting support or other payments or property due from the noncustodial parent.

3. "Department" means the Department of Revenue.

4. "Good cause" means a legally and factually sufficient reason to excuse the applicant or recipient from cooperation requirements as determined by the department, after evaluating

the applicant or recipient's written good cause claim, and other evidence available to the department, in accordance with subsection (5) of this rule.

5. "Public assistance" means food stamps received on behalf of a child under 18 years of age who has an absent parent, money assistance paid on the basis of foster care or medicaid programs operating under Title IV-E and Title XIX of the Social Security Act, respectively, or temporary cash assistance.

(b) Federal and state laws. Cooperation provisions are located in 42 United States Code U.S.C. 608(a), 42 United States Code U.S.C. 654(29), 45 Code of Federal Regulations CFR 264.30 and Sections 409.2572, 414.095(6) and 414.32(1)(a), Florida Statutes, F.S. Members of the public may obtain copies of the federal laws from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 or by accessing <http://uscode.house.gov/usc.htm> to obtain the above United States Code U.S.C. or <http://www.access.gpo.gov/nara/cfr/> to obtain the above Code of Federal Regulations CFR on the Internet.

(2) Cooperation Requirements for Applicants or Recipients of Public Assistance. As a condition of eligibility for public assistance, an applicant or a recipient must cooperate in good faith with the child support enforcement program. An adult who applies for or receives Medicaid services for a child only is not required to cooperate as provided by this rule. The requirement for an applicant or a recipient to cooperate with the child support enforcement program will be excused ~~only~~ when good cause for refusing to do so is determined in accordance with subsection (5) of this rule or during the time of a disaster, as defined in Section 252.34, Florida Statutes, for applicants and recipients who reside in the disaster area.

(a) Cooperation Requirement for Applicants for Public Assistance.

1. If an applicant for public assistance provides to the department, either directly or via the Department of Children and Family Services, the following information concerning the noncustodial parent for each eligible child, the applicant shall be determined to have cooperated for purposes of eligibility for public assistance:

- a. Name (first and last).
- b. Gender.
- c. Race.
- d. Date of birth or social security number.

2. If an applicant fails to provide the four items listed in subparagraph 1. above, the applicant must be interviewed by the department prior to authorization of public assistance benefits. At this interview the applicant will have the opportunity to cooperate with the department by providing information concerning the noncustodial parent for each eligible child that will help the department to identify and locate the noncustodial parent, establish paternity, establish,

modify, and enforce medical and financial support, and collect support and other payments or property due from the noncustodial parent or claim good cause as provided by subsection (5). An applicant who alleges a lack of information regarding the location or identity of the putative or other parent(s), pursuant to paragraph (b), subparagraph 2., below, has demonstrated cooperation with the department.

3. An applicant shall not be eligible for public assistance benefits when the applicant fails to cooperate with the department in accordance with subparagraphs 1. and 2. above. The department shall notify the Department of Children and Family Services of the applicant's failure to cooperate, in accordance with subsection (6).

4. Once the applicant complies with subsection (2), paragraph (a), subparagraph 1. or 2., and is determined eligible to receive public assistance, the recipient shall be required to further cooperate with the department in accordance with subsection (2), paragraph (b), of this rule and the good faith cooperation provisions of Section 409.2572, Florida Statutes, F.S.

(b) Continuous Cooperation Requirement.

1. A recipient of public assistance must continue to make a good faith effort to cooperate with the department in accordance with Section 409.2572, Florida Statutes, F.S., to assist the department in its efforts to identify and locate the noncustodial parent, establish paternity, establish, modify, and enforce medical and financial support, and collect support or other payments or property due from the noncustodial parent.

2. With respect to identifying and locating the noncustodial parent, the recipient must provide the following information regarding the noncustodial parent, when requested and if available:

- a. Social Security Number.
- b. Race.
- c. Date of birth.
- d. Current or former employer.
- e. Place of birth.
- f. Current or former address and phone number of the noncustodial parent.
- g. Schools attended and dates when attended.
- h. Driver license number and state where issued.
- i. Make, model and license number of vehicles owned by the noncustodial parent and state where vehicle is or was registered.
- j. Arrest or incarceration history.
- k. Banks or other financial institutions where the noncustodial parent conducts business.
- l. Places of social contact. This includes names, addresses or telephone numbers of parents, friends or relatives.
- m. First and last names of the noncustodial parent's parents.

n. Other information, based upon individual case circumstances, that will assist the department in determining the noncustodial parent's identity and location.

3. A recipient who alleges a lack of information regarding the location or identity of the putative or other parent(s), pursuant to subsection (2), paragraph (b), subparagraph 2., above, has demonstrated cooperation with the department.

(3) Determination of Noncooperation. If the recipient of public assistance fails to cooperate with the department in accordance with Section 409.2572, Florida Statutes, F.S., and subsection (2), above, then the department shall determine the recipient noncooperative and take the following action.

(a) The department shall send notice of the recipient's noncooperation to the recipient at the last known address provided to the department.

(b) Failure of the recipient to take one of the following three actions within 10 business days from the mail date on the notice shall result in a determination of noncooperation and notification to the Department of Children and Family Services in accordance with subsection (6) of this rule:

1. Contact the department and make arrangements to cooperate. Noncooperation shall not be reported by the department if the recipient takes the requested action by the scheduled compliance date.

2. Respond within 10 days and claim to have a good cause reason to not cooperate. The recipient shall not be reported as uncooperative unless the good cause claim is denied by the department pursuant to subsection (5). Food stamp only recipients must request a good cause determination from the Department of Children and Family Services.

3. Request the department to conduct an informal review pursuant to subsection (4).

(4) Request for Review.

(a) The recipient may request a review of a pending determination of noncooperation. The department shall provide the recipient with the necessary documentation to request a review. The recipient must return the completed request to the department within 10 business days from the date the department mails the documentation to the recipient. If the recipient telephones the department and requests a review, the department shall mail the necessary documentation to the recipient within five business days of the telephone call. Failure of the recipient to return the request within the designated time shall result in the department notifying the Department of Children and Family Services that the recipient has failed to cooperate.

(b) Reviews of pending determinations of noncooperation requested pursuant to subsection (3), paragraph (b), subparagraph 3., shall be finalized within 20 business days of receipt of a completed request for review. Incomplete requests provided to the department shall be returned to the recipient, with an explanation of the additional information required. The recipient will have five additional business days to return the

completed request for review. When a request for review is not returned within the five additional business days, the recipient shall be determined noncooperative and the department will notify the Department of Children and Family Services. The department shall take the following actions when a completed request for review is received by the department.

1. Schedule a date to conduct the review.

2. Provide notice of the date, time and place of the review to the recipient, or their representative. Recipients shall be informed of their rights to have a representative present at the review, to provide information, to review the case file and to discuss the case.

3. Conduct the review. Reviews shall consist of an examination of the department's case file, interview with department staff and an evaluation of the recipient's statements. The record shall be reviewed to determine whether:

a. The recipient has cooperated with the department in good faith;

b. The department has complied with established time frames and notices; and

c. The facts of the case support a determination of noncooperation.

4. Notify the recipient in writing of the department's findings.

(5) Determination of Good Cause. The department is authorized in accordance with 42 United States Code U.S.C. 654(29), and Section 409.2572(4), Florida Statutes, F.S., to determine a recipient's claim of good cause for failure to cooperate with the department, except when the recipient is receiving only food stamps. Food stamp only recipients must seek a good cause determination from the Department of Children and Family Services. An approved good cause claim excuses the recipient from the requirement to cooperate with the department on the specific case against a specific noncustodial parent for which good cause is approved.

(a) The department shall provide the recipient with written notice of their right to make a claim for good cause, the basis for submitting a claim, and how to submit a claim.

(b) The recipient shall return documentation to the department to support the claim of good cause within 20 business days from the date the written notice is mailed by the department. If the recipient is unable to provide all the needed documentation within 20 business days, additional time can be requested by the recipient. The department shall approve requests for additional time when the recipient demonstrates that documentation exists but is not readily available and that the recipient is making a good faith effort to obtain the information.

(c) Good cause shall be determined when the recipient provides sufficient documentation, based upon the unique circumstances of the good cause claim, to justify the existence of one or more of the following circumstances.

1. A reasonable certainty that physical or emotional harm would come to the child or recipient, if they cooperated with the department.

2. The child was born as a result of rape or incest.

3. Legal proceedings for the adoption of the child are pending before a court.

4. The parent or caretaker relative is being assisted by a public or licensed private social agency to determine whether to place the child for adoption.

(d) Good cause claims which have been determined by the department are categorized as approved indefinitely, approved time-limited, or denied, based upon the unique factors of each claim and the documentation provided by the recipient. The department shall suspend child support enforcement case activities from the time a good cause claim is submitted until its final determination.

1. A claim is approved indefinitely when documentation is submitted to substantiate the claim and the circumstances of the claim will most likely continue.

2. A claim is approved time-limited when documentation is submitted to substantiate the claim and the circumstances of the claim are likely to change within a determinable period.

3. A claim is denied when documentation is insufficient to substantiate the claim.

(e) The department shall notify the recipient of the decision.

(f) A recipient whose claim has been denied pursuant to paragraph (d), subparagraph 3., above, must cooperate with the department in accordance with Section 409.2572, Florida Statutes, F.S., and subsection (2), above. If the recipient fails to cooperate, the process of determining noncooperation shall commence.

(6) Notification to the Department of Children and Family Services.

(a) In accordance with Section 409.2572(3), Florida Statutes, F.S., the department is responsible for determining and reporting to the Department of Children and Family Services, acts of noncooperation by applicants and recipients of public assistance.

(b) The Department of Children and Family Services is the agency responsible for imposing and removing sanctions, including providing the applicant or recipient with notice of the sanction and information about hearing requirements, including the applicant or recipient's right to request a hearing with the Department of Children and Family Services, Office of Appeal Hearings.

(c) The department shall notify the Department of Children and Family Services when the applicant or recipient cooperates with the department in accordance with Section 409.2572, Florida Statutes, F.S., or when the department determines that an applicant or recipient has failed to cooperate, or when the department determines that good cause exists for the applicant or recipient's noncooperation.

(d) The department shall notify the Department of Children and Family Services and the applicant or recipient within two business days of either:

1. The department's determination that the applicant or recipient is cooperating in good faith;
2. Upon the department's determination that cooperation by the applicant or recipient is not needed to take the next appropriate case action; or
3. The department's determination that good cause exists for the applicant or recipient's noncooperation.

Specific Authority 409.2557(3)(h) FS. Law Implemented 409.2572 FS. History--New 4-1-86, Amended 4-6-88, 7-20-94, Formerly 10C-25.006, Amended 3-6-02,_____.

DEPARTMENT OF REVENUE

Division of Child Support Enforcement

RULE NO.: 12E-1.034
 RULE TITLE: Insurance Claim Data Exchange
 PURPOSE AND EFFECT: The purpose of this Notice of Proposed Rule Development is to give notice that the department is developing a rule for a standard fee to be paid to an insurer or the insurer's claim data collection organization for conducting a data match as provided by Section 409.25659, F.S.

The effect of this action is to ensure that the Department's rules conform to the statute.

SUBJECT AREA TO BE ADDRESSED: The subject area that will be addressed is the Department's standard fee payable to an insurer or the insurer's claim data collection organization that performs a data match to identify noncustodial parents who have a claim with the insurer and who owe past due support. The Department is accepting written comments or other material that might assist the Department to establish a standard fee.

SPECIFIC AUTHORITY: 409.25659(3), (6) FS.

LAW IMPLEMENTED: 409.25659 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 2 days before the workshop/meeting by contacting: Mike Vergenz, Government Analyst II, Child Support Enforcement Program, Department of Revenue, P. O. Box 8030, Tallahassee, Florida 32314-8030, telephone (850)922-9568, e-mail address: vergenzm@dor.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mike Vergenz, Government Analyst II, Child Support Enforcement Program, Department of Revenue, P. O. Box 8030, Tallahassee, Florida 32314-8030, telephone (850)922-9568, e-mail address: vergenzm@dor.state.fl.us
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

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

PURPOSE AND EFFECT: The purpose of the rule amendment to Rule 59G-13.080, F.A.C., is to delete the reference to the Florida Medicaid Developmental Disabilities Waiver Services Coverage and Limitations Handbook and other obsolete language from the general Home and Community-Based Services (HCBS) Rule. We are deleting references to individual waiver programs from the general HCBS rule as we promulgate a stand alone rule for each waiver program.

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

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

SUBJECT AREA TO BE ADDRESSED: Home and Community-Based Services Waivers and Developmental Disabilities Waiver Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.906, 409.907, 409.908, 409.910, 409.912, 409.913 FS.

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

DATE AND TIME: Wednesday, August 15, 2007, 2:00 p.m. – 4:00 p.m.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

(1) though (5) No change.

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

(a) through (i) No change.

(7) through (8) No change.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18. Speech Therapy; and

19. Waiver Case Management.

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

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

(e) Payment Methodology. Payment is based on a prospective monthly per diem reimbursement rate with a year-end cost settlement. Medicaid will make monthly payment to the contractor for satisfactory performance of duties and responsibilities as set forth in the contract. The per diem rate is set annually as a part of the agreement renewal process. The rates are developed using historical Channeling Project data for similar services in the same geographic area, adjusted for anticipated service and cost increases. The final amount paid shall not exceed the amount that would have been paid, on an aggregate basis, by Medicaid under fee-for-service for institutional care provided to a demographically similar population of recipients.

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

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

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

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

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

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

2. Assessed as being at risk of hospitalization by the comprehensive assessment and review for long term care services (CARES) team, administered by DOEA; or the multi-handicapped assessment team (MHAT), administered by the Department's children's medical services program; and able to live safely at home with the Medicaid HCB services made available to him; and

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

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

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

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

~~(14) Project AIDS Care.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(A) Compliance with civil rights/handicapped statutes;~~

~~(B) Fiscal operations;~~

~~(C) Conflicts of interest;~~

~~(D) Procedures for provision of case management services;~~

~~(E) Confidentiality; and~~

~~(F) Continuing education.~~

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

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

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

~~(C) Requirements for Case Managers. Case managers must be graduates of accredited colleges or universities with at least a baccalaureate degree in a social science; or, be a licensed registered nurse in the state of Florida and have one year of case management experience. Case managers who do~~

~~not have this educational background may substitute case management experience on a year for year basis for the required education.~~

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

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

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

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

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

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

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

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

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

~~12. Specialized Personal Care Services to Foster Care Children providers must be state licensed foster homes, group homes, or shelter care homes.~~

~~13. Skilled Care providers must be an appropriately licensed nurse-employee of a state licensed and Medicaid certified home health agency, a hospice, a state Title V agency (including county public health units), or a licensed respiratory therapist.~~

~~14. Substance Abuse Treatment providers must be licensed community mental health centers, licensed drug abuse treatment centers, or individuals who are licensed by the state~~

~~pursuant to Chapter 490, F.S., or Chapter 491, F.S., as psychologists, mental health counselors, clinical social workers, or marriage and family therapists.~~

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

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

~~2. Be diagnosed as having AIDS;~~

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

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

~~5. Be able to be maintained safely in the home; and~~

~~6. Have a Project AIDS Care case manager.~~

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

~~(e) Program Operations.~~

~~1. Case Management Activities.~~

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

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

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

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

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

~~orally, he will send a written authorization to the provider within five working days as confirmation of the oral authorization.~~

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

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

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

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

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

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

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

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

59G-13.083 Developmental Disabilities Waiver Services.

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

(2) All developmental disabilities waiver services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Developmental

Disabilities Waiver Services Coverage and Limitations Handbook, July 2007, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081 which is incorporated by reference in Rule 59G-13.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling the Medicaid fiscal agent at (800)377-8216.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: 61C-8.004
 RULE TITLE: Program Requirements

PURPOSE AND EFFECT: The proposed rule amendments conform the rule to statutory changes resulting from the passage of Senate Bill 2484. The proposed rule amendments also adopt new versions of the Hospitality Education Program grant forms, and update the grant process language to accurately reflect the process and improve readability, in accordance with the plain language initiative.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments address the process for the Hospitality Education Program grants application, review, approval, payment disbursement, and reporting processes and requirements.

SPECIFIC AUTHORITY: 509.302(7) FS.

LAW IMPLEMENTED: 509.302 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 Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1012, Telephone: (850)488-1133

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: 61G6-6.017
 RULE TITLE: Duration of Examination Scores

PURPOSE AND EFFECT: The Board proposes the promulgation of the rule to provide a time period for the duration of examination scores.

SUBJECT AREA TO BE ADDRESSED: Duration of Examination Scores.

SPECIFIC AUTHORITY: 455.217(2) FS.

LAW IMPLEMENTED: 455.217(2), 489.511(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Spivey, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.:	RULE TITLE:
61G6-10.0065	Reinstatement of Null and Void License Pursuant to Section 455.271(6)(b) of the Florida Statutes

PURPOSE AND EFFECT: The Board proposes the rule promulgation in order to provide instruction for reinstatement of a null and void license pursuant to Section 455.271(6)(b), F.S.

SUBJECT AREA TO BE ADDRESSED: Reinstatement of Null and Void License Pursuant to Section 455.271(6)(b) of the Florida Statutes.

SPECIFIC AUTHORITY: 455.271(6)(b) FS.

LAW IMPLEMENTED: 455.271(6)(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Anthony Spivey, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G6-10.0065 Reinstatement of Null and Void License Pursuant to Section 455.271(6)(b) of the Florida Statutes.

An individual applying to have his or her null and void electrical contractor's certification or registration reinstated pursuant to Section 455.271(6)(b) of the Florida Statutes shall:

(1) Submit a Florida DBPR Electrical Contractor application (DBPR form PRO 4951) for reinstatement of a null and void electrical contractor's certification or registration in which the applicant shall:

(a) Answer questions regarding the applicant's education, employment, and criminal history;

(b) Submit a written statement and documentation of when the applicant's electrical contractor's certification or registration was last active and in good standing with the Board;

(c) Submit a written statement and documentation regarding whether or not the applicant has completed twelve (12) classroom hours of continuing education as set forth in Rule 61G6-9.001, F.A.C., prior to the applicant's submission of his or her application for reinstatement of a null and void electrical contractor's certification or registration;

(d) Submit a written statement and documentation as to whether or not the applicant has engaged in the practice of electrical contracting during the time period the applicant's electrical contractor's certification or registration was null and void;

(e) Submit a written statement and documentation of the applicant's good faith effort to comply with Chapters 455 and 489 of the Florida Statutes and also the applicant's failure to comply due to illness or unusual hardship.

(f) Submit a written statement and documentation of the applicant's illness or unusual hardship which prevented the applicant from renewing his or her electrical contractor's certification or registration;

(h) Submit a written time-line that chronologically documents when the applicant's electrical contractor's certification or registration was last active, when the applicant's electrical contractor's certification or registration became null and void, when the applicant suffered his or her illness, and/or when the applicant experienced an unusual hardship that prevented the renewal of the electrical contractor's certification or registration;

(i) Submit an application (DBPR form ECLB 4453) requesting active or inactive license status, as appropriate, along with all applicable documentation.

(2) Pay a non-refundable application fee of \$250.00.

(3) Pay a \$250.00 fee for every licensure biennium that the applicant failed to renew his or her electrical contractor's certification or registration.

(4) Pay a \$50 delinquency fee.

(5) Pay a \$5 unlicensed activity fee for every licensure biennium that the applicant failed to renew his or her electrical contractor's certification or registration.

Specific Authority 455.271(6)(b) FS. Law Implemented 455.271(6)(b) FS. History—New

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-14.008
 RULE TITLE: Definitions

PURPOSE AND EFFECT: To clarify the Division’s lack of jurisdiction over escrow funds placed with a title company or attorney and to discuss the definition of “Deposit” within the same rule.

SUBJECT AREA TO BE ADDRESSED: Definition of “Deposit” and escrow funds held by a title company or attorney.

SPECIFIC AUTHORITY: 475.05, 475.25(1)(k) FS.

LAW IMPLEMENTED: 475.25(1)(k) FS.

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

DATE AND TIME: August 14, 2007, 8:30 a.m. or as soon thereafter as possible

PLACE: Division of Real Estate, Commission Meeting Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT FOR A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite 801n, Orlando, Florida 32801

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-285.300
 RULE TITLE: Electric Utility Greenhouse Gas Reduction Program

PURPOSE AND EFFECT: The department is initiating rulemaking to cap greenhouse gas emissions from the electric utility sector such that by 2017, statewide utility sector emissions not exceed year 2000 levels; by 2025, emissions not exceed 1990 levels; and by 2050, emissions not exceed 20 percent of 1990 levels. The department proposes to create new rule Chapter 62-285, F.A.C., Greenhouse Gas Emissions Reduction, and develop new Rule 62-285.300, F.A.C., Electric Utility Greenhouse Gas Reduction Program, to accomplish this purpose. The effect of the rule would be to reduce greenhouse

gas emissions from electric generating units. The department will not be offering any rule proposals at the August 22 workshop. The purpose of this first workshop is to provide an opportunity for interested persons to provide comments and recommendations to the department at the outset of the proposed rule development project. Written comments may be submitted to the contact person listed below.

SUBJECT AREA TO BE ADDRESSED: Pollution abatement from electric generating units.

SPECIFIC AUTHORITY: 403.061, 403.087 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087 FS.

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

DATE AND TIME: August 22, 2007, 9:00 a.m.

PLACE: Department of Environmental Protection, Carr Building, Room 170, 3800 Commonwealth Blvd., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Lynn Scarce, (850)921-9551. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mr. Larry George at the Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, or larry.george@dep.state.fl.us, phone (850)921-9555

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-285.400
 RULE TITLE: Adoption of California Motor Vehicle Emissions Standards

PURPOSE AND EFFECT: The department is initiating rulemaking to adopt the California emissions standards for new motor vehicles pursuant to section 177 of the federal Clean Air Act. The department proposes to create new rule Chapter 62-285, F.A.C., Greenhouse Gas Emissions Reduction, and develop new rule Rule 62-285.400, F.A.C., Adoption of California Motor Vehicle Emissions Standards, to accomplish this purpose. The effect of the rule would be to require that new motor vehicles sold in the state meet the California emissions standards. The department will not be offering any rule proposals at the August 23 workshop. The purpose of this first workshop is to provide an opportunity for interested persons to provide comments and recommendations to the department at the outset of the proposed rule development project. Written

comments may be submitted to the contact person listed below.
 SUBJECT AREA TO BE ADDRESSED: Pollution abatement from new motor vehicles.

SPECIFIC AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.031, 403.061 FS.

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

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

PLACE: Department of Environmental Protection, Carr Building, Room 170, 3800 Commonwealth Blvd., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Lynn Searce, (850)921-9551. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ms. Sandy Bowman at the Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5510, Tallahassee, Florida 32399-2400, or sandy.bowman@dep.state.fl.us, phone (850)921-9583

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-285.420
 RULE TITLE: Heavy-Duty Vehicle Idling Reduction

PURPOSE AND EFFECT: The department is initiating rulemaking to adopt measures to reduce long-duration diesel engine idling. The department proposes to create new rule Chapter 62-285, F.A.C., Greenhouse Gas Emissions Reduction, and develop new Rule 62-285.420, F.A.C., Heavy-Duty Vehicle Idling Reduction, to accomplish this purpose. The effect of the rule would be to reduce emissions from long-duration diesel engine idling. The department will not be offering any rule proposals at the August 23 workshop. The purpose of this first workshop is to provide an opportunity for interested persons to provide comments and recommendations to the department at the outset of the proposed rule development project. Written comments may be submitted to the contact person listed below.

SUBJECT AREA TO BE ADDRESSED: Pollution abatement from heavy-duty diesel vehicles.

SPECIFIC AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.031, 403.061 FS.

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

DATE AND TIME: August 23, 2007, 10:30 a.m.

PLACE: Department of Environmental Protection, Carr Building, Room 170, 3800 Commonwealth Blvd., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Lynn Searce at (850)921-9551. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ms. Sandy Bowman at the Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5510, Tallahassee, Florida 32399-2400, or sandy.bowman@dep.state.fl.us, phone (850)921-9583

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Beaches and Shores

RULE NO.: 62B-26.014
 RULE TITLE: Description of the Franklin County Coastal Construction Control Line

PURPOSE AND EFFECT: To amend Rule 62B-26.014, F.A.C., reestablishing the Coastal Construction Control Line for Dog Island in Franklin County to more accurately define that portion of the beach dune system which is subject to severe fluctuations based upon the 100-year storm surge and storm waves, and thus define the area within which special siting and design considerations are required to ensure protection of the beach dune system, proposed or existing structures, adjacent properties, and to ensure the preservation of public beach access.

SUBJECT AREA TO BE ADDRESSED: The legal description of the location of the Coastal Construction Control Line, on Dog Island, in Franklin County.

SPECIFIC AUTHORITY: 161.053(21) FS.

LAW IMPLEMENTED: 161.053(2) FS.

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

DATE AND TIME: August 21, 2007, 6:00 p.m. – 8:00 p.m.

PLACE: City Meeting Room, 1621 W. Hwy. 98, Carrabelle, 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: Rosaline Beckham at Department of Environmental Protection, Bureau of Beaches and Coastal

Systems, Mail Station #300, 3900 Commonwealth Boulevard, Tallahassee, FL 32399-3000, (850)488-7815, or by e-mail at: roseline.beckham@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rosaline Beckham as referenced above.

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-2.001
 RULE TITLE: Definitions

PURPOSE AND EFFECT: The purpose and effect is to clarify the program approval process.

SUBJECT AREA TO BE ADDRESSED: Definitions.

SPECIFIC AUTHORITY: 464.006, 464.019(2) FS.

LAW IMPLEMENTED: 464.019 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-2.001 Definitions.

(1) Approved nursing education program: a nursing education program leading to initial licensure which has been approved by the Board after having met the standards of nursing education. Each initial licensure program (i.e., professional, baccalaureate, or practical nursing) and each campus offering an initial nursing education program require separate, individual program approvals by the Board, campus and geographical location of the nursing education program is approved separately.

(2) through (24) No change.

Specific Authority 464.006, 464.019(2) FS. Law Implemented 464.019 FS. History—New 7-15-80, Amended 11-22-84, Formerly 21O-7.20, Amended 2-5-87, 6-8-88, Formerly 21O-7.020, Amended 9-7-93, Formerly 61F7-2.001, 59S-2.001, Amended 12-11-97, 1-28-02, 10-19-06, _____.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-3.014
 RULE TITLE: Criteria for Credentialing Agencies

PURPOSE AND EFFECT: The purpose and effect is to broaden the criteria for education evaluators to be more inclusive.

SUBJECT AREA TO BE ADDRESSED: Criteria for Credentialing Agencies.

SPECIFIC AUTHORITY: 464.006 FS.

LAW IMPLEMENTED: 456.013(1), 464.008 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-3.014 Criteria for Credentialing Agencies.

In order to be accepted as documentation of the required education, a report must be submitted from a credentialing agency to the Board of Nursing that meets the following criteria:

~~(1) Professional standard.~~

~~(1)(a)~~ The credentialing agency must be a member of a national credentialing organization that sets performance standards for the industry, and must adhere to those standards.

~~(2)(b)~~ The credentialing agency’s standards must be monitored by an external committee of credentialing experts and nursing educators.

~~(2) Services.~~

~~(a) The credentialing agency must specialize in evaluation of international nursing education and licensure.~~

~~(3)(b)~~ The credentialing agency must demonstrate the ability to accurately analyze academic and licensure credentials in terms of U.S. comparability, with course-by-course analysis for nursing academic records.

~~(4)(c)~~ The credentialing agency must manage the translation of original documents into English.

~~(5)(d)~~ The credentialing agency will inform the Board of Nursing in the event applicant documents are found to be fraudulent.

~~(3) Organization.~~

~~(6)(a)~~ The credentialing agency must have been in the business of evaluating nursing education for a minimum of 10 years.

~~(b) The credentialing agency must have nursing educators on staff.~~

~~(7)(4) Credentials evaluation report.~~

(a) through (c) No change.

(d) The report must state the comparability of the foreign education to U.S. and to Florida Board of Nursing standards.

(e) No change.

Specific Authority 464.006 FS. Law Implemented 456.013(1), 464.008 FS. History--New 4-19-00, Amended.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-15.003 RULE TITLE: Eligibility for Certification

PURPOSE AND EFFECT: To implement 2005 legislative amendments to Sections 464.201, 464.202 and 464.203, F.S.

SUBJECT AREA TO BE ADDRESSED: Eligibility for Certification.

SPECIFIC AUTHORITY: 464.202, 464.203 FS.

LAW IMPLEMENTED: 464.203, 464.2085 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-15.003 Eligibility for Certification.

(1) An applicant for initial certification as a certified nursing assistant shall apply to the vendor approved by the department to administer the certified nursing assistant examination.

(2) An applicant for certification as a certified nursing assistant shall meet the requirements of Section 464.203, F.S.

(3) An applicant for initial certification must demonstrate competency to read and write if the applicant passes the clinical skills portion of the certified nursing assistant examination given in English only.

Specific Authority 464.202, 464.203 FS. Law Implemented 464.203, 464.2085 FS. History--New

DEPARTMENT OF HEALTH

Board of Optometry

RULE NOS.:	RULE TITLES:
64B13-3.007	Minimum Procedures for Comprehensive Eye Examination
64B13-3.009	False, Fraudulent, Deceptive and Misleading Advertising Prohibited; Policy; Definitions; Affirmative Disclosure
64B13-3.010	Standards of Practice

PURPOSE AND EFFECT: For Rule 64B13-3.007, F.A.C., it is to use the terms relevant to insurance submissions to ensure that licensees understand the minimum procedures in the rule relate to the associated CPT code and to add clarifying details to the minimum examination requirements. For Rule 64B13-3.009, F.A.C., it is to clarify to licensees that each licensee has the duty to review and proof advertisements to ensure that the ads comply with the rules related to misleading advertising, regardless of what entity initiates the ad. For Rule 64B13-3.010, F.A.C., it is to change the rule language to track the statutory language, to delete unnecessary or repetitive language, and to clarify that optometry students include those titled extern, as well as those titled resident or intern.

SUBJECT AREA TO BE ADDRESSED: Minimum Procedures for Vision Analysis; False, Fraudulent, Deceptive and Misleading Advertising Prohibited; Policy; Definitions; Affirmative Disclosure; Standards of Practice.

SPECIFIC AUTHORITY: 463.005 FS.

LAW IMPLEMENTED: 456.072(1)(a), (m), 463.005(1), 463.0135, 463.014, 463.005(1), 463.0135(1), 463.016(1)(f), (g), (k) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-3.007 Minimum Procedures for Comprehensive Eye Examination ~~Vision Analysis~~.

(1) A comprehensive eye examination ~~Vision analysis~~ is defined as a comprehensive assessment of the patient's visual status and shall include those procedures specified in subsection (2) below.

(2) An comprehensive eye examination for vision analysis shall include the following minimum procedures, which shall be recorded on the patient's case record:

(a) through (e) No change.

(f) Internal examination (~~direct or indirect ophthalmoscopy~~ recording cup-disc ratio, optic nerve health, blood vessel status, macula health, and any abnormalities);

(g) No change.

(h) Tonometry (with time of measurement);

(i) through (j) No change.

(k) Other tests and procedures that may be indicated by case history or objective signs and symptoms discovered during the comprehensive eye examination;

(l) No change.

(3) No change.

(4) Except as otherwise provided in this rule, the minimum procedures set forth in subsection (2) above shall be performed prior to providing optometric care during a patient's initial presentation, and thereafter at such appropriate intervals as shall be determined by the optometrist's sound professional judgment; ~~Provided, however, that each optometric patient shall receive a comprehensive eye examination complete vision analysis prior to the provision of further optometric care if the last comprehensive eye examination complete vision analysis was performed more than two years before.~~

(5) No change.

(a) through (f) No change.

(6) The minimum procedures set forth in subsection (2) above shall not be required in the following circumstances:

(a) through (b) No change.

(c) When a licensed practitioner or certified optometrist performs public service visual screenings or visual screenings for governmental agencies and each recipient of such screening is clearly informed in writing of the following:

1. No change.

2. That the screening is not representative of or a substitute for a comprehensive eye examination ~~vision analysis~~; and

3. No change.

(d) Drug therapy and contact lenses research.

(7) No change.

Specific Authority 463.005(1) FS. Law Implemented 463.005(1), 463.0135, 463.016(1)(g), (k) FS. History--New 11-13-79, Amended 4-17-80, 7-29-85, Formerly 21Q-3.07, Amended 7-18-90, Formerly 21Q-3.007, 61F8-3.007, 59V-3.007, Amended 4-3-00, 4-5-04, 6-5-06,_____.

64B13-3.009 False, Fraudulent, Deceptive and Misleading Advertising Prohibited; Policy; Definitions; Affirmative Disclosure.

(1) through (3) No change.

(4) As used in the rules of this Board, the terms "advertisement" and "advertising" shall mean any statements, oral or written, disseminated to or before the public or any portion thereof, with the intent of furthering the purpose, either directly or indirectly, of or selling professional services or ophthalmic goods, or offering to perform professional services,

or inducing members of the public to enter into any obligation relating to such professional services. The licensed practitioner has the duty to review and proof all advertisements prior to publication, and is fully responsible for the content therein.

(5) No change.

(6) All advertisements which advertise services available at branch office locations shall state the hours that a licensed practitioner is practicing at each location mentioned in the advertisement, or shall advise the reader to secure information as to the availability of the licensed practitioner. Excepted from this requirement are:

(a) through (b) No change.

(c) Advertising such as business cards, which are distributed by the licensed practitioner personally or at her or his premises; and

(d) No change.

(7) through (8) No change.

Specific Authority 463.005 FS. Law Implemented 456.072(1)(a), (m), 463.014, 463.016(1)(f), (g) FS. History--New 11-13-79, Amended 4-17-80, 8-20-81, Formerly 21Q-3.09, Amended 1-8-86, 12-16-86, Formerly 21Q-3.009, 61F8-3.009, 59V-3.009, Amended 1-2-02, 11-13-06,_____.

64B13-3.010 Standards of Practice.

(1) Section 463.016(1)(g), Florida Statutes, authorizes the Board to take disciplinary action against an optometrist who is found guilty of "fraud, deceit, negligence, ~~or~~ incompetence, or misconduct in the practice of optometry." Conduct which deceives, or defrauds the public and which is thereby prohibited by Section 463.016(1)(g), Florida Statutes, shall include, but not be limited to, accepting and performing an optometric practice or procedure which the optometrist knows or has reason to know that he is not competent to undertake.

(2) No change.

(3) An optometrist shall provide that degree of care which is full and complete, consistent with the patient conditions presented, the professional competency of the optometrist, and the scope of practice of optometry. An optometrist shall advise or assist her or his patient in obtaining further care when, in the professional judgment of the optometrist, the service of another health care practitioner is required.

(4) Certified optometrists employing the topical ocular pharmaceuticals listed in subsection 64B13-18.002(9), F.A.C., Anti-Glaucoma Agents, shall comply with the following:

(a) No change.

1. The plan will be predicated upon the severity of the existing optic nerve damage, ~~the height of~~ the intraocular pressure, and stability of the clinical course.

2. No change.

(b) No change.

(c) The certified optometrist shall have available, and be proficient in the use of, the following instrumentation:

1. No change.

2. Visual fields instrumentation capable of threshold perimetry, ~~combined with a threshold-related supra-threshold static technique.~~

3. through 6. No change.

(5) through (7) No change.

(8) Certified optometrists serving as adjunct professors to schools or colleges of optometry pursuant to Section 463.0057, Florida Statutes, may delegate to residents, externs or interns of said school, educational functions or duties beyond the restrictions of Section 463.009, Florida Statutes. Such delegated duties or functions shall be in accordance with Section 463.002(6), Florida Statutes. For purposes of this rule, residents, externs or interns of qualified schools or colleges of optometry are not defined as nonlicensed supportive personnel.

Specific Authority 463.005(1) FS. Law Implemented 463.005(1), 463.0135(1), 463.016(1) FS. History--New 9-16-80, Amended 12-20-82, Formerly 21Q-3.10, Amended 7-11-88, 6-18-92, 1-28-93, Formerly 21Q-3.010, Amended 3-16-94, Formerly 61F8-3.010, Amended 8-24-94, 9-21-94, 2-13-95, 12-31-95, Formerly 59V-3.010, Amended 6-15-00, 2-7-01, 11-16-05, _____.

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: RULE TITLE:
64B13-4.001 Examination Requirements

PURPOSE AND EFFECT: The purpose of the amendment is to delete a time limit on the validity of licensure examination scores.

SUBJECT AREA TO BE ADDRESSED: Examination Requirements.

SPECIFIC AUTHORITY: 456.017(2), 463.005, 463.006(2) FS.

LAW IMPLEMENTED: 456.017(2), 463.006(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-4.001 Examination Requirements.

The examination for licensure shall consist of the National Board of Examiners in Optometry examination (hereafter NBEO examination), and Parts I and II of the state examination for licensure. The examination for certification of a licensee shall consist of the Treatment and Management of Ocular Disease (hereafter TMOD) part of the NBEO.

(1) NBEO Examination – A passing score must be obtained on Parts I, II, and the Treatment and Management of Ocular Disease (TMOD) of the NBEO examination ~~within the five years~~ prior to application for the state examination. ~~However, said five years period shall be extended to include those immediately preceding years after the applicant has taken and passed the NBEO and during which the applicant was continuously attending a qualified school of optometry.~~ Candidates with NBEO scores before 1993 may substitute a scaled score of at least 75 on the clinical pharmacology section of the clinical sciences part of NBEO examination for the TMOD requirement.

(2) through (3) No change.

Specific Authority 456.017(2), 463.005, 463.006(2) FS. Law Implemented 456.017(2), 463.006(2) FS. History--New 11-13-79, Amended 5-28-80, 7-10-80, 8-20-81, 2-14-82, 6-6-82, 10-3-82, 4-10-84, 5-29-85, Formerly 21Q-4.01, Amended 7-21-86, 11-20-86, 7-27-87, 7-11-88, 7-18-91, 4-14-92, Formerly 21Q-4.001, Amended 2-14-94, Formerly 61F8-4.001, Amended 8-8-94, 11-21-94, 4-21-96, Formerly 59V-4.001, Amended 7-27-99, 7-15-02, 3-8-04, _____.

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: RULE TITLE:
64B13-15.009 Citations

PURPOSE AND EFFECT: To increase the fine for failure to complete required continuing education and eliminate the requirement to complete additional continuing education.

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 456.077, 463.005 FS.

LAW IMPLEMENTED: 456.077 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-15.009 Citations.

(1) through (3) No change.

(4) Pursuant to Section 456.077, F.S., the Board sets forth below those violations for which there is no substantial threat to the public health, safety, and welfare.

(a) The Board hereby designates the following as citation violations which shall result in a penalty of two hundred and fifty dollars (\$250.00):

1. through 4. No change.

5. Failure to document having obtained the continuing education required by Section 463.007, F.S., and Rule Chapter 64B13-5, F.A.C. ~~The fine shall be assessed at \$250.00 per hour of deficiency of the required continuing education. In addition to paying the fine, the licensee must complete continuing education hours not documented, plus an additional hour for each hour missed. The licensee shall come into compliance within ninety (90) days after receipt of the citation.~~

- 6. No change.
- (b) No change.
- (5) No change.

Specific Authority 456.077, 463.005 FS. Law Implemented 456.077 FS. History—New 1-1-92, Formerly 21Q-15.009, 61F8-15.009, 59V-15.009, Amended 3-21-00, 4-17-01, 12-26-01, 5-1-02, 7-15-02, 6-13-04, 11-16-05, _____.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-14.0055
 RULE TITLE: Pain Management Facilities
 PURPOSE AND EFFECT: The Board proposes the development of this rule to address standards for licensees related to pain management facilities.

SUBJECT AREA TO BE ADDRESSED: Pain Management Facilities.

SPECIFIC AUTHORITY: Not available

LAW IMPLEMENTED: Not available

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

DATE AND TIME: August 11, 2007, 9:00 a.m.
 PLACE: The Quorum Hotel, 700 N. Westshore Blvd., Tampa, Florida 33609

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NOS.:	RULE TITLES:
64F-19.001	Definitions
64F-19.002	Eligibility
64F-19.003	Certification and Authorization
64F-19.004	Enrollment Period
64F-19.005	Waiver Program Enrollment Process
64F-19.006	Management of Minors
64F-19.007	Non-Covered Services
64F-19.008	Continuation of Services

64F-19.009 Termination of Services
 64F-19.010 Due Process for Waiver Applicants and Clients
 64F-19.011 Approved Form; Incorporation
 PURPOSE AND EFFECT: The Department proposes to amend the existing language in this chapter.
 SUBJECT AREA TO BE ADDRESSED: The rule amendments make substantive and grammatical corrections to Rules 64F-19.001 through .011, F.A.C.
 SPECIFIC AUTHORITY: 154.011(5), 383.0011(13), 381.0051(7), 409.919 FS.
 LAW IMPLEMENTED: 154.011, 381.0051, 383.011, 383.103, 409.9121, 4 09.9122 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Marie Melton, Infant Maternal and Reproductive Health, 4052 Bald Cypress Way, Bin A-13, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64F-19.001 Definitions.

For the purpose of this rule chapter, the following definitions will apply:

- (1) "CHD" means County Health Department.
- (2) "Client" means a woman who has been approved and is presently enrolled in the Program.
- (3) "Continuation of Services" means the amount of time the Program is funded, based on availability of funds.
- (4) "CPT Codes" means the codes used within the FMMIS System.
- (5) "Eligibility Determination" means the process of determining if a woman meets the qualifications for enrollment in the Program.
- (6) "Enrollment" means the process of being registered in the Program as a client for one (1) calendar year.
- (7) "Family Planning Services" means for the purpose of the Program:
 - (a) Counseling and supply visits;
 - (b) Initial and annual family planning visits;
 - (c) Laboratory services;
 - (d) ~~Other~~ Family Planning Services as prescribed in subsection 59G-1.010(86), F.A.C. and Section 409.905(3), F.S.; and
 - (e) Treatment of abnormal laboratory results.

(8) "FMMIS" means the Florida Medical Management Information System.

~~(9) "HMO" means a health maintenance organization.~~

~~(9)(10) "Non-Covered Services" means services that are not covered under this waiver.~~

~~(10)(11) "The Program" means the Family Planning Waiver Program implemented pursuant to section 1115(a) of the Social Security Act and 42 U.S.C.A §1315(a).~~

~~(11)(12) "Waiver Applicant" means a woman who applied for the Program but has neither been approved nor denied.~~

Specific Authority 381.0011(13), 381.0051(7) FS. Law Implemented 381.0051, 383.011, 383.013 FS. History–New 8-9-04, Amended.

64F-19.002 Eligibility.

In order to be eligible for family planning services under the Program:

~~(1) The waiver applicant must have lost full Medicaid eligibility. Client must have had a Medicaid financed pregnancy related claim twenty-four (24) months prior to losing Medicaid eligibility~~

~~(2) The waiver applicant Client must be eligible for the Program on or after December 1, 20036;~~

~~(3) The waiver applicant Client must be actively seeking family planning services;~~

~~(4) The waiver applicant Client must self-declare that she is not pregnant;~~

~~(5) The waiver applicant Client must not have had a tubal ligation, hysterectomy or other evidence of permanent sterilization;~~

~~(6) The waiver applicant Client must have an income at or below 185% of the current federal poverty level;~~

~~(7) The waiver applicant must be a female between age 14 and 55;~~

~~(8)(7) The waiver applicant Client shall be required to sign a self-declaration statement of income, and provide proof of specifying all gross income available to the client's household;~~

~~(9)(8) The self-declaration statement shall include a signed acknowledgement that the statement is true and correct; at the time it is made;~~

~~(10)(9) The waiver applicant Clients whose labor and delivery was paid for as an emergency service under Medicaid or who did not qualify for Medicaid after the Presumptive Eligibility for Pregnant Women period are not eligible for this Program.~~

~~(11) Waiver applicants losing the SOBRA Medicaid categories of MMP, MMT, MRMP or MRMT are passively enrolled in the Program for the first year of eligibility and will need to actively complete an application for the second year of eligibility.~~

Specific Authority 154.011(5), 381.0011(13), 381.0051(7), 409.919 FS. Law Implemented 154.011 FS. History–New 8-9-04, Amended.

64F-19.003 Certification and Authorization.

~~(1) Waiver applicants Client shall give written consent before the CHD can obtain or authorize the release of financial and medical information for the purpose of determining Program eligibility. Eligibility information will be obtained by filling out form DOH 3212 as referenced in Rule 64F-19.011, F.A.C.~~

~~(2) Signed consent forms of eligibility for DOH 3212, as referenced in Rule 64F-19.011, F.A.C., must be kept in an administrative file at the CHD that enrolled the client in the Program for a minimum of six (6) years.~~

Specific Authority 381.0011(13), 381.0051(7), 409.919 FS., 42 CFR 491.10. Law Implemented 409.9121, 409.9122 FS. History–New 8-9-04, Amended.

64F-19.004 Enrollment Period.

The Program covers only family planning services and consensual outpatient surgical sterilization up through twenty-four (24) months subsequent to the loss of full Medicaid to twenty four (24) months subsequent to any Medicaid financed pregnancy related service.

Specific Authority 381.0011(13), 381.0051(7) FS. Law Implemented 381.0051, 383.011, 383.013 FS. History–New 8-9-04, Amended.

64F-19.005 Waiver Program Enrollment Process.

~~(1) The waiver applicant client must self-declare that she is not pregnant at the time of application.~~

~~(2) The waiver applicant client must be actively seeking family planning services.~~

~~(3) The waiver applicant must not have had a tubal ligation or a hysterectomy. The application shall include the following information and the client shall meet the following criteria:~~

~~(a) The client has lost Medicaid~~

~~(b) The FMMIS or subsequent system identifies that a Medicaid pregnancy related service occurred and is tracked through CPT codes within the last two (2) years; and~~

~~(c) Clients who were enrolled in a Medicaid HMO must present proof of having had a pregnancy or the provision of pregnancy related services within the two years prior to losing Medicaid.~~

~~(4) The waiver applicant must provide proof of citizenship and identity. Only county health department staff who have completed training in the Program eligibility process will determine eligibility for this Program~~

~~(5) The waiver applicant must have an income at or below 185% of the current federal poverty level. Applications for the Program may be mailed or hand delivered by the client.~~

~~(6) The waiver applicant must complete and sign the application. A face-to-face interview for eligibility determination is not required~~

~~(7) The waiver applicant must have lost full Medicaid and the FMMIS or subsequent system verifies this loss of full Medicaid. A supervisor within the CHD will verify the application and its approval or denial.~~

~~(8) The waiver applicant must be age 14 to 55. Approval/denial letters, with a description of the appeal process, must be provided to the applicant by the county health department staff.~~

~~(9) Only county health department staff who have completed training in the Program eligibility process will determine eligibility for this Program. Once the client is approved, the client will also receive primary care referral information. She is not required to see a health care professional at the CHD.~~

~~(10) Applications for the Program may be mailed or hand delivered by the client to the CHD. Eligibility for this Program must be re-determined annually.~~

~~(11) A face-to-face interview for eligibility determination is not required.~~

~~(12) A supervisor within the CHD will verify the application and its approval or denial.~~

~~(13) Approval/denial letters, with a description of the appeal process, must be provided to the applicant by the county health department staff.~~

~~(14) The client who is approved for the program will receive primary care referral information. The client is not required to see a health care professional at the CHD.~~

~~(15) Eligibility for this Program must be re-determined annually.~~

Specific Authority 381.0011(13), 381.0051(7) FS. Law Implemented 381.0051, 383.011, 383.013 FS. History–New 8-9-04, Amended _____.

64F-19.006 Management of Minors.

Minors, under age 18, will not receive a notice of eligibility and will have to meet the eligibility determination as outlined under Rule 64F-19.002, F.A.C.

~~(1) Minors will request to apply if they have lost Medicaid eligibility be required to show proof of a Medicaid financed pregnancy related service.~~

~~(2) CHD staff can view the FMMIS system or birth certificates as proof of the pregnancy related service(s).~~

Specific Authority 381.0011(13), 381.0051(7) FS. Law Implemented 381.0051, 383.011, 383.013 FS. History–New 8-9-04, Amended _____.

64F-19.007 Non-Covered Services.

For the purposes of the Program the following services are not covered:

- (1) Infertility services; and
- (2) Abortion services; and
- (3) Vasectomies.

Specific Authority 381.0011(13), 381.0051(7) FS. Law Implemented 381.0051, 383.011, 383.013 FS. History–New 8-9-04, Amended _____.

64F-19.008 Continuation of Services.

(1) During the maximum two (2) year eligibility period, a client must reapply at the end of the first twelve (12) month period in order to receive benefits for the second twelve (12) month period, ~~retroactive from December 1, 2003.~~

(2) A client shall become eligible for the Program after she loses Medicaid eligibility more than once if more than one pregnancy occurs.

Specific Authority 381.0011(13), 381.0051(7) FS. Law Implemented 381.0051, 383.011, 383.013 FS. History–New 8-9-04, Amended _____.

64F-19.009 Termination of Services.

(1) Clients who fail to reapply annually will be automatically terminated from the Program.

(2) If a service provider is required to reduce or withhold services to clients due to limitations in resources, the provider must give clients thirty (30) days written notice and provide information and referral services to clients for other Medicaid family planning providers.

(3) The client shall ~~also~~ lose eligibility and be terminated from the Program if:

- (a) She becomes pregnant;
- (b) She is surgically sterilized;
- (c) The client’s household income changes and the new income exceeds 185% of the poverty level at the time of enrollment; or
- (d) She becomes eligible for Medicaid.

Specific Authority 154.011(5) FS. Law Implemented 154.011 FS., History–New 8-9-04, Amended _____.

64F-19.010 Due Process for Waiver Applicants and Clients.

(1) Waiver applicants will be afforded fair hearing due process as outlined in 42 CFR 431.200-246.

(2) Waiver applicants and clients shall receive written notice when a decision is made to deny or approve services under the Program. Written notice shall include at a minimum:

- (a) A description of the action the agency intends to take;
- (b) The reasons for the intended action;
- (c) Information about the waiver applicants or clients’ rights to request a hearing;
- (d) An explanation of the circumstances under which Medicaid services will continue if a hearing is requested;
- (e) A statement that requests for a hearing must be filed with the agency clerk within twenty-one (21) days of receipt of the written notice of agency action;
- (f) A statement that the hearing shall occur within ninety (90) days of the request; and

(g) A statement that the final order shall be entered within sixty (60) days of the hearing.

(3) The hearings shall be conducted by ~~t~~The Department of Children and Families as outlined in Section 120.80(15), F.S.

(4) Clients suspected of probable fraud shall have their period of advanced notice shortened to five (5) days before the date of action as prescribed in 42 CFR 431.214.

Specific Authority 120.80(15), 381.0011(13), 381.0051(7) FS. Law Implemented 381.0051, 383.011, 383.013 FS. History—New 8-9-04, Amended.

64F-19.011 Approved Form; Incorporation.

The following form used by the Department in its dealings with the public is listed as follows and is hereby adopted and incorporated by reference, and can be obtained from the Department office by writing to the Department of Health, Family Health Services, 4052 Bald Cypress Way, Bin #A-13, Tallahassee, FL 32399.

DH 3212, entitled “Health Insurance Application for Extended Family Planning Benefits,” (11/06). ~~05/04~~

Specific Authority 120.55(1)(a), 120.55(1)(a), (4), 381.0011(13), 381.0051(7) FS. Law Implemented 381.0051, 383.011, 383.013 FS. History—New 8-9-04, Amended.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NOS.:	RULE TITLES:
68B-44.004	Practice of Finning Prohibited; Removal of Fins from Sharks Harvested in State Waters Prohibited; Compliance with Federal Requirements; Filleting Prohibited
68B-44.005	Commercial Harvest of Sharks: Federal Permit Required

PURPOSE AND EFFECT: The purpose of these rule amendments is to update references to federal regulations. The effect should be to more accurately give public notice of the extensive requirements imposed by the National Marine Fisheries Service (NMFS) on shark harvest in the Code of Federal Regulations (C.F.R.).

SUBJECT AREA TO BE ADDRESSED: Sharks.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: A rt. IV, Sec. 9, Florida Constitution.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-44.004 Practice of Finning Prohibited; Removal of Fins from Sharks Harvested in State Waters Prohibited; Compliance with Federal Requirements; Filleting Prohibited.

(1) No person shall engage in the practice of finning.

(2) No person shall remove any fin of any shark harvested in state waters while in or on such waters or prior to the shark being landed.

(3) Persons returning from federal Exclusive Economic Zone (EEZ) waters adjacent to state waters with sharks or shark fins harvested there shall not stop in state waters to fish and shall land any shark or shark fins in the proportion specified in 50 C.F.R. § 635.30(c) ~~678.21(a)(2)~~.

(4) No person shall fillet any shark while in or on state waters. The possession while in or on state waters of any shark that has been sliced, divided, filleted, ground, skinned, scaled, or deboned, is prohibited. Mere evisceration or “gutting” of such fish, mere removal of gills, or removal of the heads and tails, is not prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 4-8-92, Amended 2-14-94, 1-1-98, Formerly 46-44.004, Amended.

68B-44.005 Commercial Harvest of Sharks: Federal Permit Required.

No person shall harvest sharks in or from the waters of the state for commercial purposes or sell any shark harvested from such waters unless such person is in possession of a valid federal annual vessel permit for sharks issued pursuant to 50 C.F.R. § 635.4 ~~678.4~~ or written authorization of such harvest or sale from the Regional Director of the National Marine Fisheries Service pursuant to 50 C.F.R. § 635.32 ~~678.27~~.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 4-8-92, Amended 2-14-94, Formerly 46-44.005, Amended.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NOS.:	RULE TITLES:
68B-45.002	Definitions
68B-45.004	Regulation and Prohibition of Certain Harvesting Gear

PURPOSE AND EFFECT: The purpose of these rule amendments is to allow for a less narrowly-defined configuration for the fold up traps typically used in the recreational harvest of harvest blue crabs. The effect will be to allow the legal use of fold-up traps up to 1 cubic foot in volume that are not necessarily pyramid-shaped.

SUBJECT AREA TO BE ADDRESSED: Fold up blue crab traps.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-45.002 Definitions.

(1) through (4) No change.

(5) "Fold up trap" means a ~~pyramid-shaped~~ plastic or wire meshed collapsing trap, ~~with a square base panel and triangular shaped side panels,~~ that opens outward to occupy a single plane when placed on the water bottom. It is baited in the center of the base panel and encloses crabs when retrieved by means of a cord drawing together ~~the topmost points of the side panels triangles.~~

(6) through (17) No change.

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, 10-4-95, Formerly 46-45.002, Amended 7-1-03, 7-15-04, 5-26-05, _____.

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

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

(d) Fold-up trap ~~with a square base panel no larger than one foot square.~~

(e) through (g) No change.

(2) through (10) No change.

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, _____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NOS.:

68B-55.001

68B-55.002

68B-55.004

68B-55.005

RULE TITLES:

Definitions

Retrieval of Trap Debris

Retrieval of Derelict Traps and Traps Located in Areas Permanently Closed to Trapping

Recovery of Traps in Area of Major Natural Disaster

PURPOSE AND EFFECT: The purpose of these rule amendments is three-fold. The amendment to rule 68B-55.01 modifies the definition of derelict trap to account for the fact that blue crab traps are now required to be marked with Commission-supplied trap tags. The amendments to Rules 68B-55.002 and 68B-55.004, F.A.C., exempt federal, state, or local government employees from acquiring authorization from the Florida Fish and Wildlife Conservation Commission in order to retrieve trap debris and traps that are located within areas where trapping is prohibited all year-round. The effect of these rule amendments will expedite the removal of these traps and reduce their impact to the environment. Rule 68B-55.005, F.A.C., is a new rule that will allow possession of a blue crab, stone crab, or lobster trap by someone other than its owner in the aftermath of a major storm for the purpose of returning it to its owner. The effect will be to aid fishers in recovering their traps in the aftermath of a major storm and allow them to resume normal fishing operations. This will also reduce damage to the environment and the unintended mortality to marine life caused by lost traps.

SUBJECT AREA TO BE ADDRESSED: Trap retrieval.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: A rt. IV, Sec. 9, Florida Constitution.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-55.001 Definitions.

(1) through (2) No change.

(3) "Derelict trap" means any trap during any closed season for the species, or any fishable trap during the open season that lacks more than two of the following elements:

(a) through (b) No change.

(c) Current Commission-issued trap tag (if required) (~~spiny lobster or stone crab~~) or identification (~~blue crabs~~).

(d) No change.

(4) "Fishable trap" means a trap that has 6 intact sides and at least two of the following elements:

(a) through (b) No change.

(c) Current Commission-issued trap tag (if required).

(d) No change.

(5) through (6) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-1-03, Amended 3-1-05,_____.

68B-55.002 Retrieval of Trap Debris.

(1) Local, state, or federal governmental entities, nonprofit nongovernmental organizations, fishery participant organizations, or other community or citizens groups are hereby authorized to remove trap debris from shoreline areas landward of mean low water, and from mangroves or other shoreline vegetation when they organize, promote, and participate in coastal cleanup events for the purpose of removing marine debris.

(2) Except as provided in subsection (3), other coastal cleanup events for the purpose of removing trap debris from all other areas of state waters shall only be undertaken with prior authorization from the Commission, to assure that such removal is adequately supervised.

(3) Local, state, or federal government personnel may remove trap debris located in areas that are permanently closed to trapping without prior authorization from the Commission.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-1-03, Amended _____.

68B-55.004 Retrieval of Derelict Traps and Traps Located in Areas Permanently Closed to Trapping.

(1) During the closed season for the harvest of any species for which traps are allowable gear, and after any authorized trap retrieval period together with any extensions, traps are considered to be derelict and may be retrieved as part of coastal cleanup events conducted by local, state, or federal government entities, nonprofit nongovernmental organizations, fishery participant organizations, or other community or citizens groups. Except as provided in subsection (3), such events shall only be undertaken with prior authorization from the Commission, to assure that such removal is adequately supervised but without the mandatory reporting required in Rule 68B-55.003, F.A.C.

(2) During the open season for harvest of any species for which traps are allowable gear, retrieval of derelict traps may occur at any time deemed appropriate by the Commission.

Commission employees, local, state, or federal personnel, or members of a fishery participant organization may retrieve derelict traps. Except as provided in subsection (3), retrieval other than by Commission personnel shall only be pursuant to a Commission approved plan. The plan shall include the operational area and time period proposed, authorized personnel, the number of vessels, methods of disposition, and number and qualifications of supervisory personnel. An approved plan shall also include notification of the Commission's Division of Law Enforcement no less than 24 hours prior to commencement of retrieval under this program with final float plan information including contact information, vessel registration numbers, trip times, and number of days.

(3) Local, state, or federal government personnel may retrieve traps located in areas that are permanently closed to trapping without prior authorization from the Commission.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-1-03, Amended _____.

68B-55.005 Recovery of Traps in Area of Major Natural Disaster.

(1) In the event of an executive order issued by the Governor of the State of Florida declaring an emergency resulting from a major natural disaster such as a hurricane, tropical storm, or similar weather occurrence, upon a finding that the disaster has caused massive trap losses in any fishery regulated by the Commission, the Executive Director of the Fish and Wildlife Conservation Commission will issue an order declaring a trap emergency in the affected area or in a specified part thereof. Such order shall serve to activate the following provisions of this rule.

(2) The trap emergency will be in the area and during the period specified in the activation order.

(3) Each harvester in the affected trap fishery may designate persons authorized to recover and possess traps of the harvester. Such designation shall be on an Emergency Trap Recovery Designation Affidavit (FWC Form), which form is hereby incorporated by reference. The original of the affidavit shall be retained by the harvester. A copy of the affidavit will be filed with the nearest office of the Commission's Division of Law Enforcement and also provided to each person authorized to recover and possess traps of the harvester. The affidavit shall be valid from the date the notarized form is received by the Commission's Division of Law Enforcement until the end of that license year.

(4) Persons authorized to recover and possess traps of a harvester will be allowed to do so only in the area and during the period specified in the activation order. Each such person shall possess and maintain available for inspection a copy of the affidavit while the person is engaged in recovering or possessing the harvester's traps.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New _____.

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE NO.: RULE TITLE:

69L-6.009 Forms and Instructions

PURPOSE AND EFFECT: The purpose of the proposed amendment is to revise DWC 250, Notice of Election to be Exempt, and its accompanying instructions, and to adopt DWC 252, Certificate of Election to be Exempt. The amendment revises Section 4 of both the form and instructions, deleting a request for an applicant's "Business Mailing Address" and replacing it with a request for an "Address of Record". The effect of the amendment is to provide additional guidance to applicants regarding the necessity of maintaining a consistent and reliable address for the purpose of receiving time-sensitive legal notices, documents, and communications from the Department.

SUBJECT AREA TO BE ADDRESSED: Revision of DWC 250, Notice of Election to be Exempt, its accompanying instructions, and updated addresses for the Division's Bureau of Compliance field offices; the amendment also incorporates by reference Form DWC 252, Certificate of Election to be Exempt.

SPECIFIC AUTHORITY: 440.05, 440.591 FS.

LAW IMPLEMENTED: 440.05 FS.

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

DATE AND TIME: Tuesday, August 28, 2007, 2:00 p.m.

PLACE: Room 104J, Hartman, 2012 Capital Circle S. E., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Andrew Sabolic, Assistant Division Director, Division of Worker's Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4229, (850)413-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69L-6.009 Forms and Instructions.

(1) The following forms are hereby incorporated by reference for use in connection with these rules:

(a) DWC 250 Notice of Election to be Exempt, (eff. ~~2/07~~); and instructions for same (Instructions for Completing Notice of Election to be Exempt, (eff. ~~2/07~~).

(b) DWC 250-R Revocation of Election to be Exempt, revised 2/00.

(c) DWC 251 Notice of Election of Coverage, revised 2/00.

(d) DWC 251-R Revocation of Election of Coverage, revised 2/00.

(e) DWC 252 Certificate of Election to be Exempt, (eff. _____).

(2) The forms may be obtained from the Bureau of Compliance, Division of Workers' Compensation website at: www.fldfs.com/WC/ or from any field office, unless otherwise limited to direct issuance by the Division. The forms may be obtained from any field office of the Division of Workers' Compensation, Bureau of Compliance.

(3) The field offices of the Division of Workers' Compensation, Bureau of Compliance, are:

921 North Davis Street, Building B Suite 250 Jacksonville, FL 32209 Telephone (850) 798-5806	1111 N.E. 25th Avenue, Suite 403 Ocala, FL 34470 Telephone (352) 401-5350
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2012 Capital Circle, S. E.
Suite 102, Hartman Bldg.
Tallahassee, FL 32399-2161
Telephone (850) 413-1609

610 East Burgess Road
Pensacola, FL 32504-6320
Telephone (850) 453-7804

3111 South Dixie Highway
Suite 123
West Palm Beach, FL 33405
Telephone (561) 837-5716

499 N.W. 70th Avenue
Suite 116
Plantation, FL 33317
Telephone (954) 321-2906

4415 Metro Parkway
Suite #300
Ft. Myers, FL 33916
Telephone (239) 938-1840

1313 North Tampa Street
Suite 503
Tampa, FL 33602
Telephone (813) 221-6506

1718 Main Street
Suite #201
Sarasota, FL 34236
Telephone (941) 361-6042

400 West Robinson Street
Suite N 512, North Tower
Orlando, FL 32801
Telephone (407) 835-4406

401 N.W. 2nd Avenue
South Tower, Suite 321
Miami, FL 33128
Telephone (305) 536-0306

Specific Authority 440.05, 440.591 FS. Law Implemented 440.05 FS. History--New 11-20-79, Amended 4-15-81, 1-2-86, Formerly 38F-6.09, Amended 5-28-91, 2-15-94, 2-2-00, 3-5-02, Formerly 38F-6.009, 4L-6.009, Amended 2-19-07, _____.

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE NO.: RULE TITLE:

69L-6.012 Notice of Election to be Exempt

PURPOSE AND EFFECT: The purpose of the amendment to the rule is to revise guidelines which relate to an employer's submission to the Department of a Notice of Election to be Exempt, a Notice of Election of Coverage, and the subsequent issuance, denial, revocation, and maintenance of a Certificate of Election to be Exempt. The amendment also deletes language and provisions no longer applicable as a result of changes to Chapter 205, F.S. The effect of the rule amendment is promote compliance by those employers applying for exemptions from the coverage requirements of Chapter 440, Florida Statutes by providing them with updated guidelines regarding the process.

SUBJECT AREA TO BE ADDRESSED: Guidelines for employers regarding the submission of a Notice of Election to be Exempt.

SPECIFIC AUTHORITY: 440.05(9), 440.591 FS.
 LAW IMPLEMENTED: 440.02(15), 440.05 FS.
 A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
 DATE AND TIME: Tuesday, August 28, 2007, 2:00 p.m.
 PLACE: Room 104J, Hartman, Capital Circle S. E., Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Andrew Sabolic, Assistant Division Director, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4229, (850)413-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69L-6.012 Notice of Election to be Exempt.

(1)(a) Only corporate officers of non-dissolved or active corporations who meet the conditions for the issuance of valid Certificates of Election to be Exempt as stated in Chapter 440, F.S., and implemented by this rule may file a Notice of Election to be Exempt (DWC 250), as incorporated by reference in Rule 69L-6.009, F.A.C. Only a business entity organized under Chapter 607 or 617, F.S., will qualify as a corporation for purposes of issuing a Certificate of Election to be Exempt (DWC 252), as incorporated by reference in Rule 69L-6.009, F.A.C., to a corporate officer under this rule. While a limited liability company created and approved under Chapter 608, F.S., is not a corporation for purposes of Chapter 440, F.S., persons engaged in the construction industry who are limited liability company members owning at least ten percent (10%) of the non-dissolved or active limited liability company qualify as a "corporate officer" and are eligible for the issuance of a Certificate of Election to be Exempt under this rule.

(b) The Department shall deny any Notice of Election to be Exempt filed by a corporate officer of a dissolved or inactive corporation or limited liability company. A new Notice of Election to be Exempt (DWC-250), as adopted in Rule 69L-6.009, must be filed by the corporate officer, and if the corporate officer is engaged in the construction industry, another \$50.00 fee must be submitted with the Notice of Election to be Exempt.

(2) Any corporate officer engaged in the construction or non-construction industry, who elects to be exempt from the provisions of the workers' compensation law (Chapter 440, F.S.), shall file with the Department a Notice of Election to be Exempt (DWC-250). For purposes of this rule, an applicant is engaged in the "construction industry" when any portion of the applicant's business operations is described in the construction industry classification codes that are identified in Rule 69L-6.021, F.A.C.

(3) For a corporate officer engaged in the construction industry, the applicant shall attach to or, where appropriate, list on every Notice of Election to be Exempt (DWC-250) the following:

~~(a) A copy of an occupational license required by the jurisdiction in the state of Florida in which the business is located or has employees engaged in work, or a copy of the occupational license receipt that includes the occupational license number issued by the jurisdiction in the state of Florida in which the business is located or has employees engaged in work. If the applicant's business address, as listed on the Notice of Election to be Exempt, is outside the state of Florida, a copy of the occupational license issued by the jurisdiction outside the state of Florida in which the applicant's business is located is required, unless an occupational license is not required by the jurisdiction in which the applicant's business is located;~~

~~1. If the applicant is required to obtain a license issued pursuant to Chapter 489, F.S., the business name listed on the occupational license or occupational license receipt must match the name of the corporation or limited liability company listed on the Notice of Election to Be Exempt;~~

~~2. If the applicant is not required to obtain a license issued pursuant to Chapter 489, F.S., the business name listed on the occupational license or occupational license receipt must match the name of the corporation, limited liability company, or business listed on the Notice of Election to Be Exempt;~~

~~(a)(b) The certified or registered license numbers held by the applicant issued pursuant to Chapter 489, F.S.; or the certified or registered license numbers held by the qualifier for the business listed on the Notice of Election to be Exempt (DWC-250) of which the applicant is a corporate officer; if the applicant is required to obtain a license issued pursuant to Chapter 489, F.S., the business name listed on the license must match the name of the corporation or limited liability company listed on the Notice of Election to be Exempt.~~

~~(b)(e) The Federal Employer Identification Number issued to the corporation or limited liability company, as applicable;~~

~~(c)(d) The Social Security Number or the individual taxpayer identification number of the applicant;~~

~~(d)(e) The Florida Department of State, Division of Corporations, registration number of the corporation or limited liability company, as applicable, named on the Notice of Election to be Exempt;~~

~~(e)(f) For corporate officers of a corporation, a copy of the stock certificate(s) issued to the applicant by the corporation named on the Notice of Election to be Exempt evidencing at least ten percent (10%) ownership of the named corporation by the applicant on the date that the Notice of Election to be Exempt is filed with the Department;~~

1. The percent of ownership shall be calculated by dividing the number of shares issued to the applicant by the total number of shares issued by the corporation named on the stock certificate(s);

2. In addition to the ownership requirement in paragraph (3)(e)(f), the copy of the stock certificate(s) shall state, at a minimum, the name of the issuing corporation, the state in which the corporation is organized, and the name of the person to whom the stock is issued. All stock certificate(s) must be signed by an officer or officers designated to do so in the bylaws or designated to do so by the board of directors;

(f)(g) For members of a limited liability company, documentation establishing the number of units of membership, or a notarized statement reflecting that the applicant owns at least ten percent (10%) of the limited liability company named on the Notice of Election to be Exempt on the date that the Notice of Election to be Exempt is filed with the Department;

(g)(h) The business(es) or trade(s) of the applicant;

(h)(i) The applicant's corporate officer title or member status;

(i)(j) The corporate name, Florida Department of State, Division of Corporations, registration number, and Federal Employer Identification Number of any other corporation(s) that is under the same or substantially the same ownership or control as the corporation named on the Notice of Election to be Exempt;

(j)(k) The name of the corporation or limited liability company as registered with the Florida Department of State, Division of Corporations of which the applicant is a corporate officer or member;

(k) The applicant's address of record.

(4) An applicant engaged in the construction industry must submit a \$50.00 fee with each Notice of Election to be Exempt (DWC 250) that is filed with the Department. If an applicant's payment is returned to the Department for non-sufficient funds, the Notice of Election to be Exempt is invalid and shall be denied. If a Certificate of Election to be Exempt (DWC 252) was issued to the applicant and the applicant's payment was returned to the Department for non-sufficient funds, the Certificate of Election to be Exempt shall be revoked. In order for the Department to process a new Notice of Election to be Exempt from an applicant who has had a payment returned for non-sufficient funds, the Department must receive confirmation that the initial \$50.00 payment and any associated service charge has been deposited into the Workers' Compensation Administration Trust Fund.

(5) For Notices of Election to be Exempt by a corporate officer or an officer of a corporation, as defined in Section 440.02(9), F.S., if the applicant is in the construction industry and the Department's records show three active Certificates of Election to be Exempt issued to corporate officers of a corporation or business entity or of any group of affiliated

corporations or business entities, the Department shall deny any Notice of Election to be Exempt (DWC 250) that would result in more than three corporate officers having active Certificates of Election to be Exempt for a corporation or business entity or any group of affiliated corporations or business entities.

(6) For a corporate officer not engaged in the construction industry, the applicant shall attach to or, where applicable, list on every Notice of Election to be Exempt (DWC-250) the following:

(a) ~~A copy of an occupational license required by the jurisdiction in which the business is located or has employees engaged in work, or a copy of the occupational license receipt that includes the occupational license number issued by the jurisdiction in the state of Florida in which the business is located or has employees engaged in work. If the applicant's business address, as listed on the Notice of Election to be Exempt, is outside the state of Florida, a copy of the occupational license issued by the jurisdiction outside the state of Florida in which the applicant's business is located is required, unless an occupational license is not required by the jurisdiction in which the applicant's business is located; The name of the corporation, limited liability company, or business listed on the Notice of Election to be Exempt must match the business name listed on the occupational license or on the occupational license receipt;~~

(a)(b) The Federal Employer Identification Number issued to the corporation;

(b)(c) The Social Security Number or the individual taxpayer identification number of the applicant;

(c)(d) The Florida Department of State, Division of Corporations, registration number of the corporation named on the Notice of Election to be Exempt;

(d)(e) The applicant's corporate officer title; and

(e)(f) The corporate name, Florida Department of State, Division of Corporations, registration number, and Federal Employer Identification Number of any other corporation(s) in which the applicant has an ownership interest or serves as a corporate officer;

(f)(g) The name of the corporation as registered with the Florida Department of State, Division of Corporations of which the applicant is a corporate officer;

(g) The business(es) or trade(s) of the applicant;

(h) The applicant's address of record.

(7) Incomplete Notices of Election to be Exempt, Issue Dates for Certificates of Election to be Exempt.

(a) An applicant shall have thirty days from the date his/her Notice of Election to be Exempt (DWC 250) is mailed or otherwise returned by the Department to the applicant as incomplete in which to file documentation or information which completes the Notice of Election to be Exempt, at which time the Notice of Election to be Exempt shall be processed without any additional processing fee. The Department shall

deny the Notice of Election to be Exempt if the applicant fails to file with the Department the documentation or information to complete the Notice of Election to be Exempt within 30 days of the date the Notice of Election to be Exempt was mailed or returned as incomplete. If the Notice of Election to be Exempt is denied, the applicant must submit a new Notice of Election to be Exempt and, if the applicant is engaged in the construction industry, another \$50.00 fee is required.

(b) If the Department receives a renewal Notice of Election to be Exempt that meets the eligibility requirements of Section 440.05, F.S. and this rule more than 90 days prior to the expiration date of the Certificate of Election to be Exempt, the issue date of the new Certificate of Election to be Exempt (DWC 252) is the date the Certificate of Election to be Exempt is approved and saved to the Coverage and Compliance Automated System database of the Department, and any duplicate Certificate of Election to be Exempt for the applicant of the same business shall be null and void as of the issue date of the new Certificate of Election to be Exempt.

(c) If the Department receives a renewal Notice of Election to be Exempt that meets the eligibility requirements of Section 440.05, F.S. and this rule more than 30 days but 90 days or less prior to the expiration date of the Certificate of Election to be Exempt, the issue date of the renewal Certificate of Election to be Exempt shall be the expiration date of the original Certificate of Election to be Exempt.

(d) Subject to the exceptions listed in Section 440.05(5), F.S., if the Department receives a renewal Notice of Election to be Exempt that meets the eligibility requirements of Section 440.05, F.S. and this rule 30 days or less prior to the expiration date of the Certificate of Election to be Exempt, the issue date of the renewal Certificate of Election to be Exempt is the date the renewal Certificate of Election to be Exempt is approved and saved to the Coverage and Compliance Automated System database of the Department, or 30 days after the date the renewal Notice of Election to be Exempt is received by the Department, whichever is earlier. Any duplicate Certificate of Election to be Exempt for the applicant shall be null and void as of the issue date of the renewal Certificate of Election to be Exempt.

(e) Subject to the exceptions listed in Section 440.05(5), F.S., if the Department receives a renewal Notice of Election to be Exempt after the expiration date of the Certificate of Election to be Exempt, the issue date of the renewal Certificate of Election to be Exempt is the date the renewal Certificate of Election to be Exempt is approved and saved to the Coverage and Compliance Automated System database of the Department, or 30 days after the date the renewal Notice of Election to be Exempt is received by the Department, whichever is earlier.

(f) Subject to the exceptions listed in Section 440.05(5), F.S., if the Department receives a new Notice of Election to be Exempt, the issue date of the Certificate of Election to be

Exempt is the date the Certificate of Election to be Exempt is approved and saved to the Coverage and Compliance Automated System database of the Department, or 30 days after the date the Notice of Election to be Exempt is received by the Department, whichever is earlier. If the Department receives a new Notice of Election to be Exempt that lists a corporate officer that currently has a valid Certification of Election to be Exempt with the same corporation or limited liability company, the issue date of the Certificate of Election to be Exempt is the date the Certificate of Election to be Exempt is approved and saved to the Coverage and Compliance Automated System database of the Department, or 30 days after the date the Notice of Election to be Exempt is received by the Department, whichever is earlier; and the current Certification of Election to be Exempt shall be null and void as of the issue date of the new Certification of Election to be Exempt.

(8) Any Notice of Election to be Exempt (DWC 250) which is returned to the applicant by the Department within 30 days after receipt by the Department for failure to meet the eligibility requirements of Section 440.05, F.S. and this rule is not "received" for purposes of Section 440.05(5), F.S.

(9) Any corporate officer or member of a limited liability company engaged in the construction industry, or corporate officer engaged in the non-construction industry who has been issued a Certificate of Election to be Exempt (DWC 252), may revoke such certificate by filing with the Department a Revocation of Election to be Exempt (DWC 250-R), as ~~incorporated by reference~~ adopted in Rule 69L-6.009, F.A.C. The issue date of a Revocation of Election to be Exempt is the date the revocation is approved and saved to the Coverage and Compliance Automated System database of the Department, or 30 days after the Revocation of Election to be Exempt is received by the Department, whichever is earlier.

(10) A Revocation of Election to be Exempt (DWC-250-R) shall only be filed by the same person named on the Certificate of Election to be Exempt (DWC 252) or by a corporate officer of the business named on the Certificate of Election to be Exempt and listed as a corporate officer with the Department of State, Division of Corporations.

(11) Payments made to the Department under this rule shall be in a form made payable to DFS – Workers' Compensation Administration Trust Fund.

(12) The issue date of a Notice of Election of Coverage (DWC 251), as incorporated by reference in Rule 69L-6.009, F.A.C., is the date it is approved and saved to the Coverage and Compliance Automated System database of the Department, or 30 days after the Notice of Election of Coverage is received by the Department, whichever is earlier.

(13) The issue date of a Revocation of Election of Coverage (DWC 251-R), as incorporated by reference in Rule 69L-6.009, F.A.C., is the date it is approved and saved to the

Coverage and Compliance Automated System database of the Department, or 30 days after the Revocation of Election of Coverage is received by the Department, whichever is earlier.

(14) The person named on the Certificate of Election to be Exempt (DWC 252) shall have the duty to notify the Department of any change to the person's address of record listed on the Certificate of Election to be Exempt, the dissolution or reinstatement of the corporation or limited liability company named on the Certificate of Election to be Exempt, or when the person named on the Certificate of Election to be Exempt is no longer a corporate officer or member of the corporation or limited liability company listed on the Certificate of Election to be Exempt.

(15) Dissolution of the corporation or limited liability company named on the Certificate of Election to be Exempt (DWC 252) or the person named on the Certificate of Election to be Exempt no longer being a corporate officer or member of the corporation or limited liability company listed on the Certificate of Election to be Exempt will result in initiation of proceedings by the Department to revoke the Certificate of Election to be Exempt.

Specific Authority 440.05(9), 440.591 FS. Law Implemented 440.02(15), 440.05 FS. History—New 5-28-91, Amended 2-15-94, 12-28-97, 2-2-00, 9-6-01, Formerly 38F-6.012, Amended 3-26-03, Formerly 4L-6.012, Amended 4-21-04, 10-30-06,_____.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 690-136.020
 RULE TITLE: Forms Incorporated by Reference (Common Forms)

PURPOSE AND EFFECT: To approve Forms for applications for licensure, registration and acquisitions.

SUBJECT AREA TO BE ADDRESSED: Applications for licensure, registration and acquisitions.

SPECIFIC AUTHORITY: 624.308, 634.021, 634.061, 634.302, 634.402, 636.008, 636.067, 636.204, 641.21, 641.36, 641.403, 641.021(2) FS.

LAW IMPLEMENTED: 624.307, 624.316(2)(b), 624.318, 624.34, 624.401, 624.404, 624.413, 624.414, 624.416(4), 624.422, 624.462, 624.466, 624.501 625.306, 626.913, 626.918, 627.6488, 627.943, 627.944, 628.051, 628.061, 628.071, 628.091, 628.161, 628.171, 628.221, 628.251, 628.261, 628.451, 628.461, 628.4615, 628.471, 628.6011, 629.071, 629.081, 629.091, 629.101, 629.121, 629.131, 629.181 634.031, 634.303, 634.305, 634.305, 634.402, 634.403, 636.007, 636.008, 636.204, 641.21, 641.405, 641.406, 642.021 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: August 21, 2007, 9:30 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Michelle Brewer, Business Development and Market Research, Office of Insurance Regulation, E-mail michelle.brewer@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michelle Brewer, Business Development and Market Research, Office of Insurance Regulation, E-mail michelle.brewer@fldfs.com.

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

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 690-136.022
 RULE TITLE: I-Apply

PURPOSE AND EFFECT: To create a web-based applications system for applications for licensure, registration and acquisitions.

SUBJECT AREA TO BE ADDRESSED: Applications for licensure, registration and acquisitions.

SPECIFIC AUTHORITY: 624.308, 634.021, 634.061, 634.302, 634.402, 636.008, 636.067, 636.204, 641.21, 641.36, 641.403, 641.021(2) FS.

LAW IMPLEMENTED: 624.307, 624.316(2)(b), 624.318, 624.34, 624.401, 624.404, 624.413, 624.414, 624.416(4), 624.422, 624.462, 624.466, 624.501 625.306, 626.913, 626.918, 627.6488, 627.943, 627.944, 628.051, 628.061, 628.071, 628.091, 628.161, 628.171, 628.221, 628.251, 628.261, 628.451, 628.461, 628.4615, 628.471, 628.6011, 629.071, 629.081, 629.091, 629.101, 629.121, 629.131, 629.181, 634.031, 634.303, 634.305, 634.305, 634.402, 634.403, 636.007, 636.008, 636.204, 641.21, 641.405, 641.406, 642.021 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: August 21, 2007, 9:30 a.m.

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

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

contacting: Michelle Brewer, Business Development and Market Research, Office of Insurance Regulation, E-mail michelle.brewer@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michelle Brewer, Business Development and Market Research, Office of Insurance Regulation, E-mail: michelle.brewer@fldfs.com. THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 690-138.005
 RULE TITLE: Examination of Insurers
 PURPOSE AND EFFECT: To set forth procedures for examinations performed by non employees.
 SUBJECT AREA TO BE ADDRESSED: Insurer examinations.

SPECIFIC AUTHORITY: 624.316 FS.

LAW IMPLEMENTED: 624.316 (2)(e) 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: August 14, 2007, 9:30 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Claude Mueller, Office of Insurance Regulation, E-mail claudemueller@fldfs.com If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Claude Mueller, Office of Insurance Regulation, E-mail: claudemueller@fldfs.com.

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

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.034
 RULE TITLE: Polling Place Procedures Manual
 PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to revise the polling place procedures manual (that is incorporated by reference) to reflect changes regarding election procedures at the polls as set forth in chapter law 2007-30, Laws of Florida. The proposed manual provides guidance to election officials and poll workers on voting activities. The manual is used both for voting and election administration activities during the early voting period and on election day. The proposed revisions to the manual includes clarification on the set up of accessible voting equipment, photography, exit polling exception to the no-solicitation provision, elimination of an employee's badge and a buyer's card to satisfy the identification requirements at the polls, proper precinct for voting, the timeframe in which a provisional ballot voter has to present evidence of eligibility, and touch screen devices with optical scan ballot marking and printing capability. Reformatting changes are also made.

SUMMARY: The amendments are made to Form DS-DE #11, entitled "The Polling Place Procedures Manual," which is incorporated by reference in the rule. The changes conform the manual to recent legislative changes affecting voting and election procedures at the polls on election day and during the early voting period.

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

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

SPECIFIC AUTHORITY: 20.10, 97.012, 102.014(5) FS.

LAW IMPLEMENTED: 102.014(5) FS.

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

DATE AND TIME: Monday, August 20, 2007, 2:00 p.m.

PLACE: Florida Heritage Hall, Plaza Level, R.A. Gray Building, 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 hours before the workshop/meeting by contacting: Maria I. Matthews, Assistant General Counsel. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maria I. Matthews, Assistant General Counsel, Office of the General Counsel, Division of Elections, Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250

Copies of the proposed rule and the draft Forms DS DE #11 are also available for viewing and downloading off the Division of Elections' website at: <http://election.dos.state.fl.us/index.html> or by contacting the above-named person at (850)245-6536. Copies of the proposed rule are also available by contacting the Division of Elections at 1(850)245-6536, or by accessing online from the Division of Elections' rules webpage at: <http://election.dos.state.fl.us/index.html> or through the Department of State's E-rulemaking program at: www.flrules.org. Comments regarding the rule may also be submitted online via the E-rulemaking program.

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.034 Polling Place Procedures Manual.

The Department of State, Division of Elections, is required to establish a polling place procedures manual to guide election officials and poll workers in the proper implementation of election procedures and laws. Form DS-DE 11 (eff. ~~01/06~~), entitled "Polling Place Procedures Manual," is hereby incorporated by reference and available from the Division of Elections, R. A. Gray Building, Room 316, 500 South Bronough Street, Tallahassee, Florida 32399-0250, by contact at (850)245-6200, or by download from the Division of Elections' rules webpage at: <http://election.dos.state.fl.us/index.html>.

Specific Authority 20.10(3), 102.014(5) FS. Law Implemented 102.014(5) FS. History--New 7-4-02, Amended 1-25-04, 3-16-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sarah Jane Bradshaw, Assistant Director of Division of Elections

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Amy Tuck, Director, Division of Elections

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 18, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 15, 2007

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.037 **RULE TITLE:** Provisional Ballots

PURPOSE AND EFFECT: The purpose of the proposed amendment is to conform the rule to the change made recently by the Florida Legislature through the enactment of chapter 2007-30, Laws of Florida, that reduced the number of days from 3 days to 2 days in which provisional ballot voters have to

submit to the supervisor of elections written evidence supporting their eligibility to vote before their provisional ballot can be counted. This requirement does not apply to a provisional ballot voter who voted a provisional ballot because he or she did not have the proper identification. Such provisional ballot voter is not required to provide written evidence of his or her eligibility to the supervisor of elections. In such cases, the ballot will be counted if the signature on the Provisional Ballot Voter's Certification and Affirmation matches the signature in the person's voter registration record. **SUMMARY:** The proposed rule amendment conforms the rule regarding provisional ballot voters to a recent legislative change in the Florida Election Code. No changes are required for the forms incorporated by reference.

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

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

SPECIFIC AUTHORITY: 20.10(3), 97.012, 101.048 FS.

LAW IMPLEMENTED: 97.053(6), 101.43, 101.048, 101.049, 101.111 FS.

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

DATE AND TIME: Monday, August 20, 2007, 2:00 p.m.

PLACE: Florida Heritage Hall, Plaza Level, R.A. Gray Building, 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: Maria I. Matthews, Assistant General Counsel. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maria I. Matthews, Assistant General Counsel, Office of the General Counsel, Division of Elections, Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250

Copies of the proposed rule are also available for viewing and downloading off the Division of Elections' website at: <http://election.dos.state.fl.us/index.html> or by contacting the above-named person at (850)245-6536. Copies of the proposed rule are also available by contacting the Division of Elections at (850)245-6536, or by accessing online from the Division of Elections' rules webpage at: <http://election.dos.state.fl.us/index.html> or through the Department of State's E-rulemaking program at: www.flrules.org. Comments regarding the rule may also be submitted online via the E-rulemaking program.

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.037 Provisional Ballots.

(1) Notice of Rights to Provisional Ballot Voters. Written instructions are to be provided to each person who casts a provisional ballot and shall be entitled "Notice of Rights to Provisional Ballot Voters." The instructions shall contain:

(a) Information on how to access the respective county supervisor of election's free access system and the information the voter will need to provide to obtain information on whether his or her provisional ballot was counted, and if not, the reason it was not counted.

(b) The statement "If this is a primary election, you should contact the supervisor of elections' office immediately to confirm that you are registered and can vote in the general election."

(c) The statement "You may provide written evidence supporting your eligibility to vote to the Supervisor of Elections at (provide address of the Supervisor) by no later than 5:00 p.m. of the ~~second~~ third day following the election."

(d) The statement "If you voted a provisional ballot because you did not have the proper identification, your ballot will be counted if your signature on the provisional ballot Voter's Certificate and Affirmation matches the signature on your registration record and if you voted in the proper precinct. You will not need to provide further written evidence to the Supervisor of Elections."

(2) Forms for Certificates and Affirmations. The Department of State, Division of Elections, is required to establish forms for Provisional Ballot Certificates and Affirmations to be used statewide. Subject to the exception in subsection (3), provisional ballot certificates and affirmations shall be substantially in accordance with Form DS DE 49 OS (Eff. 01/06), entitled "Optical Scan, Provisional Ballot Voter's Certificate and Affirmation"; Form DS DE 49 OS/TS (eff. 01/06), entitled "Touch Screen, Provisional Ballot Voter's Certificate and Affirmation"; or Form DS DE 49 OT (eff. 01/06), entitled "Optical Scan/Touchscreen, Provisional Ballot Voter's Certificate and Affirmation". All forms under this rule are hereby incorporated by reference. Copies of the forms may be obtained from the Division of Elections, Room 316, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, from the Division of Elections website at: <http://election.dos.state.fl.us>, or by contacting the Division of Elections at (850)245-6200.

(3) Exception. In order to ensure the secrecy of the ballot of each provisional ballot voter, the following forms and procedures must be used and followed in all counties using the Sequoia Touch Screen Voting System:

(a) Forms. Form DS DE 50 Sequoia, entitled "Sequoia Touch Screen, Provisional Ballot Voter's Certificate and Affirmation," (eff. 06/06) shall be used as the provisional ballot envelope form, and form DS DE 50 Sequoia-A, entitled

"Provisional Ballot Identification Number Form," (eff. 06/06) shall be used to write the provisional ballot voter's identification number, in reference to the procedures in paragraphs (b) and (c).

(b) Procedures at the polls:

1. Once a determination is made that a voter needs to vote a provisional ballot, the voter is provided with the provisional ballot envelope form DS DE 50 Sequoia.

2. The voter fills out the Provisional Ballot Voter's Certificate and Affirmation using DS DE 50 Sequoia and provides it to the election official to witness.

3. The election official witnesses the voter's signature and fills out the information on the back side of the envelope indicating the reason the voter is voting a provisional ballot.

4. The election official activates the voter card and writes the provisional ballot number from the card activator on a separate form using DS DE 50 Sequoia-A.

5. The voter verifies that the provisional ballot identification number on the form matches the ballot number from the card activator display.

6. The voter places the form with the ballot identification number in the Provisional Ballot envelope and seals the envelope.

7. The voter proceeds to the touch screen voting system and votes his or her provisional ballot.

8. At the close of the polls, all completed provisional ballot envelopes are returned to the supervisor of elections.

(c) Procedures during the canvassing process:

1. The canvassing board determines the eligibility of each provisional voter.

2. For each provisional voter that is determined to be eligible, the provisional ballot envelope shall be opened and the provisional ballot number shall be separated from the envelope containing the voter's name to ensure that the voter's name and provisional ballot number cannot be connected.

3. All ballots connected to the provisional ballot numbers for eligible voters shall be tabulated according to the procedures for tabulating ballots provided by the manufacturer.

4. For each provisional voter that is determined to be ineligible, the provisional ballot envelope shall not be opened and the Provisional Ballot Identification Number shall remain sealed in the envelope.

(d) Provisional ballot procedures on election day and during the early voting period must otherwise meet all requirements of this rule.

Specific Authority 20.10(3), 97.012(1), (2), 101.048 FS. Law Implemented 97.053(6), 101.043, 101.048, 101.049, 101.111 FS. History--New 2-2-04, Amended 1-29-06, 6-1-06_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sarah Jane Bradshaw, Assistant Director, Division of Elections
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Amy Tuck, Director, Division of
Elections
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: July 18, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: June 15, 2007

DEPARTMENT OF STATE

Division of Elections

RULE NO.: RULE TITLE:
1S-2.040 Statewide Uniform Voter
 Registration Application

PURPOSE AND EFFECT: The primary purpose of the proposed rule amendment is to conform the content of the statewide voter registration application which is incorporated by reference in this rule to the new requirement adopted in Chapter 2007-30, Laws of Florida, which expanded the category of persons who may pre-register to vote to include any person who obtains a valid Florida driver’s license before his or her 17th birthday. The content of the application is also changed to clarify fields relating to the Florida driver’s license, political party affiliation, phone number, eligibility to register, and identification requirements.

SUMMARY: The amendments to the rule conform the content of the uniform statewide voter registration application to recent statutory changes.

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

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

SPECIFIC AUTHORITY: 20.10(3), 97.012(1), 97.052 FS.

LAW IMPLEMENTED: 97.041, 97.051, 97.052, 97.053, 97.1031, 98.077, 101.045 FS.

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

DATE AND TIME: Monday, August 20, 2007, 2:00 p.m.

PLACE: Florida Heritage Hall, Plaza Level, R. A. Gray Building, 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: Maria I. Matthews, Assistant General Counsel. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maria I. Matthews, Assistant General Counsel, Office of the General Counsel, Division of Elections, Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250

Copies of the proposed rule and the form incorporated by reference DS-DE # 39 are also available for viewing and downloading off the Division of Elections’ website at: <http://election.dos.state.fl.us/index.html> or by contacting the above-named person at (850)245-6536. Copies of the proposed rule are also available by contacting the Division of Elections at (850)245-6536, or by accessing online from the Division of Elections’ rules webpage at: <http://election.dos.state.fl.us/index.html> or through the Department of State’s E-rulemaking program at: www.flrules.org. Comments regarding the rule may also be submitted online via the E-rulemaking program.

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.040 Statewide Uniform Voter Registration Application.

The Department of State, Division of Elections, is required to adopt by rule a uniform statewide voter registration application for use in this state. Form DS-DE 39, entitled “Florida Voter Registration Application” (eff. _____) ~~rev. 01/06~~, is hereby incorporated by reference. This application is available by request from the Division at Room 316, R. A. Gray Building, Tallahassee, Florida 32399-0250 or by contacting the Division of Elections at (850)245-6200, by download from the Division of Elections’ website at: <http://election.dos.state.fl.us/index.html>, or by contacting any supervisor of elections’ office.

Specific Authority 20.10, 97.012(1), (2), 97.052 FS. Law Implemented 97.051, 97.052, 97.053, 97.1031, 98.077, 101.045(2) FS. History–New 11-29-05, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sarah Jane Bradshaw, Assistant Director of Division of Elections

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Amy Tuck, Director, Division of Elections

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: July 18, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: June 15, 2007

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.: RULE TITLE:
9B-3.047 State Building Code Adopted

PURPOSE AND EFFECT: Adoption of the 2007 edition of the Florida Building Code.

SUMMARY: The rule is amended to complete the second triennial update of the Florida.

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

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

SPECIFIC AUTHORITY: 553.73(1), (2), (7) FS.

LAW IMPLEMENTED: 553.72, 553.73(2), (3), (7), (9) FS.

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

DATE AND TIME: August 21, 2007, 1:00 p.m., or as soon thereafter as the matter comes before the Commission pursuant to its agenda

PLACE: Embassy Suites Tampa – USF, 3705 Spectrum Boulevard, Tampa, Florida 33612-9412

Pursuant to the provisions of 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 hours before the workshop/meeting by contacting: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247. If you are 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: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-3.047 State Building Code Adopted.

(1) The Florida Building Code, 2007 edition, as updated by the Florida Building Commission ~~on July 1, 2005, and as amended by the Commission on December 11, 2005, December 8, 2006, and May 21, 2007~~, incorporated herein by reference is hereby adopted as the building code for the State of Florida.

The proposed effective date is October 1, 2008.

Specific Authority 553.73(1), (2), (7) FS., Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida, Section 1, Chapter 2006-65, Laws of Florida. Law Implemented 553.72, 553.73(2), (3), (7), (9) FS., Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida. History–New 7-18-90, Amended 3-30-93, 10-17-93, 8-28-95, 9-24-96, 12-26-96, 4-27-97, 10-5-97, 10-14-97, 9-7-00, 11-28-00, 2-7-01, 12-16-01, 6-30-03, 4-3-05, 12-11-05, 12-8-06, 10-1-08.

NOTE: The full text of modifications and amendments approved by the Commission, together with the applicable procedural history and comments, are available at www.floridabuilding.org, or by contacting the Codes and Standards Unit at (850)487-1824.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mo Madani, Planning Manager, Department of Community Affairs

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 27, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 27, 2007

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.: 9B-3.0472
RULE TITLE: Carbon Monoxide Detection

PURPOSE AND EFFECT: To provide requirements for carbon monoxide detectors in certain buildings for which application is made for the initial building permit after July 1, 2008.

Requirements for Carbon Monoxide Detection in buildings.

SUMMARY: The rule implements Chapter 2007-181, Laws of Florida and requires that new construction that exhibits certain features include an alarm that will alert any inhabitants to unsafe levels of carbon monoxide. Power for the alarms is required to be the primary power source for the subject building and a battery back-up in the event that the primary power source fails.

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

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

SPECIFIC AUTHORITY: 553.885(2) FS.

LAW IMPLEMENTED: 553.72, 553.73(2), (3), (7), (9), 553.885(2) FS.

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

DATE AND TIME: August 21, 2007, 1:00 p.m., or as soon thereafter as the matter comes before the Commission pursuant to its agenda

PLACE: Embassy Suites Tampa – USF, 3705 Spectrum Boulevard, Tampa, Florida 33612-9412

Pursuant to the provisions of 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: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247. If you are 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: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-3.0472 Carbon Monoxide Protection.

(1) Definitions: For purposes of this rule, the following definitions shall apply:

(a) CARBON MONOXIDE ALARM. A device for the purpose of detecting carbon monoxide, that produces a distinct audible alarm, and is listed or labeled with the appropriate standard, either ANSI/UL 2034-96, Standard for Single and Multiple Station CO Alarms, or UL 2075-04, Gas and Vapor Detector Sensor, in accordance with its application.

(b) FOSSIL FUEL. Coal, kerosene, oil, fuel gases, or other petroleum or hydrocarbon product that emits carbon monoxide as a by-product of combustion.

(2) Every building having a fossil-fuel-burning heater or appliance, a fireplace, or an attached garage shall have an operational carbon monoxide alarm installed within 10 feet of each room used for sleeping purposes.

(3) In new construction, alarms shall receive their primary power from the building wiring when such wiring is served from the local power utility. Such alarms shall have battery back up.

(4) Combination smoke/carbon monoxide alarms shall be listed or labeled by a Nationally Recognized Testing Laboratory.

Specific Authority 553.885(2) FS. Law Implemented 553.72, 553.73(2), (3), (7), (9), 553.885(2) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Janice Browning, Director, Division of Housing and Community Development

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 27, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 8, 2007

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.:

RULE TITLE:

9B-3.0475

Mitigation Retrofits Required

PURPOSE AND EFFECT: Identify and develop cost effective means to incorporate mitigation related elements in existing buildings that are subject to permitted work.

SUMMARY: The rule adopts by reference a manual that provides prescriptive means to incorporate gable end bracing and enhanced roof to wall connections in existing buildings. The manual also specifies the circumstances in which shutters, enhanced roof to wall connections, and secondary water barriers are required as an element of permitted work as directed by the Legislature.

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

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

SPECIFIC AUTHORITY: 553.844(3) FS.

LAW IMPLEMENTED: 553.72, 553.73(2), (3), (7), (9), 553.844(3) FS.

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

DATE AND TIME: August 21, 2007, 1:00 p.m., or as soon thereafter as the matter comes before the Commission pursuant to its agenda

PLACE: Embassy Suites Tampa – USF, 3705 Spectrum Boulevard, Tampa, Florida 33612-9412

Pursuant to the provisions of 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: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-3.0475 Mitigation Retrofits Required.

The 2007 Manual of Hurricane Mitigation Retrofits for Existing Site-Built Single Family Residential Structures is hereby adopted by reference. The manual provides requirements for construction in addition to those contained in the Florida Building Code as adopted by Rule 9B-3.047, F.A.C., that shall be enforced as provided in the manual and as required by Section 553.844, Florida Statutes. A copy of the manual may be obtained from the Florida Building Commission's website, www.floridabuilding.org. If any person encounters any difficulty utilizing the website, assistance is available by calling the Codes and Standards Unit at (850)4871824.

Specific Authority 553.844(3) FS. Law Implemented 553.72 FS, 553.73(2), (3), (7), (9), 553.844(3) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Janice Browning, Director, Division of Housing and Community Development

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 27, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 8, 2007

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.: 9B-3.0477
 RULE TITLE: Electrical Bonding of Pools

PURPOSE AND EFFECT: To adopt an alternative means for electrical bonding of swimming pools than that provided in the 2005 edition of the National Electrical Code.

SUMMARY: The rule allows electrical bonding of swimming pools constructed in Florida in a manner consistent with the Draft edition of the 2008 National Electrical Code. Specifically, a single, 8AWG wire may be utilized in lieu of the copper bonding grid currently required under identified conditions and circumstances. The method adequately provides for safety and costs significantly less than the copper bonding grid.

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

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

SPECIFIC AUTHORITY: s. 1, Chapter 2007-187, Laws of Florida.

LAW IMPLEMENTED: 553.72, 553.73(2), 553.73(3), 553.73(7), 553.73(9) FS., s. 1, Chapter 2007-187, Laws of Florida.

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

DATE AND TIME: August 21, 2007, 1:00 p.m., or as soon thereafter as the matter comes before the Commission pursuant to its agenda

PLACE: Embassy Suites Tampa – USF, 3705 Spectrum Boulevard, Tampa, Florida 33612-0412

Pursuant to the provisions of 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: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247. If you are 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: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-3.0477 Electrical Bonding of Pools.

National Fire Protection Association [NFPA] 70-05: National Electric Code, Article 680 (Swimming Pools, Fountains, and Similar Installation), Section 680.26, Equipotential Bonding, as adopted within Chapter 27 of the Florida Building Code, Building Volume; and to NFPA 70A-05: National Electric Code, Article 680 (Swimming Pools, Fountains, and Similar Installation), Section 680.26, Equipotential Bonding, adopted within Chapter 33 of the Florida Building Code, Residential Volume, define bonding requirements for swimming pools constructed in the State. In response to legislative direction, the Florida Building Commission has adapted the draft 2008 National Electrical Code requirements for immediate use as set forth below. As an alternative to the requirements in the Building Code as adopted in Rule 9B-3.047, F.A.C., the following shall be permissible:

(1) Performance. The equipotential bonding required by this section shall be installed to reduce voltage gradients in the pool area.

(2) Bonded Parts. The parts specified in paragraphs (a) through (g) hereof shall be bonded together using solid copper conductors, insulated covered, or bare, not smaller than 8 AWG or with rigid metal conduit of brass or other identified

corrosion-resistant metal. Connections to bonded parts shall be made in accordance with Section 250.8 of the National Electrical Code as adopted within the Florida Building Code. An 8 AWG or larger solid copper bonding conductor provided to reduce voltage gradients in the pool area shall not be required to be extended or attached to any remote panelboard, to service equipment, or electrodes.

(a) Conductive Pool Shells. Bonding to conductive pool shells shall be provided as specified in subparagraphs 1. or 2. hereof. Poured concrete, pneumatically applied or sprayed concrete, and concrete block with painted or plastered coating shall all be considered conductive materials due to water permeability and porosity. Vinyl liners and fiberglass composite shells shall be considered to be non-conductive materials.

1. Structural Reinforcing Steel. Unencapsulated structural reinforcing steel shall be bonded together by steel tie wires or the equivalent. Where structural reinforcing steel is encapsulated in a nonconductive compound, a copper conductor grid shall be installed in accordance with subparagraph 2.

2. Copper Conductor Grid. A copper conductor grid shall be provided and shall comply with the following conditions:

a. Be constructed of minimum 8 AWG bare solid copper conductors bonded to each other at all points of crossing.

b. Conform to the contour of the pool and the pool deck.

c. Be arranged in a 300 mm (12 in.) by 300 mm (12 in.) network of conductors in a uniformly spaced perpendicular grid pattern with a tolerance of 100 mm (4 in.).

d. Be secured within or under the pool no more than 150 mm (6 in.) from the outer contour of the pool shell.

(b) Perimeter Surfaces. The perimeter surface shall extend for 1 m (3 ft) horizontally beyond the inside walls of the pool and shall include unpaved surfaces as well as poured concrete and other types of paving. Bonding to perimeter surfaces shall be provided as specified in subparagraph 1. or 2. hereof, and shall be attached to the pool reinforcing steel or copper conductor grid at a minimum of four (4) points uniformly spaced around the perimeter of the pool. For non-conductive pool shells, bonding at four points shall not be required.

1. Structural Reinforcing Steel. Structural reinforcing steel shall be bonded in accordance with subparagraph (2)(a)1.

2. Alternate Means. Where structural reinforcing steel is not available or is encapsulated in a nonconductive compound, copper conductor(s) shall be utilized where the following conditions are met:

a. At least one minimum 8 AWG bare solid copper conductor shall be provided.

b. The conductor(s) shall follow the contour of the perimeter surface.

c. Only listed splices shall be permitted.

d. The required conductor shall be 450 to 600 mm (18 to 24 in.) from the inside walls of the pool.

e. The required conductor shall be secured within or under the perimeter surface 100 to 150 mm (4 to 6 in.) below the subgrade.

(c) Metallic Components. All metallic parts of the pool structure, including reinforcing metal not addressed in subparagraph (2)(a)1., shall be bonded. Where reinforcing steel is encapsulated with a nonconductive compound, the reinforcing steel shall not be required to be bonded.

(d) Underwater Lighting. All metal forming shells and mounting brackets of no-niche luminaires shall be bonded except that listed low-voltage lighting systems with nonmetallic forming shells shall not require bonding.

(e) Metal Fittings. All metal fittings within or attached to the pool structure shall be bonded. Isolated parts that are not over 100 mm (4 in.) in any dimension and do not penetrate into the pool structure more than 25 mm (1 in.) shall not require bonding.

(f) Electrical Equipment. Metal parts of electrical equipment associated with the pool water circulating system, including pump motors and metal parts of equipment associated with pool covers, including electric motors, shall be bonded except that metal parts of listed equipment incorporating an approved system of double insulation shall not be bonded.

1. Double-Insulated Water Pump Motors. Where a double-insulated water-pump motor is installed under the provisions of this rule, a solid 8 AWG copper conductor of sufficient length to make a bonding connection to a replacement motor shall be extended from the bonding grid to an accessible point in the vicinity of the pool pump motor. Where there is no connection between the swimming pool bonding grid and the equipment grounding system for the premises, this bonding conductor shall be connected.

2. Pool Water Heaters. For pool water heaters rated at more than 50 amperes and having specific instructions regarding bonding and grounding, only those parts designated to be bonded shall be bonded and only those parts designated to be grounded shall be grounded.

(g) Metal Wiring Methods and Equipment. Metal-sheathed cables and raceways, metal piping, and all fixed metal parts shall be bonded except:

1. Those separated from the pool by a permanent barrier shall not be required to be bonded.

2. Those greater than 1.5 m (5 ft) horizontally of the inside walls of the pool shall not be required to be bonded.

3. Those greater than 3.7 m (12 ft) measured vertically above the maximum water level of the pool, or as measured vertically above any observation stands, towers, or platforms, or any diving structures shall not be required to be bonded.

(3) Pool Water. An intentional bond of a minimum conductive surface area of 5806 square mm (9 square in) shall be installed in contact with the pool water. This bond shall be permitted to consist of parts that are required to be bonded in (2).

Specific Authority s. 1, Chapter 2007-187, Laws of Florida. Law Implemented 553.72 FS. 553.73(2), 553.73(3), 553.73(7), 553.73(9) FS., s. 1, Chapter 2007-187, Laws of Florida. History–New

NAME OF PERSON ORIGINATING PROPOSED RULE: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Janice Browning, Director, Division of Housing and Community Development

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 27, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 8, 2007

**DEPARTMENT OF COMMUNITY AFFAIRS
Division of Housing and Community Development**

RULE NO.: 9B-7.003
RULE TITLE: Procedures

PURPOSE AND EFFECT: To update or correct referenced topics identified by the Florida Building Commission’s Advisory Committee.

SUMMARY: A Notice of Proposed Rule Development for Rules 9B-7.003 and 9B-7.0042, F.A.C., appeared in the March 9, 2007, edition of the Florida Administrative Weekly. The purpose of this rule amendment is to update the form adopted for submission of a waiver request, address accessible parking within the Accessibility Code for Building Construction, and make a correction pertaining to ramp width within the Code.

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

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

SPECIFIC AUTHORITY: 553.512(1) FS.

LAW IMPLEMENTED: 553.512(1) FS.

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

DATE AND TIME: August 21, 2007, 1:00 p.m., or as soon thereafter as the matter comes before the Commission pursuant to its agenda

PLACE: Embassy Suites Tampa – USF, 3705 Spectrum Boulevard, Tampa, Florida 33612-9412

Pursuant to the provisions of 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: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-7.003 Procedures.

(1) All applications for a waiver or modification of the requirements of the Act or the Code shall be filed on the Request for Waiver, Forms No. 2001-01 and 2001-02, which the Commission hereby incorporates by reference, effective ~~January 20, 2002~~. Copies of Forms No. 2002-01 and 2001-02 are available by writing to the Codes and Standards Section, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100. Upon certification from an applicant that all information requested by these rules has been furnished, the request will be scheduled for consideration at the Commission’s next scheduled meeting provided that at least 14 days notice can be given to the members of the Advisory Council.

(2) through (7) No change.

Specific Authority 553.512(1) FS. Law Implemented 553.512(1) FS. History–New 1-31-79, Formerly 9B-7.03, Amended 10-1-96, 9-14-97, 9-7-00, 1-20-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Janice Browning, Director, Division of Housing and Community Development, Department of Community A

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

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

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NOS.:	RULE TITLES:
9B-74.010	Definitions
9B-74.020	Administration and Fees
9B-74.030	Plans Review and Approval
9B-74.040	Applicable Standards
9B-74.050	Challenges to Plans Approval

PURPOSE AND EFFECT: To repeal the rule relating to prototype plan approval.

SUMMARY: In 2002, this rule was developed pursuant to the discretionary authority conferred by the legislature in Section 553.77(5), Florida Statutes. Unfortunately, the market has not evolved for the services specified in the rule and the contractor that had performed the functions specified by the rule since the programs inception has withdrawn and no new contractor has come forward in response to repeated Requests for Proposals.

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

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

SPECIFIC AUTHORITY: 553.77(5) FS.

LAW IMPLEMENTED: 553.77(5) FS.

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

DATE AND TIME: August 21, 2007, 1:00 p.m., or as soon thereafter as the matter comes before the Commission pursuant to its agenda

PLACE: Embassy Suites Tampa – USF, 3705 Spectrum Boulevard, Tampa, Florida 33612-0412

Pursuant to the provisions of 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: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

THE FULL TEXT OF THE PROPOSED RULES IS:

9B-74.010 Definitions.

Specific Authority 553.77(5) FS. Law Implemented 553.77(5) FS. History–New 5-2-02, Amended 1-20-03, Repealed.

9B-74.020 Administration and Fees.

Specific Authority 553.77(5) FS. Law Implemented 553.77(5) FS. History–New 5-2-02, Amended 1-20-03, Repealed.

9B-74.030 Plans Review and Approval.

Specific Authority 553.77(5) FS. Law Implemented 553.77(5) FS. History–New 5-2-02, Amended 1-20-03, Repealed.

9B-74.040 Applicable Standards.

Specific Authority 553.77(5) FS. Law Implemented 553.77(5) FS. History–New 5-2-02, Repealed.

9B-74.050 Challenges to Plans Approval.

Specific Authority 553.77(5) FS. Law Implemented 553.77(5) FS. History–New 5-2-02, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Janice Browning, Director, Division of Housing and Community Development

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 8, 2007

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-2.091	Publications Incorporated by Reference
40D-2.801	Water – Use Caution Areas

PURPOSE AND EFFECT: The District proposes to expand the existing boundaries of the Northern Tampa Bay Water Use Caution Area to include all of Pasco County and those portions of Hillsborough County north of State Road 60 that are not presently within the Water Use Caution Area. The effect will be to extend to this region the regulatory requirements

applicable within the Northern Tampa Bay Water Use Caution Area, to reduce water demands, improve water conservation and ameliorate environmental impacts in the area.

SUMMARY: In 1989, the District declared portions of northern Hillsborough and southwestern Pasco counties and all of Pinellas County a Water Use Caution Area, known as the Northern Tampa Bay Water Use Caution Area (NTBWUCA), to address groundwater withdrawals that had resulted in lowered lake levels, destruction and deterioration of wetlands, streamflow reductions and salt water intrusion into the aquifer. The boundaries of the NTBWUCA were initially limited to this region because regulations adopted to address these impacts focused primarily on reducing water demands in the most heavily populated areas. Since then, population and water demands in the remaining northern portions of Hillsborough and Pasco counties have grown significantly. Therefore, District seeks to expand the NTBWUCA regulations to these remaining areas. Section 7.3 of the District’s Water Use Permit Information Manual Part B, “Basis of Review” and subsection 40D-2.801(3), F.A.C. are amended to revise the geographic boundary of the NTBWUCA. Rule 40D-2.091, F.A.C. is amended to incorporate by reference the effective date of the amendments to the “Basis of Review.”

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

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

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

LAW IMPLEMENTED: 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 3 73.243 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: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-2.091 Publications Incorporated by Reference.

The following publications are hereby incorporated by reference into this Chapter, and are available from the District upon request:

- (1) “Water Use Permit Information Manual Part B.” “Basis of Review (____) for Water Use Permit Applications” (1/07);
- (2) through (6) No change.

PROPOSED EFFECTIVE DATE: 10-1-07.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS. History–New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, 4-18-01, 4-14-02, 9-26-02, 1-1-03, 2-1-05, 10-19-05, 1-1-07, 10-1-07.

40D-2.801 Water – Use Caution Areas.

(1) through (2) No change.

(3) No change.

(a) Northern Tampa Bay Water – Use Caution Area. To address ground water withdrawals that have resulted in lowering of lake levels, destruction or deterioration of wetlands, reduction in streamflow, and salt water intrusion, the Governing Board declared portions of northern Hillsborough County, southwestern Pasco County, and all of Pinellas County Counties a Water – Use Caution Area on June 28, 1989, pursuant to Resolution Number 934. The Governing Board approved expansion of the boundaries of the Water Use Caution Area in June 2007.

1. The boundary for the Northern Tampa Bay Water – Use Caution Area is as follows:

All of Pinellas County;

All of Pasco County;

~~That portion of Pasco County within the following sections:~~

~~Township 24S, Range 16E: All Sections;~~

~~Township 25S, Range 16E: All Sections;~~

~~Township 25S, Range 17E: All Sections;~~

~~Township 26S, Range 14E: All Sections;~~

~~Township 26S, Range 15E: All Sections;~~

~~Township 26S, Range 16E: All Sections;~~

~~Township 26S, Range 17E: All Sections;~~

~~Township 26S, Range 18E: All Sections;~~

~~Township 26S, Range 19E: All Sections;~~

~~Township 26S, Range 20E: All Sections; and~~

That portion of Hillsborough County within the following sections (all Townships are South; all Ranges are East):

Township 27S, Range 17E: All Sections;

Township 27S, Range 18E: All Sections;

Township 27S, Range 19E: All Sections;

Township 27S, Range 20E: All Sections;

Township 27, Range 21: All Sections;

Township 27, Range 22: All Sections;

Township 28S, Range 17E: All Sections;

Township 28S, Range 18E: All Sections;

Township 28S, Range 19E: All Sections;

Township 28S, Range 20E: All Sections;

- Township 28S, Range 21E: All Sections;
 - Township 28S, Range 22E: All Sections;
 - Township 29S, Range 17E: All Sections;
 - Township 29S, Range 18E: All Sections;
 - Township 30S, Range 17E: All Sections;
 - Township 30S, Range 18E: All Sections;
 - Township 29S, Range 22E: All Sections North of State Road 60;
 - Township 29S, Range 21E: All Sections North of State Road 60;
 - Township 29S, Range 20E: All Sections North of State Road 60;
 - Township 29S, Range 19E: All Sections except 22-27 and 34-36.
2. through 3. No change.
4. The Northern Tampa Bay Water Use Caution Area is a water resource caution area for purposes of Chapter 403, F.S., and Chapter 62-40, F.A.C.

(b) No change.

PROPOSED EFFECTIVE DATE: 10-1-07.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.0395, 373.042, 373.0421, 373.171, 373.216, 373.219, 373.223 FS. History—Readopted 10-5-74, Formerly 16J-3.30, Amended 10-1-89, 11-15-90, 3-1-91, 7-29-93, 1-1-03, 1-1-07, 10-1-07.

Water Use Permit Information Manual Part B, Basis of Review

7.3 NORTHERN TAMPA BAY WATER USE CAUTION AREA

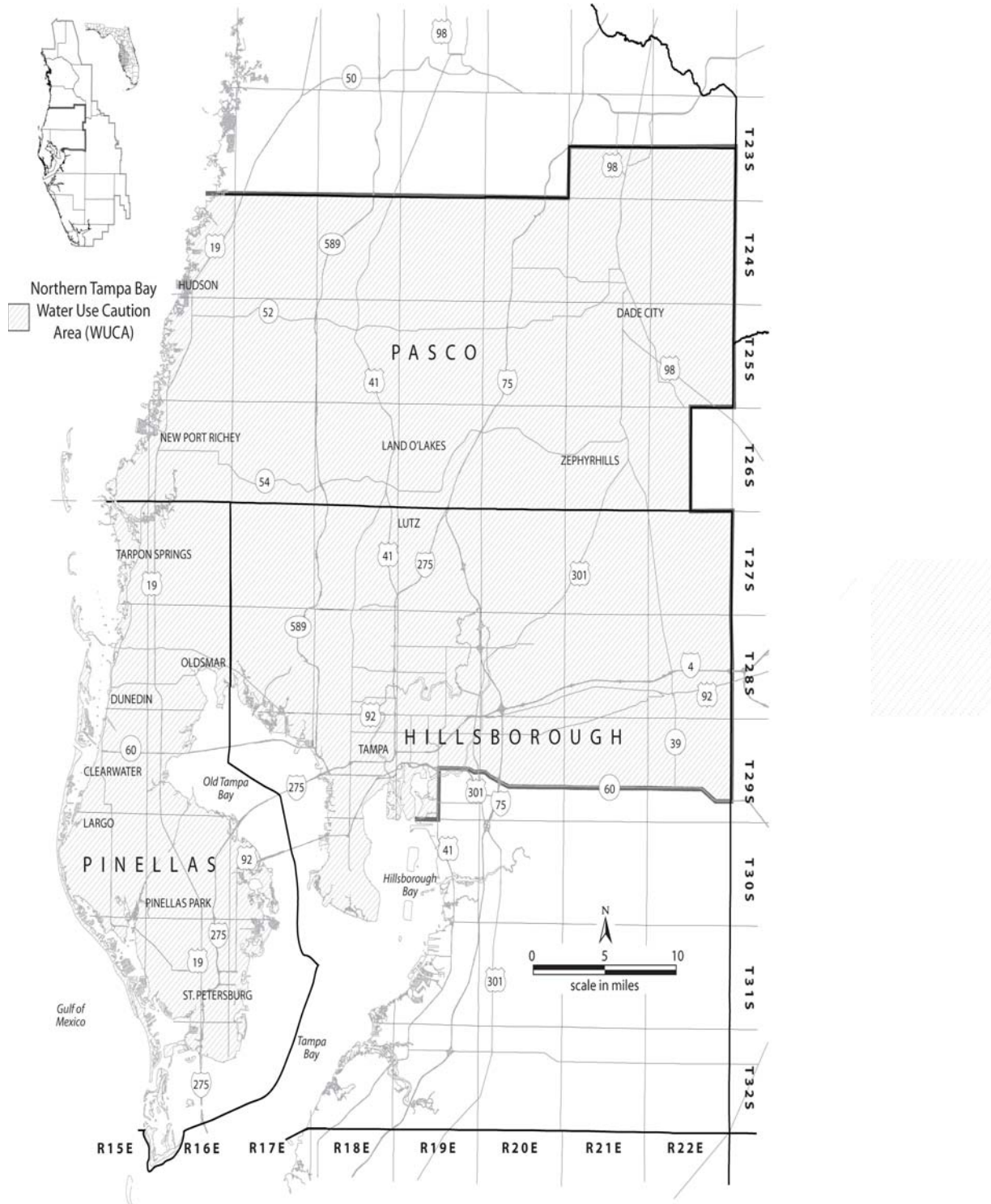
The Governing Board originally declared portions of Hillsborough, and Pasco Counties, and all of Pinellas County Counties a Water Use Caution Area (WUCA) on June 28, 1989. The Governing Board approved expansion of the boundaries of the Water Use Caution Area in June 2007. The area designated is shown in Figure 7.3-1; the legal description is provided in paragraph 40D-2.801(3)(a)(e), F.A.C. As of the effective date of this rule, all existing water use permits within the Water Use Caution Area are modified to incorporate the applicable measures and conditions described below. Valid permits, legally in effect as of the effective date of this rule, are hereafter referred to as existing permits. Existing permits within those portions of the Water Use Caution Area added in 2007 shall have until July 1, 2008 to comply with the provisions of this rule. Applicable permit conditions, as specified below, are incorporated into all existing water use permits in the Water Use Caution Area and shall be placed on new permits issued for withdrawals located within the Aarea. However, both the language and the application of any permit conditions listed may be modified when appropriate.

These portions of the Basis of Review for the Northern Tampa Bay Water Use Caution Area are intended to supplement the other provisions of the Basis of Review and are not intended to supersede or replace them. If there is a conflict between requirements, the more stringent provision shall prevail.

1. through 8. No change.

Fig.7.3-1 (revised to show new boundary)

Figure 7.3-1



PROPOSED EFFECTIVE DATE: October 1, 2007

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Martha A. Moore, Senior Attorney, Office of General Counsel,
 2379 Broad Street, Brooksville, FL 34604-6899,
 (352)796-7211, extension 4651

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: July 13, 2007

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: 40E-1.607 RULE TITLE: Permit Application Processing Fees
 PURPOSE AND EFFECT: To update the fee schedule to
 reference Chapter 18-21, F.A.C., the Department of
 Environmental Protection's fee schedule for proprietary
 authorizations under Chapters 253 and 258, F.S.

SUMMARY: The proposed rule amendment references
 Chapter 18-21, F.A.C., the Department of Environmental
 Protection's fee schedule for proprietary authorizations under
 Chapters 253 and 258, F.S.

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

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

SPECIFIC AUTHORITY: 373.109 FS.

LAW IMPLEMENTED: 373.109, 373.421(6)(b), 403.201 FS.

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

DATE AND TIME: September 13, 2007, beginning 9:00 a.m.

PLACE: South Florida Water Management District, 3301 Gun
 Club Road, West Palm Beach, FL 33406

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

THE PERSON TO BE CONTACTED REGARDING THE
 PROPOSED RULE IS: Anita R. Bain, Division Director,
 Natural Resources Management Division, South Florida Water

Management District, 3301 Gun Club Road, West Palm Beach,
 FL 33406, 1(800)432-2045, ext. 6866 or (561)682-6866,
 email: abain@sfwmd.gov.

For procedural questions contact Jan Sluth, Paralegal, South
 Florida Water Management District, 3301 Gun Club Road,
 West Palm Beach, FL 33406, 1(800)432-2045, ext. 6299 or
 (561)682-6299, email: jsluth@sfwmd.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-1.607 Permit Application Processing Fees.

A permit application processing fee is required and shall be
 paid to the District when certain applications are filed pursuant
 to District rules. An application shall not be considered
 complete until the appropriate application fee is submitted.
 These fees are assessed in order to defray the cost of
 evaluating, processing, monitoring, and inspecting for
 compliance required in connection with consideration of such
 applications. Fees are non-refundable in whole or part unless
 the activity for which an application is filed is determined by
 the District to be exempt or the fee submitted is determined by
 the District to be incorrect. Failure of any person to pay the
 applicable fees established herein will result in denial of an
 application. Activities that do not require a permit and are
 exempt pursuant to Rule 40E-2.051 or 40E-3.051, F.A.C., are
 not subject to the following permit application fees. The
 District's permit application processing fees are as follows:

Tables 40E-1.607(1) through (3) No change.

TABLE 40E-1.607(4)

PERMIT APPLICATION PROCESSING FEES FOR
 PROPRIETARY AUTHORIZATIONS UNDER
 CHAPTERS 253 AND 258 F.S.

EXCEPT CONSENT OF USE AUTHORIZATIONS

Category	Amount
Application	\$200.00

See Chapter 18-21 F.A.C. for application fees for proprietary
 authorizations.

Tables 40E-1.607(5) through (7) No change.

Specific Authority 373.109 FS. Law Implemented 373.109,
 373.421(6)(b), 403.201 FS. History—New 1-8-89, Amended 1-2-91,
 11-15-92, 6-1-93, 1-23-94, 10-3-95, 4-1-96, 11-8-99, 5-24-00,
 6-26-02, 7-11-02, 8-10-03, 8-14-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Anita R. Bain

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

DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: July 11, 2007

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: 40E-2.091
 RULE TITLE: Publications Incorporated by Reference

PURPOSE AND EFFECT: To amend Section 1.7.3.3 of the Basis of Review for Water Use Permit Applications within the South Florida Water Management District to extend the application and expiration dates for the Lake Okeechobee Basin irrigation permits.

SUMMARY: The proposed rule amendment will extend the application date until October 30, 2008 and the expiration date until February 28, 2009, for irrigation permits within the Lake Okeechobee Basin. The proposed extension is due to circumstances related to the current drought (including not being able to provide accurate calibration of withdrawal facilities due to low water levels or lack of water) and the pending revision of the Lake Okeechobee Regulation Schedule.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239 FS.

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: September 13, 2007, beginning 9:00 a.m.
PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Keith R. Smith, Deputy Department Director – Water Supply, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6620 or (561)682-6620, email: ksmith@sfwmd.gov. For procedural issues, contact Jan Sluth,

Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-2.091 Publications Incorporated by Reference.
 The “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – ~~April 23, 2007~~”, is hereby published by reference and incorporated into this chapter. A current version of this document is available upon request.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239 FS. History–New 9-3-81, Formerly 16K-2.035(1), Amended 2-24-85, 11-21-89, 1-4-93, 4-20-94, 11-26-95, 7-11-96, 4-9-97, 12-10-97, 9-10-01, 12-19-01, 8-1-02, 6-9-03, 8-31-03, 4-23-07, _____.

(The following represents proposed changes to the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District”)

1.7.3.3 Basin Expiration and Application Dates

A. through C. No change.

D. The following table identifies the Irrigation Permit Expiration Basins and states the applicable Basin Application Dates and Basin Expiration Dates.

<u>Irrigation Permit Expiration Basin</u>	<u>Basin Application Date</u>	<u>Basin Expiration Date</u>
Palm Beach County Basin	February 28, 2007	June 30, 2007
Lake Okeechobee Basin	June 30, 2007	October 30, 2007
Kissimmee Basin A	October 30, 2007	February 28, 2008
Kissimmee Basin B	February 28, 2008	June 30, 2008
Kissimmee Basin C	June 30, 2008	October 30, 2008
<u>Lake Okeechobee Basin</u>	<u>October 30, 2008</u>	<u>February 28, 2009</u>

NAME OF PERSON ORIGINATING PROPOSED RULE: Keith R. Smith, Deputy Department Director – Water Supply

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 11, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 25, 2007

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: 40E-20.091
 RULE TITLE: Publications Incorporated by Reference

PURPOSE AND EFFECT: To amend Section 1.7.3.3 of the Basis of Review for Water Use Permit Applications within the South Florida Water Management District to extend the application and expiration dates for the Lake Okeechobee Basin irrigation permits.

SUMMARY: The proposed rule amendment will extend the application date until October 30, 2008 and the expiration date until February 28, 2009, for irrigation permits within the Lake Okeechobee Basin. The proposed extension is due to circumstances related to the current drought (including not being able to provide accurate calibration of withdrawal facilities due to low water levels or lack of water) and the pending revision of the Lake Okeechobee Regulation Schedule.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.103(4), 373.118, 373.223, 373.229 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: September 13, 2007, beginning 9:00 a.m.

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Keith R. Smith, Deputy Department Director – Water Supply, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6620 or (561)682-6620, email: ksmith@sfwmd.gov. For procedural issues, contact Jan Sluth, Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-20.091 Publications Incorporated by Reference.

The “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – ~~April 23, 2007~~” is hereby published by reference and incorporated into this chapter. A current version of this document is available upon request.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.042, 373.0421, 373.103(4), 373.118, 373.223, 373.229 FS. History–New 8-14-02, Amended 8-31-03, 4-23-07,_____.

(The following represents proposed changes to the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District”)

1.7.3.3 Basin Expiration and Application Dates

A. through C. No change.

D. The following table identifies the Irrigation Permit Expiration Basins and states the applicable

Basin Application Dates and Basin Expiration Dates.

<u>Irrigation Permit Expiration Basin</u>	<u>Basin Application Date</u>	<u>Basin Expiration Date</u>
Upper East Coast Basin A through Palm Beach County Basin		NO CHANGE
Lake Okeechobee Basin	June 30, 2007	October 30, 2007
Kissimmee Basin A	October 30, 2007	February 28, 2008
Kissimmee Basin B	February 28, 2008	June 30, 2008
Kissimmee Basin C	June 30, 2008	October 30, 2008
<u>Lake Okeechobee Basin</u>	<u>October 30, 2008</u>	<u>February 28, 2009</u>

NAME OF PERSON ORIGINATING PROPOSED RULE: Keith R. Smith, Deputy Department Director, Water Supply

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 11, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 25, 2007

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:
59G-13.080

RULE TITLE:
Home and Community-Based Services Waivers

PURPOSE AND EFFECT: The purpose of the rule amendment to Rule 59G-13.080, F.A.C., is to incorporate by reference Update June 2007 to the Florida Medicaid Developmental Disabilities Waiver Services Coverage and Limitations Handbook. The handbook was updated to remove the crisis enrollment policies from Appendix F, Recipient Wait List. The crisis enrollment policies are being promulgated in new Rules 65G-1.010, 65G-1.046, and 65G-1.047, F.A.C., by the Agency for Persons with Disabilities as mandated by Section 393.065, F.S.

In the Notice of Rule Development that was published in the Florida Administrative Weekly, Vol. 32, No. 39, September 29, 2006, the update was dated September 2006. We changed the date to June 2007.

SUMMARY: The purpose of the rule amendment to Rule 59G-13.080, F.A.C., is to incorporate by reference Update June 2007 to the Florida Medicaid Developmental Disabilities Waiver Services Coverage and Limitations Handbook. The effect will be to incorporate by reference in the rule Update June 2007 to the Florida Medicaid Developmental Disabilities Waiver Services Coverage and Limitations Handbook.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.906, 409.908, 409.910, 409.912, 409.913 FS.

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

DATE AND TIME: Thursday, August 30, 2007, 1:30 p.m. – 2:30 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pam Kyllonen, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)414-9756, kyllonenp@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) through (11) No change.

(12) Developmental ~~Disabilities Services~~ Waiver – General. This rule applies to all Developmental ~~Disabilities Services~~ Waiver Service providers enrolled in the Medicaid program. All Developmental ~~Disabilities Services~~ Waiver Service providers enrolled in the Medicaid program must comply with the Florida Medicaid Developmental Disabilities Services Waiver Services Florida Medicaid Coverage and Limitations Handbook, October 2003, updated June 2007, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081, which is incorporated in Rule 59G-13.001, F.A.C. October 2003. Both handbooks are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Handbooks. Paper copies of the

handbooks may be obtained by calling the Medicaid fiscal agent at (800)377-8216. The Developmental Disabilities Waiver Services Provider Rate Table, ~~November 2003~~, is incorporated by reference in Rule 59G-13.081, F.A.C. available from the Medicaid fiscal agent; and the Developmental Disabilities Waiver Services Procedure Codes are incorporated by reference in Rule 59G-13.082, F.A.C.

(13) through (15) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
Pam Kyllonen

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 29, 2006

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NOS.:

59G-13.091

59G-13.092

RULE TITLES:

Family and Supported Living Waiver Provider Rate Table

Family and Supported Living Waiver Services Procedure Codes

PURPOSE AND EFFECT: The purpose of Rule 59G-13.091, F.A.C., is to incorporate by reference in rule the Family and Supported Living Waiver Provider Rate Table, January 2007. The effect will be to incorporate by reference in rule the Family and Supported Living Waiver Provider Rate Table, January 2007.

The purpose of Rule 59G-13.092, F.A.C., is to incorporate by reference in rule the Family and Supported Living Home and Community-Based Services Waiver Procedure Codes and Maximum Units of Service, January 2007. The effect will be to incorporate by reference in rule the Family and Supported Living Home and Community-Based Services Waiver Procedure Codes and Maximum Units of Service, January 2007.

SUMMARY: The purpose of Rule 59G-13.091, F.A.C., is to incorporate by reference in rule the Family and Supported Living Waiver Provider Rate Table, January 2007. The purpose of Rule 59G-13.092, F.A.C., is to incorporate by reference in rule the Family and Supported Living Home and Community-Based Services Waiver Procedure Codes and Maximum Units of Service, January 2007.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

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

DATE AND TIME: Monday, August 20, 2007, 2:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Danielle Reatherford, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)414-8599, reatherd@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULES IS:

59G-13.091 Family and Supported Living Waiver Provider Rate Table.

(1) This rule applies to all family and supported living waiver services providers enrolled in the Medicaid program.

(2) All family and supported living waiver services providers enrolled in the Medicaid program must be in compliance with the Family and Supported Living Waiver Provider Rate Table, January 2007, which is incorporated by reference. The rate table is available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Fees.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, FS. History--New _____.

59G-13.092 Family and Supported Living Waiver Services Procedure Codes.

(1) This rule applies to all family and supported living waiver services providers enrolled in the Medicaid program.

(2) All family and supported living waiver services providers enrolled in the Medicaid program must be in compliance with the Family and Supported Living Home and Community-Based Services Waiver Procedure Codes and Maximum Units of Service, January 2007, which is incorporated by reference. The Family and Supported Living Home and Community-Based Services Waiver Procedure Codes and Maximum Units of Service is available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Fees.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Danielle Reatherford

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Andrew Agwunobi, M.D., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 11, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.:	RULE TITLE:
61G4-15.005	Requirements for Certification and Registration

PURPOSE AND EFFECT: The Board proposes to repeal the rule due to the fact that the Board no longer has authority over the applications for certification and registration.

SUMMARY: The Board no longer has authority over the applications for certification and registration.

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

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

SPECIFIC AUTHORITY: 489.115(5), (6), 489.129(1), 489.132(5) FS.

LAW IMPLEMENTED: 489.113(1), 489.115(5), (6), 489.129(1), 489.132(5) 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: G. W. Harrell, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-15.005 Requirements for Certification and Registration.

~~In order that the Board may carry out its statutory duty to investigate the financial responsibility, credit, and business reputation of a new applicant for certification or registration or a change of status of a certification or registration, an applicant shall be required to forward the following to the Department for a review by the Board:~~

(1) A credit report from any nationally recognized credit agency as defined in subsections 61G4-12.011(13) and (14), F.A.C.

(2) A financial statement, not older than 12 months, which shall contain information indicating the current assets, current liabilities, total assets, total liabilities, and total net worth, and which shall report all material financial changes occurring between the date of the financial statement and the date of the application.

(3) Answers to the following questions on the application:

(a) Has any bonding or surety company ever completed or made a financial settlement upon any construction contract or work undertaken by any person named in paragraph (i) below or any organization in which such person was a responsible person as defined in paragraph (j)? Yes () No (-).

(b) Are there any lawsuits or unpaid past due bills or claims for labor, materials, or services, as a result of the construction operations of any person named in paragraph (i) below or any organization in which any such person was a responsible person as defined in paragraph (j)? Yes () No (-).

(c) Are there now any liens, suits, or judgments of record or pending against any person named in paragraph (i) below or any organization in which any such person was a responsible person as defined in paragraph (j), as a result of the construction operations of such person or organization? Yes (-) No (-).

(d) Are there now any liens of record by the U. S. Internal Revenue Service or the State of Florida Corporate Tax Division against any person named in paragraph (i) below or any organization in which any such person was a responsible person as defined in paragraph (j)? Yes () No (-).

(e) Has any person named in paragraph (i) below or has any organization in which any such person was a responsible person as defined in paragraph (j) been adjudicated as bankrupt within the past five years, or is any such person or organization presently in the process of bankruptcy proceedings? Yes (-) No (-).

(f) Has any person named in paragraph (i) below or has any organization in which any such person was a responsible person as defined in paragraph (j) ever been charged with or convicted of acting as a contractor without a license, or if licensed as a contractor in this or any state, been subject to disciplinary action by a state, county or municipality? If yes, you must attach a copy of any state, county, municipal or out of state disciplinary order or judgment. Yes (-) No (-).

(g) Has any person named in paragraph (i) below or has any business organization in which any such person was a member filed for or been discharged in bankruptcy within the past five years? If yes, you must attach a copy of the Discharge Order, Order Confirming Plan and if a Corporate Chapter 7 case, a copy of the Notice of Commencement. Yes (-) No (-).

(h) Has any person in paragraph (i) below or has any business organization in which any such person was a responsible person as defined in paragraph (j) ever been convicted or found guilty of or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction within the past ten years? If yes, you must attach a copy of any such conviction or the order or judgment incorporating the finding of guilt or plea. Yes (-) No (-).

(i) Required signatures: if an individual, the qualifying contractor; if a partnership, the qualifying contractor and the partner(s); if a corporation, the qualifying contractor, the president, vice president, and secretary.

(j) For purposes of this rule, "responsible person" includes any partner, officer, director, trustee, qualifying contractor, or any person having managerial or supervisory role in a business organization as defined in Section 489.105(13), F.S.

Specific Authority 489.115(5), (6), 489.129(1), 489.132(5) FS. Law Implemented 489.113(1), 489.115(5), (6), 489.129(1), 489.132(5) FS. History—New 1-10-80, Amended 4-15-82, 9-5-82, 3-21-83, Formerly 21E-15.05, Amended 4-18-86, 1-19-87, 7-1-87, 1-26-88, 1-1-89, 5-23-89, 6-5-90, 4-16-92, Formerly 21E-15.005, Amended 10-17-93, 7-18-94, 7-19-95, 4-24-96, 9-8-96, 10-31-96, 2-4-97, 8-2-98, 9-15-98, 4-5-00, 10-28-03, 10-23-05, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Construction Industry Licensing Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 13, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 13, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.:	RULE TITLE:
61G4-15.006	Financial Responsibility and Financial Stability, Grounds for Denial

PURPOSE AND EFFECT: The Board proposes the rule amendment for the consideration of minimum credit as a component for determining financial responsibility and stability.

SUMMARY: The rule amendment is for the consideration of minimum credit as a component for determining financial responsibility and stability.

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

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

SPECIFIC AUTHORITY: 489.115(5), (6) FS.

LAW IMPLEMENTED: 489.115(5), (6) 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: G. W. Harrell, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-15.006 Financial Responsibility, ~~Definition,~~ and Financial Stability, Grounds for Denial.

~~(1) For purposes of this rule, the phrase "financial responsibility" is defined as the ability to safeguard that the public will not sustain economic loss resulting from the contractor's inability to pay his lawful contractual obligations.~~

~~(a) Failure to submit any of the items required by Rule 61G4-15.005, F.A.C.~~

~~(b) The existence, within the past five years preceding the application, of an unsatisfied court judgment rendered against the applicant based upon the failure of the applicant to pay its just obligations to parties with whom the applicant conducted business as a contractor.~~

~~(c) An unfavorable credit report or history as indicated by any of the documents submitted.~~

~~(d) A determination by the Board that the applicant lacks the financial stability necessary to assure compliance with the standard set forth in subsection (1) of this rule. As guidelines for the determination of financial stability the Board shall consider the applicant's responses to the questions set forth in subsection 61G4-15.005(4), F.A.C., and the applicant's financial statement submitted pursuant to subsection 61G4-15.005(2), F.A.C.~~

~~(3) The applicant's history of bankruptcy is included in the statutory definition of financial responsibility and shall be considered by the Board; however, the fact that an applicant has been or is a debtor in bankruptcy shall not be the sole basis of the Board's determination to deny the issuance of a license or a request for change of status to the applicant.~~

~~(1)(2) The financial responsibility grounds on which the Board shall refuse to qualify an applicant is shall include:~~

~~Failure to provide proof of a current credit report, as defined in Rule 61G4-12.011, F.A.C., score of 600 or higher.~~

~~(2) The financial stability grounds on which the Board shall refuse to qualify an applicant are:~~

~~(a) Failure to provide a financial stability bond payable at the direction of the Board in the amount of:~~

1. \$20,000 for Division I applicants.

2. \$10,000 for Division II applicants.

(b) Fifty percent of the financial stability bond requirement may be met by completion of a 14 hour financial responsibility course approved by the Board.

(3) An applicant may meet both the financial responsibility and financial stability requirements by providing a current consumer credit report, as defined in Rule 61G4-12.011, F.A.C. score derived of 660 or higher.

Specific Authority 489.115(5), (6) FS. Law Implemented 489.115(5), (6) FS. History—New 1-6-80, Amended 5-4-80, Formerly 21E-15.06, 21E-15.006, Amended 10-31-96, 11-13-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 13, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 19, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: 61G6-7.001
 RULE TITLE: Specialty Electrical Contractors

PURPOSE AND EFFECT: The Board proposes to amend the rule in order to add another description for a residential electrical contractor.

SUMMARY: Another description for a residential electrical contractor will be added to the rule.

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

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

SPECIFIC AUTHORITY: 489.511(5) FS.

LAW IMPLEMENTED: 489.503(14), 489.505(19), 489.511(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-7.001 Specialty Electrical Contractors.

The following types of specialty electrical contractors may apply to be certified under the provisions of Part II, Chapter 489, Florida Statutes, and Chapter 61G6-5, F.A.C., above. In order to be admitted to a specialty contractor examination, the person must show 6 years of comprehensive training, technical education, or broad experience on the type of electrical or alarm system work for which certification is desired.

(1) through (2) No change.

(3) Residential Electrical Contractor. The scope of certification includes installation, repair, alteration, addition to, replacement of or design of electrical wiring, fixtures, appliances, apparatus, raceways, conduit, or any part thereof, in a 1, 2, 3, or 4 family residence not exceeding 2 stories in height, and accessory use structures in connection with the residence. The electrical service installed or worked upon is limited to single phase, 400 ampere single service.

(4) through (5) No change.

Specific Authority 489.511(5) FS. Law Implemented 489.503(14), 489.505(19), 489.511(5) FS. History—New 1-2-80, Amended 7-29-84, 10-14-84, Formerly 21GG-7.01, Amended 2-23-86, 12-24-87, 6-21-89, 3-3-92, Formerly 21GG-7.001, Amended 1-28-96, 12-25-96, 6-11-97, 12-24-97, 7-19-98, 10-7-99, 2-17-00, 4-30-01, 4-30-03,

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 18, 2007

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-610.100	Scope, Intent, Purpose, and Applicability
62-610.200	Definitions
62-610.300	General Technical Guidance, Related Rules, and Forms
62-610.419	Application/Distribution Systems and Cross-Connection Control
62-610.451	Minimum System Size

62-610.471	Setback Distances
62-610.568	Monitoring and Operating Protocol
62-610.800	Permitting Requirements
62-610.870	Reporting and Enforcement

PURPOSE AND EFFECT: To ensure consistency with statutory requirements in Section 403.064, F.S., related to the linkage between reuse requirements in consumptive use permits and DEP permits. To encourage efficient and effective use of reclaimed water. To eliminate outdated rule references or requirements. To clarify and refine the reuse rules.

SUMMARY: Rule 62-610.100 – add language to encourage efficient and effective reuse.

62-610.200 – add definitions for "potable quality water offset" and "recharge fraction."

62-610.300 – incorporate 2003 Strategies report by reference.

62-610.419 – add cross-connection control provisions for residential reuse regulated by Part II of the Chapter.

62-610.451 – refine language into 3 subsections instead of 4.

62-610.471 – clarify language on setbacks to public facilities.

62-610.568 – delete subsection (10).

62-610.800 – delete subparagraph (10)(a)4. Add subsections (13) and (14) dealing with metering & volume based rates, and efficient and effective reuse, respectively.

62-610.870 – add requirement to submit summary of metering activities.

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

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

SPECIFIC AUTHORITY: 403.051, 403.061, 403.064, 403.087, 403.0881 FS.

LAW IMPLEMENTED: 403.021, 403.051, 403.061, 403.062, 403.064, 403.085, 403.086, 403.087, 403.088, 403.0881 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: August 27, 2007, 9:00 a.m.

PLACE: 2600 Blair Stone Road, Room 609, 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: Lauren Walker-Coleman at (850)245-8611. If you are 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: Lauren Walker-Coleman Water Reuse Specialist Department of Environmental Protection, 2600 Blair Stone Road, MS 3540, Tallahassee, FL 32399-2400, lauren.walker-coleman@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

62-610.100 Scope, Intent, Purpose, and Applicability.

(1) through (10) No change.

(11) The Department encourages efficient and effective use of reclaimed water featuring relatively high potable quality water offset or recharge fractions.

Specific Authority 403.051, 403.061, 403.064, 403.087 FS. Law Implemented 403.021, 403.051, 403.061, 403.062, 403.064, 403.085, 403.086, 403.087, 403.088 FS. History–New 4-4-89, Amended 4-2-90, Formerly 17-610.100, Amended 1-9-96, 8-8-99,_____.

62-610.200 Definitions.

(1) through (41) No change.

(42) “Potable quality water offset” means the amount of potable quality water (Class F-I, G-I, or G-II ground water or water meeting drinking water standards) saved through the use of reclaimed water expressed as a percentage of the total reclaimed water used. The potable quality water offset is calculated by dividing the amount of potable water saved by the amount of reclaimed water used and multiplying the quotient by 100.

(42) through (45) renumbered (43) through (46) No change.

(47) “Recharge fraction” means the portion of reclaimed water used in a reuse system that recharges an underlying potable quality ground water (Class F-I, G-I, or G-II ground water) that is used for potable supply, or augments a Class I surface water, expressed as a percentage of the total reclaimed water used.

(46) through (78) renumbered (48) through (80) No change.

Specific Authority 403.051, 403.061, 403.064, 403.087 FS. Law Implemented 403.021, 403.051, 403.061, 403.062, 403.064, 403.085, 403.086, 403.087, 403.088 FS. History–New 4-4-89, Amended 4-2-90, Formerly 17-610.200, Amended 1-9-96, 8-8-99,_____.

62-610.300 General Technical Guidance, Related Rules, and Forms.

(1) The following publications are referenced as technical guidance to assist utilities and engineers in planning, design, construction, and implementation of reuse and land application projects. Specific publications or portions of publications which contain enforceable criteria are specifically referenced elsewhere in this chapter. Information in the publications listed below does not supersede the specific requirements in this chapter.

(a) through (m) No change.

(n) Reuse Coordinating Committee and Water Conservation Initiative Water Reuse Workgroup. 2003. Water Reuse for Florida: Strategies for Effective Use of Reclaimed Water. Department of Environmental Protection, Domestic Wastewater Section, MS 3540, Blair Stone Road, Tallahassee, FL 32399-2400 (www.dep.state.fl.us/water/reuse/).

(2) through (4) No change.

Specific Authority 403.051, 403.061, 403.064 FS. Law Implemented 403.051, 403.061(7), (13), 403.064, 403.085, 403.086, 403.087, 403.088 FS. History–New 4-4-89, Amended 4-2-90, Formerly 17-610.300, Amended 1-9-96, 8-8-99, 3-9-06,_____.

62-610.419 Application/Distribution Systems and Cross-Connection Control.

(1) through (2) No change.

(3) No cross-connections to potable water systems shall be allowed. For systems permitted under subsection 62-610.418(2), F.A.C., the permittee shall develop and obtain Department acceptance for a cross-connection control and inspection program as discussed in Rules 62-610.469 and 62-555.360, F.A.C.

(4) No change.

Specific Authority 403.051, 403.061, 403.064, 403.087 FS. Law Implemented 403.021, 403.051, 403.061, 403.062, 403.064, 403.085, 403.086, 403.087, 403.088 FS. History–New 4-4-89, Formerly 17-610.419, Amended 1-9-96,_____.

62-610.451 Minimum System Size.

(1) Except as provided in subsection 62-610.451(2), F.A.C., nNo treatment facility with a design average daily flow of less than 0.1 mgd shall have the produced reclaimed water made available for reuse activities covered by Part III of this chapter by slow rate land application in public access areas.

~~(2) No treatment facility with a design average daily flow of less than 0.1 mgd shall have the produced reclaimed water made available for reuse by slow rate land application on residential properties or on edible crops.~~

(3) through (4) renumbered (2) through (3) No change.

Specific Authority 403.051, 403.061, 403.064, 403.087 FS. Law Implemented 403.021, 403.051, 403.061, 403.062, 403.064, 403.085, 403.086, 403.087, 403.088 FS. History–New 4-4-89, Amended 4-2-90, Formerly 17-610.451, Amended 1-9-96,_____.

62-610.471 Setback Distances.

(1) through (5) No change.

(6) Setback distances are not required to outdoor public eating, drinking, and bathing facilities. However, wWithin 100 feet from outdoor public eating, drinking and bathing facilities, low trajectory nozzles, or other means to minimize aerosol formation shall be used.

(7) through (11) No change.

Specific Authority 403.051, 403.061, ~~403.064~~, 403.087 FS. Law Implemented 403.021, 403.051, 403.061, 403.062, ~~403.064~~, 403.085, 403.086, 403.087, 403.088 FS. History–New 4-4-89, Amended 4-2-90, Formerly 17-610.471, Amended 1-9-96, 8-8-99, _____.

62-610.568 Monitoring and Operating Protocol.

(1) through (9) No change.

~~(10) The reclaimed water shall be sampled annually for the unregulated organic contaminants listed in Rules 62-550.405, 62-550.410 and 62-550.415, F.A.C. Sampling for the unregulated organic contaminants shall be required only for the following types of projects:~~

~~(a) Discharge to Class I surface waters, as described in Rule 62-610.554, F.A.C.~~

~~(b) Discharge to waters contiguous to or tributary to Class I surface waters, as described in subsection 62-610.555(1), F.A.C.~~

~~(c) Injection projects used for ground water recharge or salinity barrier control, as described in Rules 62-610.560 or 62-610.562, F.A.C.~~

~~(d) Discharges to surface waters that are directly connected to ground water, which serve as ground water recharge, as described in subsection 62-610.555(4), F.A.C.~~

(11) through (12) renumbered (10) through (11) No change.

Specific Authority 403.051, 403.061, 403.064, 403.087 FS. Law Implemented 403.021, 403.051, 403.061, 403.062, 403.064, 403.085, 403.086, 403.087, 403.088 FS. History–New 4-4-89, Amended 4-2-90, Formerly 17-610.568, Amended 1-9-96, 8-8-99, _____.

62-610.800 Permitting Requirements.

(1) through (9) No change.

(10) Water Management District Coordination.

(a) Domestic wastewater permits issued by the Department shall be consistent with requirements for reuse included in applicable consumptive use permits issued by the water management district, if all of the following conditions are met:

1. through 3. No change.

~~4. The requirements for reuse in the consumptive use permit do not require elimination of permitted reuse facilities which meet the reuse criteria in Rule 62-610.810, F.A.C.~~

(b) No change.

(11) through (12) No change.

(13) Utilities implementing reuse projects are encouraged, except in the case of use by electric utilities as defined in Section 366.02(2), Florida Statutes, to meter use of reclaimed water by all end users and to charge for the use of reclaimed water based on the actual volume used when such metering and charges can be shown to encourage water conservation. Metering and the use of volume-based rates are effective water management tools for the following reuse activities: residential irrigation, agricultural irrigation, industrial uses, landscape irrigation, irrigation of other public access areas, commercial

and institutional uses such as toilet flushing, and transfers to other reclaimed water utilities. Each domestic wastewater utility that provides reclaimed water for the reuse activities listed in this rule shall include a summary of its metering and rate structure as part of its annual reuse report to the Department.

(14) The Department encourages efficient and effective use of reclaimed water featuring relatively high potable quality water offset or recharge fractions as described in Table 5 in the publication entitled, *Water Reuse for Florida: Strategies for Effective Use of Reclaimed Water*.

Specific Authority 403.051, 403.061, 403.064, 403.087, 403.0881 FS. Law Implemented 403.021, 403.051, 403.061, 403.064, 403.087, 403.088, 403.0881 FS. History–New 4-2-90, Formerly 17-610.800, Amended 1-9-96, 8-8-99, _____.

62-610.870 Reporting and Enforcement.

(1) through (2) No change.

(3) Annual Reuse Report.

(a) through (g) No change.

(h) Permittees making reclaimed water available for activities listed in subsection 62-610.800(13), F.A.C., shall attach a summary of the utility’s metering activities and the rate structure that the utility currently employs or plans to employ, as required by subsection 62-610.800(13), F.A.C., and Section 403.064(16), F.S.

Specific Authority 403.051, 403.061, ~~403.064~~, 403.087, 403.0881 FS. Law Implemented 403.021, 403.051, 403.061, 403.062, ~~403.064~~, 403.085, 403.086, 403.087, 403.088, 403.0881 FS. History–New 4-2-90, Formerly 17-610.870, Amended 1-9-96, 8-8-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lauren Walker-Coleman

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Janet Llewellyn

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 9, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 23, 2007

DEPARTMENT OF HEALTH

Board of Chiropractic

RULE NO.: 64B2-16.0075 RULE TITLE: Citations

PURPOSE AND EFFECT: The purpose and effect of this rule amendment is to add violations for which citations may be issued.

SUMMARY: The proposed rule amendment adds violations for which citations may be issued.

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

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

SPECIFIC AUTHORITY: 456.039(3), 456.077, 460.405 FS.
LAW IMPLEMENTED: 456.035, 456.039(3), 456.072(3), 456.073 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-16.0075 Citations.

(1) through (2) No change.

(3) The Board designates the following as citation violations, which shall result in a penalty of \$500, except for the advertising violations listed in paragraph (e) below, if the citation is accepted by the licensee:

(a) through (d) No change.

(e) Advertising. A violation of the following shall result in a penalty of \$2,500, if the citation is accepted by the licensee:

1. Any discounted or free service without including the required statement, Section 456.062, F.S.

2. Failing to include in an advertisement for free x-rays and/or video fluoroscopy that x-rays or video fluoroscopy will be given if medically necessary, paragraph 64B2-15.001(2)(b), F.A.C.

3. Failing to specifically name each individual chiropractor participating in a referral service or bureau when advertising a chiropractic referral service or bureau, paragraph 64B2-15.001(2)(b), F.A.C.

4. Failing to include a reference to the chiropractor by name and degree in any advertisement was generated on behalf of the chiropractor, paragraph 64B2-15.001(2)(b), F.A.C.

5. Failing to conspicuously identify the chiropractor(s) listed in the advertisement as a chiropractor, paragraph 64B2-15.001(2)(f), F.A.C.

6. Disseminating an advertisement that contains a representation that identifies the chiropractic practice being advertised by a name that fails to include the terms "chiropractor," "chiropractic," "the initials, D.C.," "chiropractic physician", "doctor of chiropractic medicine" or similar derivative, paragraph 64B2-15.001(2)(h), F.A.C.

7. Advertising that a chiropractor has received Diplomate status in a specialty area not recognized by the Board, paragraph 64B2-15.001(2)(i), F.A.C.

(f) No change.

(g) Failing to identify the type of licensure under which the practitioner is practicing, Section 456.072(1)(t), F.S.

(4) through (9) No change.

Specific Authority 456.039(3), 456.077, 460.405 FS. Law Implemented 456.035, 456.039(3), 456.072(3), 456.073 FS. History--New 1-19-92, Amended 4-26-93, Formerly 21D-16.0075, 61F2-16.0075, Amended 7-18-95, Formerly 59N-16.0075, Amended 2-11-99, 5-31-00, 10-7-02, 11-30-03, 11-1-04, 4-13-05, 11-9-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 8, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 23, 2007

DEPARTMENT OF HEALTH

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

RULE NO.: RULE TITLE:

64B4-6.001 Renewal of Active License

PURPOSE AND EFFECT: The Board proposes the rule amendment deleting the provision that would give an applicant credit for taking video cassette courses.

SUMMARY: The proposed rule amendment will eliminate the option of obtaining continuing education credit for video cassette courses.

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

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

SPECIFIC AUTHORITY: 456.013(6), 456.031(1)(a), 491.004(5), 491.007(2) FS.

LAW IMPLEMENTED: 456.013(6), (7), 456.031(1)(a), 491.007(2) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-6.001 Renewal of Active License.

(1) through (3) No change.

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

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 11, 2007

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

DEPARTMENT OF HEALTH

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

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

PURPOSE AND EFFECT: Clarify type of education and training.

SUMMARY: The proposed rule amendment will specify the type of education and training that will be required to become qualified to practice juvenile sex offender therapy.

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

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

SPECIFIC AUTHORITY: 491.004(5), 491.0144 FS.

LAW IMPLEMENTED: 491.0144 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-7.007 Requirements to Hold Oneself Out as Qualified to Practice Juvenile Sex Offender Therapy.

Effective October 1, 2000, in order for a licensed clinical social worker, marriage and family therapist or mental health counselor to hold oneself out as one qualified to practice juvenile sex offender therapy the licensee must have:

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

(a) through (1) No change.

(2) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 11, 2007

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

DEPARTMENT OF HEALTH

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

RULE NO.:	RULE TITLE:
64B4-22.110	Course Content

PURPOSE AND EFFECT: To delete specific standard.

SUMMARY: The proposed rule amendment deletes the reference to an out dated reference.

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

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

SPECIFIC AUTHORITY: 491.004(5) FS.
 LAW IMPLEMENTED: 491.005(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: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-22.110 Course Content.

The course requirements set forth in Section 491.005(3), Florida Statutes, shall contain the following content:

- (1) through (4) No change.
- (5) Psychopathology. This course prepares the student in the evaluation and classification of abnormal human behavior and psychiatric disorders in individuals according to current diagnostic standards (~~DSM-III-R; ICD-9~~).
- (6) through (13) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 11, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 29, 2007

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-15.009
 RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

PURPOSE AND EFFECT: The purpose and effect is to set forth the disciplinary guidelines for unprofessional conduct by certified nursing assistants.

SUMMARY: The disciplinary guidelines for unprofessional conduct by certified nursing assistants are set forth.

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

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

SPECIFIC AUTHORITY: 464.204 FS.
 LAW IMPLEMENTED: 456.072, 464.204 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: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-15.009 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

- (1) through (2) No change.
- (3) The following disciplinary guidelines shall be followed by the Board in imposing disciplinary penalties upon registrants for violation of the noted statutes and rules:
 - (a) through (gg) No change.
 - (hh) Intentionally engaging in unprofessional conduct, as defined in Rule 64B9-8.005, F.A.C., (Section 464.018(1)(h)).

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	<u>\$50.00 fine,</u> <u>reprimand and</u> <u>probation,</u> <u>continuing</u> <u>education</u>	<u>\$150.00 fine,</u> <u>reprimand,</u> <u>suspension followed</u> <u>by probation</u>
<u>SECOND OFFENSE</u>	<u>\$150.00 fine,</u> <u>reprimand,</u> <u>suspension</u> <u>followed by</u> <u>probation</u>	<u>\$150.00 fine and</u> <u>revocation</u>

If the unprofessional conduct involves hitting a patient or intentionally causing harm to a patient, the MINIMUM penalty for a FIRST OFFENSE is REVOCATION of the license.

- (4) through (6) No change.

Specific Authority 464.204 FS. Law Implemented 456.072, 464.204 FS. History--New 10-28-02, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 12, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 15, 2007

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: 64B14-1.004
 RULE TITLE: Address of Record and Place of Practice

PURPOSE AND EFFECT: The purpose and effect of this rule development is to implement the provisions of Section 456.035, F.S.

SUMMARY: The proposed rule amendment implements the provisions of Section 456.035, F.S.

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

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

SPECIFIC AUTHORITY: 456.035 FS.

LAW IMPLEMENTED: 456.035 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: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B14-1.004 Address of Record and Place of Practice.

(1) Each person holding a license issued pursuant to Chapter 468, Part XIV, F.S., must maintain on file with the Board of Orthotists and Prosthetists the current address at which any notice required by law may be served by the Board or its agent. Within 30 days of changing this address, whether or not within this state, the licensee shall change his or her address at the Board's website [www.doh.state.fl.us/mqa/OrthPros/index.html] or notify the Board by e-mail or in writing of the new address at which the licensee may be served with notices or other documents.

(2) Each person holding a license issued pursuant to Chapter 468, Part XIV, F.S., must maintain on file with the Board of Orthotists and Prosthetists the current primary place of practice.

Specific Authority 456.035 FS. Law Implemented 456.035 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Orthotists and Prosthetists

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Orthotists and Prosthetists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 22, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE NO.: 69L-6.027
 RULE TITLE: Penalty Calculation Worksheet

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to revise the penalty language and penalty calculation process used in Form DFS-F4-1595, Penalty Calculation Worksheet. The effect of the proposed amendment is to harmonize the penalty language to conform to language used in related forms and provide a more equitable means of calculating penalties relating to under reporting violations.

SUMMARY: Purposed revisions to Form DFS-F4-1595 (eff. _____), Penalty Calculation Worksheet.

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

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

SPECIFIC AUTHORITY: 440.107(9), 440.591 FS.

LAW IMPLEMENTED: 440.107(7) 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, August 28, 2007, 3:00 p.m.

PLACE: Room 104J, Hartman Building, 2012 Capital Circle S. E., Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Andrew Sabolic, Assistant Division Director, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4229, phone (850)413-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-6.027 Penalty Calculation Worksheet.

(1) For purposes of calculating penalties to be assessed against employers pursuant to Section 440.107, F.S., the Division shall use form #DFS-F4-1595 (eff. _____) (~~rev. 9/04~~) which is incorporated herein by reference.

(2) Copies of this form DFS-F4-1595 (eff. _____) (~~rev. 9/04~~) are available from the Division of Workers' Compensation, Department of Financial Services, Larson Building, Tallahassee, Florida 32399-4226.

Specific Authority 440.107(9), 440.591 FS. Law Implemented 440.107(7) FS. History--New 12-29-04, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Andrew Sabolic
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Tanner Holloman
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: July 6, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: February 16, 2007

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE NO.: 69L-7.020
RULE TITLE: Florida Workers' Compensation
Health Care Provider
Reimbursement Manual

PURPOSE AND EFFECT: To amend the rule to adopt the 2007 Edition of the Florida Workers' Compensation Health Care Provider Reimbursement Manual, to implement the 2007 conversion factors issued by the Centers for Medicare and Medicaid Services approved by the Three Member Panel pursuant to Section 440.13(12), F.S. In addition, the proposed amendments to the rule will adopt the CPT® 2007 Current Procedural Terminology Professional Edition, Copyright 2006, American Medical Association; the Current Dental Terminology, CDT-2007/2008, Copyright 2006, American Dental Association; and the "Healthcare Common Procedure Coding System, Medicare's National Level II Codes, HCPCS 2007", American Medical Association, Nineteenth Edition, Copyright 2006, Ingenix Publishing Group.

SUMMARY: Proposed revisions to the Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2007 Edition, incorporated by reference into the rule, including amendments to the uniform schedules of maximum reimbursement allowances.

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

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

SPECIFIC AUTHORITY: 440.13(14)(b), 440.591 FS.

LAW IMPLEMENTED: 440.13(7), (12), (14) FS.

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

DATE AND TIME: Wednesday, August 22, 2007, 10:00 a.m.

PLACE: Room 104J, Hartman Bldg., 2012 Capital Circle S.E., 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: Don Davis, Division of Workers' Compensation, Office of Data Quality and Collection, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4229, phone (850)413-1712. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Don Davis, Division of Workers' Compensation, Office of Data Quality and Collection, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4229, phone (850)413-1712

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-7.020 Florida Workers' Compensation Health Care Provider Reimbursement Manual.

(1) The Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2007 ~~2006~~ Edition, is adopted by reference as part of this rule. The manual contains the Maximum Reimbursement Allowances determined by the Three-Member Panel, pursuant to Section 440.13(12), F.S., and establishes reimbursement policies, guidelines, codes and maximum reimbursement allowances for services and supplies provided by health care providers. Also, the manual includes reimbursement policies and payment methodologies for pharmacists and medical suppliers.

(2) The CPT® ~~2007~~ 2006 Current Procedural Terminology Professional Edition, Copyright 2006~~5~~, American Medical Association; the Current Dental Terminology, CDT-2007/2008~~2005~~, Copyright 2006~~4~~, American Dental Association; and in part for D codes and for injectable J codes, and for other medical services and supply codes, the "Healthcare Common Procedure Coding System, Medicare's National Level II Codes, HCPCS 2007~~6~~², American Medical Association, Nineteenth ~~Eighteenth~~ Edition, Copyright 2006~~5~~, Ingenix Publishing Group, are adopted by reference as part of this rule. When a health care provider performs a procedure or service which is not listed in the Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2007 ~~2006~~ Edition incorporated above, the provider must use a code contained in the CPT® 2007~~6~~, CDT-2007/2008 ~~2005~~ or HCPCS-2007~~6~~ as specified in this section.

(3) The Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2007 ~~2006~~ Edition incorporated above, is available for inspection during normal business hours at the Florida Department of Financial Services, Document Processing Section, 200 East Gaines Street, Tallahassee, Florida 32399-0311, or via the Department's web site at <http://www.fldfs.com/wc>.

Specific Authority 440.13(14)(b), 440.591 FS. Law Implemented 440.13(7), (12), (14) FS. History—New 10-1-82, Amended 3-16-83, 11-6-83, 5-21-85, Formerly 38F-7.20, Amended 4-1-88, 7-20-88, 6-1-91, 4-29-92, 2-18-96, 9-1-97, 12-15-97, 9-17-98, 9-30-01, 7-7-02, Formerly 38F-7.020, 4L-7.020, Amended 12-4-03, 1-1-04, 7-4-04, 5-9-05, 9-4-05, 11-16-06_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Don Davis

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Tanner Holloman

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: July 8, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: April 20, 2007

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 690-162.203	RULE TITLE: Adoption of 2001 Commissioners Standard Ordinary (CSO) Preferred Mortality Tables for Determining Reserve Liabilities for Ordinary Life Insurance
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PURPOSE AND EFFECT: The purpose of this regulation is to recognize, permit and prescribe the use of mortality tables that reflect differences in mortality between Preferred and Standard lives in determining minimum reserve liabilities in accordance with Subsection 625.121(5)(a)3., F.S., and Rule 690-164.020, F.A.C.

SUMMARY: The rule establishes requirements relating to mortality tables.

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

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

SPECIFIC AUTHORITY: 624.308(1), 625.121 FS.

LAW IMPLEMENTED: 624.307(1), 625.121 FS.

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

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

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

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

E-mail kerry.krantz@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kerry Krantz, Office of Insurance Regulation, E-mail kerry.krantz@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

690-162.203 Adoption of 2001 Commissioners Standard Ordinary (CSO) Preferred Mortality Tables for Determining Reserve Liabilities for Ordinary Life Insurance.

(1) Scope. This rule shall govern mortality tables for use in reserves as set forth in Section 625.121, F.S.

(2) Purpose. The purpose of this rule is to recognize, permit and prescribe the use of mortality tables that reflect differences in mortality between Preferred and Standard lives in determining minimum reserve liabilities in accordance with subparagraph 625.121(5)(a)3. and subsection 690-138.164.020(5), F.A.C.

(3) Definitions.

(a) “2001 CSO Mortality Table” means that mortality table, consisting of separate rates of mortality for male and female lives, developed by the American Academy of Actuaries CSO Task Force from the Valuation Basic Mortality Table developed by the Society of Actuaries Individual Life Insurance Valuation Mortality Task Force, and adopted by the NAIC in December 2002. The 2001 CSO Mortality Table is included in the Proceedings of the NAIC (2nd Quarter 2002) and supplemented by the 2001 CSO Preferred Class Structure Mortality Table defined below in paragraph (b). Unless the context indicates otherwise, the “2001 CSO Mortality Table” includes both the ultimate form of that table and the select and ultimate form of that table and includes both the smoker and nonsmoker mortality tables and the composite mortality tables. It also includes both the age-nearest-birthday and age-last-birthday bases of the mortality tables. Mortality tables in the 2001 CSO Mortality Table include the following:

1. “2001 CSO Mortality Table (F)” means that mortality table consisting of the rates of mortality for female lives from the 2001 CSO Mortality Table.

2. “2001 CSO Mortality Table (M)” means that mortality table consisting of the rates of mortality for male lives from the 2001 CSO Mortality Table.

3. “Composite mortality tables” means mortality tables with rates of mortality that do not distinguish between smokers and nonsmokers.

4. “Smoker and nonsmoker mortality tables” means mortality tables with separate rates of mortality for smokers and nonsmokers.

(b) “2001 CSO Preferred Class Structure Mortality Table” means mortality tables with separate rates of mortality for Super Preferred Nonsmokers, Preferred Nonsmokers, Residual

Standard Nonsmokers, Preferred Smokers, and Residual Standard Smoker splits of the 2001 CSO Nonsmoker and Smoker tables as adopted by the NAIC September 10, 2006, which is adopted herein and incorporated by reference. Unless the context indicates otherwise, the "2001 CSO Preferred Class Structure Mortality Table" includes both the ultimate form of that table and the select and ultimate form of that table. It includes both the smoker and nonsmoker mortality tables. It includes both the male and female mortality tables and the gender composite mortality tables. It also includes both the age-nearest-birthday and age-last-birthday bases of the mortality table.

(c) "Statistical agent" means an entity with proven systems for protecting the confidentiality of individual insured and insurer information; demonstrated resources for and history of ongoing electronic communications and data transfer ensuring data integrity with insurers, which are its members or subscribers; and a history of and means for aggregation of data and accurate promulgation of the experience modifications in a timely manner.

(4) 2001 CSO Preferred Class Structure Table.

(a) At the election of the company, for each calendar year of issue, for any one or more specified plans of insurance and subject to satisfying the conditions stated in this rule, the 2001 CSO Preferred Class Structure Mortality Table may be substituted in place of the 2001 CSO Smoker or Nonsmoker Mortality Table as the minimum valuation standard for policies issued on or after January 1, 2007.

(b) No such election shall be made until the company demonstrates at least 20% of the business to be valued on this table is in one or more of the preferred classes.

(c) A table from the 2001 CSO Preferred Class Structure Mortality Table used in place of a 2001 CSO Mortality Table, pursuant to the requirements of this rule, will be treated as part of the 2001 CSO Mortality Table only for purposes of reserve valuation pursuant to the requirements of Rule 690-162.201, F.A.C., Adoption of 2001 Commissioners Standard Ordinary (CSO) Mortality Tables.

(5) Conditions.

(a) For each plan of insurance with separate rates for Preferred and Standard Nonsmoker lives, an insurer may use the Super Preferred Nonsmoker, Preferred Nonsmoker, and Residual Standard Nonsmoker tables to substitute for the Nonsmoker mortality table found in the 2001 CSO Mortality Table to determine minimum reserves. At the time of election and annually thereafter, except for business valued under the Residual Standard Nonsmoker Table, the appointed actuary shall certify that:

1. The present value of death benefits over the next ten years after the valuation date, using the anticipated mortality experience without recognition of mortality improvement

beyond the valuation date for each class, is less than the present value of death benefits using the valuation basic table corresponding to the valuation table being used for that class.

2. The present value of death benefits over the future life of the contracts, using anticipated mortality experience without recognition of mortality improvement beyond the valuation date for each class, is less than the present value of death benefits using the valuation basic table corresponding to the valuation table being used for that class.

(b) For each plan of insurance with separate rates for Preferred and Standard Smoker lives, an insurer may use the Preferred Smoker and Residual Standard Smoker tables to substitute for the Smoker mortality table found in the 2001 CSO Mortality Table to determine minimum reserves. At the time of election and annually thereafter, for business valued under the Preferred Smoker Table, the appointed actuary shall certify that:

1. The present value of death benefits over the next ten years after the valuation date, using the anticipated mortality experience without recognition of mortality improvement beyond the valuation date for each class, is less than the present value of death benefits using the Preferred Smoker valuation basic table corresponding to the valuation table being used for that class.

2. The present value of death benefits over the future life of the contracts, using anticipated mortality experience without recognition of mortality improvement beyond the valuation date for each class, is less than the present value of death benefits using the Preferred Smoker valuation basic table.

(c) Unless exempted by the Office, every authorized insurer using the 2001 CSO Preferred Class Structure Table shall annually file with the Office, with the NAIC, or with a statistical agent designated by the NAIC and acceptable to the Office, statistical reports showing mortality and such other information as the Office may deem necessary or expedient for the administration of the provisions of this rule. The form of the reports shall be established by the Office or the Office may require the use of a form established by the NAIC or by a statistical agent designated by the NAIC and acceptable to the Office.

(7) Effective Date. This rule shall be effective for policies issued on or after January 1, 2007, for valuation dates on or after the date this rule becomes effective.

Specific Authority 624.308(1), 625.121 FS. Law Implemented 624.307(1), 625.121 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: AI Willis, Director, Life and Health Financial Oversight, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: AI Willis, Director, Life and Health Financial Oversight, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 15, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 11, 2007

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 690-164.030
 RULE TITLE: Application of Rule 690-164.020, F.A.C., to Various Product Designs

PURPOSE AND EFFECT: To provide direction as to the application of Rule 690-164.020, F.A.C., to various product designs.

SUMMARY: The Rule establishes reserving requirements.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 624.308(1), 625.121 FS.
 LAW IMPLEMENTED: 624.307(1), 625.121 FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
 DATE AND TIME: August 20, 2007, 9:30 a.m.
 PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kerry Krantz, Office of Insurance Regulation, E-mail kerry.krantz@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kerry Krantz, Office of Insurance Regulation, E-mail kerry.krantz@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

690-164.030 Application of Rule 690-164.020, F.A.C., to Various Product Designs.

- (1) No change.
- (2) Application. The list below specifies reserving approaches which the Office regards as being most consistent with the letter and spirit of Rule 690-164.020, F.A.C. However, the specified reserving approaches should be modified as needed to comply with the intent of this rule that similar reserves be established for policy designs that contain similar guarantees.

- (a) through (h) No change.
- (i) A universal life policy guarantees the coverage to remain in force as long as the accumulation of premiums paid satisfies the secondary guarantee requirement.

1. For policies and certificates issued prior to July 1, 2005, and for policies and certificates issued on or after January 1, 2011:

- a. through i. No change.
- 2. For policies and certificates issued on or after July 1, 2005, and prior to January 1, 2007:

- a. through i. No change.
- 3. For policies and certificates issued on or after January 1, 2007, and prior to January 1, 2011:

a. First, the minimum gross premiums (determined at issue) that will satisfy the secondary guarantee requirement must be derived.

b. Second, for purposes of applying paragraphs (7)(b) and (7)(c) of Rule 690-164.020, F.A.C., the “specified premiums” are the minimum gross premiums derived in sub-subparagraph a.

(I) Consistent with Rule 690-164.020, F.A.C., the remaining sub-subparagraphs in this rule should be calculated on a segmented basis, using the segments that Rule 690-164.020, F.A.C., defines for the product. Therefore, in the remaining sub-subparagraphs, the term “fully fund the guarantee” should be interpreted to mean fully funding the guarantee to the end of each possible segment. The term “remainder of the secondary guarantee period” should be interpreted to mean the remainder of each possible segment. The total reserve should equal the greatest of all possible segmented reserves.

(II) Additionally, for purposes of applying paragraphs (7)(b) and (c) of Rule 690-164.020, F.A.C., a lapse rate of no more than 2% per year for the first 5 years, followed by no more than 1% per year to the policy anniversary specified in the following table based on issue age, and 0% per year thereafter may be used. If the duration in the table is less than 5, then a lapse rate of no more than 2% per year may be used through that duration, and 0% per year thereafter.

<u>Issue Age</u>	<u>Duration</u>
<u>0-50</u>	<u>30th Policy Anniversary</u>
<u>51-60</u>	<u>Policy Anniversary Age 80</u>
<u>61-70</u>	<u>20th Policy Anniversary</u>
<u>71-89</u>	<u>Policy Anniversary Age 90</u>
<u>90 and over</u>	<u>No Lapse</u>

c. Third, a determination should be made of the amount of actual premium payments in excess of the minimum gross premiums. For policies utilizing shadow accounts, this will be the amount of the shadow account. For policies with no shadow accounts but which specify cumulative premium requirements, this excess will be the amount of the cumulative premiums paid in excess of the cumulative premium

requirements: the cumulative premium payments and requirements should include any interest credited under the secondary guarantee (with interest credited at the rate specified under the secondary guarantee).

d. Fourth, as of the valuation date for the policy being valued, for policies utilizing shadow accounts, determine the minimum amount of shadow account required to fully fund the guarantee. For policies with no shadow accounts but which specify cumulative premium requirements, determine the amount of the cumulative premiums paid in excess of the cumulative premium requirements that would result in no future premium requirements to fully fund the guarantee; the cumulative premium payments and requirements should include any interest credited under the secondary guarantee (with interest credited at the rate specified under the secondary guarantee). For any policy for which the secondary guarantee cannot be fully funded in advance, solve for the minimum sum of any possible excess funding (either the amount in the shadow account or excess cumulative premium payments depending on the product design) and the present value of future premiums (using the maximum allowable valuation interest rate and the minimum mortality standards allowable for calculating basic reserves) that would fully fund the guarantee. The amount determined above for this sub-subparagraph is to then be divided by one minus a seven percent premium load allowance (0.93). The result from sub-subparagraph c. should be divided by this number, with the resulting ratio capped at 1. The ratio is intended to measure the level of prefunding for a secondary guarantee which is used to establish reserves. Assumptions within the numerator and denominator of the ratio therefore must be consistent in order to appropriately reflect the level of prefunding. The denominator is allowed to be inconsistent only by the amount of the premium load allowance as defined in this sub-subparagraph. As used here, "assumptions" include any factor or value, whether assumed or known, which is used to calculate the numerator or denominator of the ratio.

e. Fifth, compute the net single premium on the valuation date for the coverage provided by the secondary guarantee for the remainder of the secondary guarantee period, using any valuation table and select factors authorized in paragraph (5)(a) of Rule 69O-164.020, F.A.C. For purposes of calculating the net single premium, a lapse rate subject to the same criteria as the lapse rate used in applying paragraph b. above may be used.

f. Sixth, the "net amount of additional premiums" is determined by multiplying the ratio from sub-subparagraph d. by the difference between the net single premium from sub-subparagraph e. and the basic and deficiency reserve, if any, computed in sub-subparagraph b.

g. Seventh, a "reduced deficiency reserve" should be computed by multiplying the deficiency reserve, if any, by one minus the ratio from sub-subparagraph d., but not less than

zero. This "reduced deficiency reserve" is the deficiency reserve to be used for purposes of subparagraph (7)(d)1. of Rule 69O-164.020, F.A.C.

h. Eighth, the actual reserve used for purposes of subparagraph (7)(d)1. of Rule 69O-164.020, F.A.C., is the lesser of: (1) the net single premium from sub-subparagraph e., and (2) the amount of the excess from sub-subparagraph f., plus the basic reserve and the deficiency reserve, if any, computed in sub-subparagraph b.

(I) Reduce this result by the applicable policy surrender charges, i.e., the account value less the cash surrender value.

(II) Multiply the applicable policy surrender charge by the ratio of the net level premium for the secondary guarantee period divided by the net level premium for whole life insurance.

(III) Calculate both net premiums using the maximum allowable valuation interest rate and the minimum mortality standards allowable for calculating basic reserves. However, if no future premiums are required to support the guarantee period being valued, there is no reduction for surrender charges.

(IV) Multiply this surrender charge by the ratio of the net level premium for the secondary guarantee period divided by the net level premium for whole life insurance. Calculate both net premiums using the maximum allowable valuation interest rate and the minimum mortality standards allowable for calculating basic reserves.

(V) If the resulting amount is less than the sum of the basic and deficiency reserve from sub-subparagraph b., then the basic and deficiency reserves to be used for the purposes of subparagraph (7)(d)1. of Rule 69O-164.020, F.A.C., are those calculated in sub-subparagraph b., and no further calculation is required.

i. Ninth, an "increased basic reserve" should be computed by subtracting the "reduced deficiency reserve" in sub-subparagraph g. from the reserve computed in sub-subparagraph h. This "increased basic reserve" is the basic reserve to be used for purposes of subparagraph 69O-164.020(7)(d)1., F.A.C.

j. Business reserved pursuant to Section 8C, must be supported by an asset adequacy analysis specific to this business.

(I) This asset adequacy analysis must be performed pursuant to the requirements of Section 625.121(3), F.S.

(II) Reserves required by Section 8C plus any additional reserves required by the asset adequacy analysis shall be the minimum reserves for this business.

(3) No change.

Specific Authority 624.308(1), 625.121(5) FS. Law Implemented 624.307(1), 625.121(5) FS. History—New 5-4-06, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Al Willis, Director, Life and Health Financial Oversight, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Al Willis, Director, Life and Health Financial Oversight, Office of Insurance Regulation

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 11, 2007

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Elections

RULE NO.:	RULE TITLE:
1S-5.002	Voting System Equipment Regulations Supplement: Minimum Standards for Voter Verifiable Paper Audit Records

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 16, April 20, 2007 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services, Bureau of Entomology and Pest Control

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
5E-14	Entomology – Pest Control Regulations

RULE NO.:	RULE TITLE:
5E-14.149	Enforcement and Penalties

NOTICE OF WITHDRAWAL:

Notice is hereby given that an amendment to the above rule, as noticed in Vol. 32, No. 28, July 14, 2006, Florida Administrative Weekly has been withdrawn. The text of the proposed amendment that is being withdrawn is:

5E-14.149 Enforcement and Penalties.

(1) through (10) No change.

(11) Quarterly List. All disciplinary actions taken by the department pursuant to Chapter 482, Florida Statutes or the rules adopted pursuant to it, shall be published as required in Section 482.161(9), F.S., and on the Department’s website and shall include the identity of each individual or entity against which disciplinary action was taken, and a brief description of the offense and the disciplinary action, whether it was a warning letter, fine, probation, suspension or revocation. If the

violator is other than a business licensee, the registered name of the business licensee that employed the violator at the time of the violation and the county or city in which the violator’s business address is located will listed. If the violator operated an unlicensed pest control business the name of the unlicensed business will also be listed.

Specific Authority 482.051, 5570.07(23) FS. Law Implemented 482.161, 482.163, 482.165, 570.07(36) FS. History–New 6-22-06, Amended_____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-2.091	Publications Incorporated by Reference
40D-2.801	Water-Use Caution Areas

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 28, July 13, 2007 issue of the Florida Administrative Weekly has been withdrawn.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.:	RULE TITLE:
40E-4.051	Exemptions From Permitting

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 21, May 25, 2007 issue of the Florida Administrative Weekly.

40E-4.051 Exemptions From Permitting.

The District will exempt from regulation under Section 373, Part IV, F.S., those activities that the District determines will have only minimal or insignificant individual or cumulative adverse impacts on the water resources of the district. Exemptions from permitting under Chapters 40E-4, 40E-40 and 40E-400, F.A.C., are set forth below. The performance of activities pursuant to the provisions of the exemptions set forth in this section does not relieve the person or persons who are using the exemption or who are constructing or otherwise implementing the activity from meeting the permitting or performance requirements of other District rules. Nothing in this section shall prohibit the Department of Environmental Protection from taking appropriate enforcement action pursuant to Chapter 403, F.S., to abate or prohibit any activity

otherwise exempt from permitting pursuant to this section if the Department can demonstrate that the exempted activity has caused water pollution in violation of Chapter 403, F.S.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

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

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 18, May 4, 2007 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: RULE TITLE:
61G4-15.0021 Certification and Registration of Business Organizations

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 16, April 20, 2007 issue of the Florida Administrative Weekly.

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

The Board voted to change paragraph (3)(b) to read as follows

(b) If the business organization has a financially responsible officer, the financially responsible officer, rather than the qualifying contractor, shall complete the following forms which are incorporated by reference:

1. DBPR CILB 4366, Financially Responsible Officer Application, 2006 December 13,
2. DBPR 0030, Attest Statement, 2006 December 13,
3. If applicable, DBPR 0050, Explanatory Information for Background Questions, 2006 December 13,
4. If applicable, DBPR 0060, General Explanatory Description, 2006 December 13,
5. DBPR CILB 4356, Bond Application, 2006 December 13,

The forms may be obtained via internet at <http://www.myflorida.com/dbpr/>, or by contacting the Customer Contact Center of the Department of Business and Professional Regulation at 1940 N. Monroe Street, Tallahassee, FL 32399-1039.

In addition, the financially responsible officer shall comply with the requirements of Rules 61G4-15.005 and 61G4-15.006, F.A.C., except that the financially responsible officer shall also demonstrate a personal or business organization net worth of at

least \$10,000 regardless of the category of contractor's license held by any other qualifier for the business organization, \$10,000 cash and a bond in the amount of \$100,000. For purposes of Section 489.105(14), F.S., a "person" means a human being who is at least eighteen (18) years of age.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: G.W. Harrell, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:
62-343.110 Duration of Permits
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 25, June 22, 2007 issue of the Florida Administrative Weekly.

62-343.110 Duration of Permits.

(1) Unless revoked, extended or otherwise modified, the duration of a permit under this Chapter is:

(d) No change.

1. The permittee or authorized agent has, within thirty (30) days after completion of construction of the permitted activity, filed a written statement of completion and certification by a registered professional or other individual as required by Chapter 471, 472, 481 or ~~492~~ 493, F.S., utilizing Form 62-343.900(5), indicating that the system is constructed and ready for inspection, and complied with all other general and specific conditions of the permit; and

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May ~~4~~ 25, 2007

DEPARTMENT OF JUVENILE JUSTICE

Residential Services

RULE NOS.: RULE TITLES:
63E-7.006 Quality of Life and youth Grievance Process
63E-7.007 Youth Hygiene and Dress Code
63E-7.008 Facility and Food Services
63E-7.009 Behavior Management

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 33, No. 27, July 6, 2007 issue of the Florida Administrative Weekly. The notice of proposed

rule development was published in the May 25, 2007, Florida Administrative Weekly. The publication date was inadvertently omitted from the original notice.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: RULE TITLE:
64B9-15.003 Eligibility for Certification
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 31, No. 44, November 4, 2005 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: RULE TITLE:
64B14-1.004 Address of Record and Place of
Practice
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 45, November 9, 2006 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.: RULE TITLE:
64F-20.002 Criteria for Distributing Monies
NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 33, No. 20, May 18, 2007 issue of the Florida Administrative Weekly.

The changes are in response to written comments received from the Joint Administrative Procedures Committee (JAPC) and the Florida Council Against Sexual Violence (FCASV). The rule is amended to address concerns raised by JAPC and FCASV and shall read as follows:

- (1)(a) No change.
- (b) If governed by a board of directors, the rape crisis center’s board of directors must meet no less than four times out of the year;
- (c) The rape crisis center must have been in operation for at least a year;
- (d) No change.
- (e) A rape crisis center must complete and submit a rape crisis trust fund survey form, DH 3230, 7/07, to the Florida Department of Health Sexual Violence Prevention Program on or before March 31st of each year. The Rape Crisis Trust Fund Survey as published May 18, 2007, is incorporated by reference and a copy of the form may be obtained from <http://www.doh.state.fl.us/Family/svpp/index.html> or writing

to the Florida Department of Health, Sexual Violence Prevention Program, 4052 Bald Cypress Way, BIN #A-13, Tallahassee, Florida 32399-1723; and,

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elvira Hanson, 4052 Bald Cypress Way, Bin A-13, Tallahassee, Florida 32399

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: RULE TITLE:
65A-1.712 SSI-Related Medicaid Resource
Eligibility Criteria
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 24, June 15, 2007 issue of the Florida Administrative Weekly.

IF REQUESTED WITHIN 14 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: August 13, 2007, 1:30 p.m.
PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, FL 32399

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

THE FULL TEXT OF THE PROPOSED RULE CHANGE:

- (3) Transfer of Resources and Income.
- (e) Each individual shall be given the opportunity to rebut the presumption that a resource or income was transferred for the purpose of qualifying for Medicaid eligibility. No period of ineligibility shall be imposed if the individual provides proof that they intended to dispose of the resource or income at fair market value or for other valuable consideration, or provides proof that the transfer occurred solely for a reason other than to become Medicaid eligible or if the individual’s total countable resources (including the transferred resources) are below the program limits.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.919 FS. History—New 10-8-97, Amended 1-27-99, 4-1-03, 9-28-04, 8-10-06(1), 8-10-06(2), 8-10-06(3), _____.

Section IV Emergency Rules

DEPARTMENT OF REVENUE

Property Tax Administration Program

RULE NO.: 12DER07-07
 RULE TITLE: Forms for Use in the Maximum Millage Calculations Required by Chapter 2007-321, Laws of Florida

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Chapter 2007-321, Laws of Florida, authorizes the Department of Revenue to adopt emergency rules that remain in effect for 18 months and that may be renewed. This act further provides that all conditions imposed by Chapter 120, Florida Statutes, are deemed to be met.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized the Department of Revenue to adopt emergency rules that implement the provisions of Chapter 2007-321, Laws of Florida. The law provides that these emergency rules remain in effect for a period of 18 months and that they may be renewed. The forms included here relate to actions referenced by law to be taken on or before August 4, 2007. The Department of Revenue has taken several actions to inform interested parties about the forms, procedures, and emergency rules that are being developed to implement this new law, and to give such parties an opportunity, to review and comment. These interested parties include Property Appraisers and the professional associations that represent them, counties, municipalities, and independent districts, their associations, and practitioners who have told the Department that they want to receive all information associated with property tax rulemaking. The actions that the Department has taken include: testing the email addresses and fax numbers of interested parties to ensure the Department's communications are successfully received; requesting the assistance of other state agencies and professional associations in obtaining correct email and mail addresses; establishing several new Department email addresses to make it easier for interested parties to submit comments and questions to the agency; establishing a new website on which to post information, forms, and procedures associated with implementation of this act; emailing and/or mailing copies of the draft forms to interested parties; and receiving public comments on the drafts of forms DR-420C-P, DR-420I-P, DR-420M-P, and DR-428.

SUMMARY: Emergency Rule 12DER07-07, F.A.C (Forms for Use in the Maximum Millage Calculations Required by Chapter 2007-321, Laws of Florida). This rule adopts and incorporates by reference maximum millage levy calculation preliminary disclosure forms and a general information form to help local governments and officials comply with the requirements of Chapter 2007-321, Laws of Florida.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Sharon Gallops, Department of Revenue, Property Tax Technical Unit, 725 S. Calhoun Street, Tallahassee, Florida 32399-0100; telephone (850)414-6108; Fax (850)488-9482; email address gallops@dor.state.fl.us

THE FULL TEXT OF THE EMERGENCY RULE IS:

12DER07-07 Forms for Use in the Maximum Millage Calculations Required by Chapter 2007-321, Laws of Florida.

(1)(a) Emergency Rule 12DER07-07 applies to the property tax administered under Chapters 192 through 197, 200, and 218, F.S., and Chapter 2007-321, Laws of Florida, relating to certain actions required to be taken by local governments and officials under the provisions of Chapter 2007-321, Laws of Florida.

(2) This rule subsection adopts and incorporates by reference the following maximum millage levy calculation preliminary disclosure forms:

(a) Form DR-420C-P, County Maximum Millage Levy Calculation-Preliminary Disclosure (N. 07/07, hereby incorporated by reference), is the form to be completed by each county and its related dependent special districts and municipal service taxing units and submitted to the Property Appraiser. This form is used to calculate the county's and related governmental units' maximum millages based on the anticipated vote of the governing body.

(b) Form DR-420I-P, Independent Special District Maximum Millage Levy Calculation-Preliminary Disclosure (N. 07/07, hereby incorporated by reference) is the form to be completed by each independent special district and certain dependent special districts and municipal service taxing units that are considered as independent special districts by Chapter 2007-321, Laws of Florida and Rule 12DER07-06 and submitted to the Property Appraiser. This form is used to calculate the district's maximum millage based on the anticipated vote of the governing body.

(c) Form DR-420M-P, Municipality Maximum Millage Levy Calculation-Preliminary Disclosure (N. 07/07, hereby incorporated by reference) is the form to be completed by each municipality and related dependent districts and submitted to the Property Appraiser. This form is used to calculate the municipality's maximum millages based on the anticipated vote of the governing body.

(d) Form DR-428, Maximum Millage Calculation-General Information (N. 07/07, hereby incorporated by reference), contains information offered by the Department to help affected governing bodies calculate and report their maximum millage and total maximum taxes under the requirements imposed by Chapter 2007-321, Laws of Florida.

(3) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading selected forms from the Department's Internet site at www.myflorida.com/dor; or, 2) faxing a forms request to the

Distribution Center at (850)922-2208; or, 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) visiting any local Department of Revenue Service Center to personally obtain a copy. Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

Specific Authority Section 9 of Ch. 2007-321, L.O.F. Law Implemented Sections 1 through 11 of Ch. 2007-321, L.O.F. History--New 7-12-07.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: July 12, 2007

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.:	RULE TITLE:
12DER07-8	Sales of Books, Clothing and School Supplies During the Period August 4 through August 13, 2007

SPECIFIC FACTS AND REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY, OR WELFARE: Section 1, Chapter 2007-144, Laws of Florida, authorizes the Department of Revenue to promulgate emergency rules to implement the provisions of the law specifying a period during which the sale of certain books, clothing, and school supplies are exempt from sales and use tax. The promulgation of this emergency rule ensures that the public is notified in the most expedient and appropriate means regarding the exemption during the period from 12:01 a.m., August 4, 2007, through midnight, August 13, 2007, for sales of books, clothing, wallets, or bags having a selling price of \$50 or less per item and for sales of school supplies having a selling price of \$10 per item or less. The exemption does not apply to sales within a theme park or entertainment complex as defined in Section 509.013(9), F.S., or within a public lodging establishment as defined in Section 509.013(4), F.S., or within an airport as defined in Section 330.27(2), F.S. The rule defines "clothing," "books," "school supplies," "theme park or entertainment complex," "public lodging establishment," "airport" and "mail order sales." The rule describes the items that are included in the exemption and explains how various transactions are to be handled for purposes of the exemption, including sales of sets of both exempt and taxable items, items normally sold as a unit, mail order sales, shipping and handling charges, layaway sales, rain checks, exchanges, refunds, coupons, rebates, and discounts, repairs and alterations, gift certificates, rentals of clothing, reporting requirements, documentation to be maintained, and merchant's license fees. The rule provides a list of items and their taxable status during the exemption period for clothing, school supplies, and books.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized the promulgation of an emergency rule to administer the provisions of Section 1, Chapter 2007-144, Laws of Florida, which specify a period during which the sale of certain books, clothing, and school supplies are exempt from sales and use tax. Additionally, an emergency rule is the most expedient and appropriate means of notifying dealers and taxpayers of the provisions of Section 1, Chapter 2007-144, Laws of Florida.

SUMMARY OF THE RULE: Emergency Rule 12AER07-8 (Sales of Books, Clothing and School Supplies during the Period August 4 through August 13, 2007), notifies the general public and retailers of the exemption during the period from 12:01 a.m., August 4, 2007, through midnight, August 13, 2007, for sales of books, clothing, wallets, or bags having a selling price of \$50 or less per item and for sales of school supplies having a selling price of \$10 per item or less.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Sara Faulkenberry, Senior Tax Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)488-7758

THE FULL TEXT OF THE EMERGENCY RULE IS:

12AER07-8 Sales of Books, Clothing, and School Supplies During the Period August 4 through August 13, 2007.

(1) Exempt Book and Clothing Sales.

(a) Beginning at 12:01 a.m. on August 4, 2007, and ending at midnight on August 13, 2007 (the exemption period), no tax is due on the sale or purchase of any book, article of clothing, wallet, or bag, including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases, and other garment bags, with a selling price of \$50.00 or less. This exemption does not apply to sales of books, clothing, wallets, or bags within a theme park, entertainment complex, public lodging establishment, or airport.

(b)1. The sales tax exemption applies to each eligible book, item of clothing, wallet, or bag, selling for \$50.00 or less. The exemption applies regardless of how many items are sold on the same invoice to a customer.

2. Example: A customer purchases two shirts for \$40.00 each. Both items will qualify for the exemption, even though the customer's total purchase price (\$80.00) exceeds \$50.00.

(c)1. The exemption does not apply to the first \$50.00 of price of an eligible book, item of clothing, wallet, or bag, selling for more than \$50.00.

2. Example: A customer purchases a pair of pants costing \$70.00. Tax is due on the entire \$70.00.

(2) Exempt Sales of School Supplies.

(a) Beginning at 12:01 a.m. on August 4, 2007, and ending at midnight on August 13, 2007 (the exemption period), no tax is due on the sale or purchase of any item of school supplies with a selling price of \$10.00 or less. This exemption does not apply to sales of school supplies within a theme park, entertainment complex, public lodging establishment, or airport.

(b)1. The sales tax exemption applies to each eligible item of school supplies selling for \$10.00 or less. The exemption applies regardless of how many items are sold on the same invoice to a customer.

2. Example: A customer purchases five composition books for \$2.50 each. All five items will qualify for the exemption, even though the customer's total purchase price (\$12.50) exceeds \$10.00.

(c)1. The exemption does not apply to the first \$10.00 of price of an eligible item of school supplies selling for more than \$10.00.

2. Example: A customer purchases a calculator costing \$18.00. Tax is due on the entire \$18.00.

(3) Definitions.

(a) "Clothing" means any article of wearing apparel, including all footwear, except skis, swim fins, in-line skates, and other skates, intended to be worn on or about the human body. "Clothing" does not include watches, watchbands, jewelry, umbrellas, or handkerchiefs.

(b) "Book" means a set of printed sheets bound together and published in a volume. The term "book" does not include newspapers, magazines, or other periodicals, or audio books. Books are different from periodicals in that books, in addition to the above, are also generally identified with an International System Book Number (ISBN), while periodicals are dated and generally have an issue number, but not an ISBN.

(c) "School supplies" means pens, pencils, erasers, crayons, notebooks, notebook filler paper, legal pads, composition books, poster paper, scissors, cellophane tape, glue or paste, computer disks, rulers, protractors, compasses, and calculators.

(d) "Theme park or entertainment complex" means a complex comprised of at least 25 contiguous acres owned and controlled by the same business entity and which contains permanent exhibitions and a variety of recreational activities and has a minimum of 1 million visitors annually.

(e)1. "Public lodging establishment" means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings, which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests. License classifications of public lodging establishments, and the definitions therefor, are set out in

Section 509.242, F.S. For the purpose of licensure, the term does not include condominium common elements as defined in Section 718.103, F.S.

2. The following are excluded from the definition in subparagraph 1.

a. Any dormitory or other living or sleeping facility maintained by a public or private school, college, or university for the use of students, faculty, or visitors;

b. Any hospital, nursing home, sanitarium, assisted living facility, or other similar place;

c. Any place renting four rental units or less, unless the rental units are advertised or held out to the public to be places that are regularly rented to transients;

d. Any unit or group of units in a condominium, cooperative, or timeshare plan and any individually or collectively owned one-family, two-family, three-family, or four-family dwelling house or dwelling unit that is rented for periods of at least 30 days or 1 calendar month, whichever is less, and that is not advertised or held out to the public as a place regularly rented for periods of less than 1 calendar month, provided that no more than four rental units within a single complex of buildings are available for rent;

e. Any migrant labor camp or residential migrant housing permitted by the Department of Health, under Sections 381.008-381.00895, F.S.; and

f. Any establishment inspected by the Department of Health and regulated by Chapter 513, F.S.

(f) "Airport" means an area of land or water used for, or intended to be used for, landing and takeoff of aircraft, accessory or relative areas, buildings, facilities, or rights-of-way necessary to facilitate such use or intended use.

(g) "Mail order sale" is a sale of tangible personal property, ordered by mail or other means of communication, from a dealer who receives the order in another state of the United States, or in a commonwealth, territory, or other area under the jurisdiction of the United States, and transports the property or causes the property to be transported, whether or not by mail, from any jurisdiction of the United States, including this state, to a person in this state, including the person who ordered the property.

(4) Sales of Sets Containing Both Exempt and Taxable Items.

(a) When exempt items are normally sold together with taxable merchandise as a set or single unit, the full price is subject to sales tax.

(b) Example: A gift set consisting of a wallet and key chain is sold for a single price of \$35.00. Although the wallet would otherwise be exempt during the exemption period, the full price of the gift set is taxable because the key chain is taxable.

(c) Example: A desk set consisting of a stapler and a pair of scissors is sold for a single price of \$9.95. Although the scissors would otherwise be exempt during the exemption period, the full price of the desk set is taxable because the stapler is taxable.

(5) Articles Normally Sold as a Unit.

(a) Articles that are normally sold as a unit must continue to be sold in that manner; they cannot be separately stated and sold as individual items in order to obtain the exemption.

(b) Example: A pair of shoes normally sells for \$80.00. The pair cannot be split in order to sell each shoe for \$40.00 to qualify for the exemption.

(c) Example: A suit is normally priced at \$125.00 on a single price tag. The suit cannot be split into separate articles so that any of the components may be sold for \$50.00 or less in order to qualify for the exemption. However, components that are normally priced as separate articles may continue to be sold as separate articles and qualify for the exemption if the price of an article is \$50.00 or less.

(d) Example: A pen and pencil set is normally priced at \$18.00 on a single price tag. The set cannot be split into separate articles so that either of the components may be sold for \$10.00 or less in order to qualify for the exemption.

(e) Example: A set of five books normally sells for \$199.95 on a single set price. The set cannot be split into separate articles so that each books sells for \$50.00 or less.

(6) Buy One, Get One Free or for a Reduced Price.

(a) The total price of items advertised as “buy one, get one free,” or “buy one, get one for a reduced price,” cannot be averaged in order for both items to qualify for the exemption.

(b) Example: A retailer advertises pants as “buy one, get one free.” The first pair of pants is priced at \$70.00; the second pair of pants is free. Tax is due on \$70.00. The store cannot sell each pair of pants for \$35.00 in order for the items to qualify for the exemption. However, the retailer may advertise and sell the items for 50% off, selling each pair of \$70.00 pants for \$35.00, making each pair eligible for the exemption.

(c) Example: A retailer advertises shoes as “buy one pair at the regular price, get a second pair for half price.” The first pair of shoes is sold for \$60.00; the second pair is sold for \$30.00 (half price). Tax is due on the \$60.00 shoes, but not on the \$30.00 shoes. The store cannot sell each pair of shoes for \$45.00 in order for the items to qualify for the exemption. However, a retailer may advertise the pairs for 25% off, thereby selling each pair of \$60.00 shoes for \$45.00, making each pair eligible for the exemption.

(7) Mail Order Sales.

(a) For purposes of this exemption, eligible items purchased by mail order, including sales transactions over the Internet, will receive the exemption if the order is accepted by the mail order company during the exemption period for immediate shipment. When the acceptance of the order by the

mail order company occurs during the exemption period, the exemption will apply even if delivery is made after the exemption period.

(b) An order is accepted by the mail order company when it has taken an action to fill the order for immediate shipment. Actions to fill an order include, but are not limited to, placing an “in date” stamp on a mail order, assigning an “order number” to a telephone order, or confirming an Internet order by e-mail message.

(c) An order is for immediate shipment when delayed shipment is not requested by the customer. An order is for immediate shipment notwithstanding that the shipment may be delayed because of a backlog of orders or because stock is currently unavailable to, or on back order by, the company.

(8) Shipping and Handling Charges.

(a) Shipping and handling charges are included as part of the sales price of the eligible item, whether or not separately stated. If multiple items are shipped on a single invoice, to determine if any items qualify for the exemption, the shipping and handling charge must be proportionately allocated to each item ordered, and separately identified on the invoice.

(b) Example 1: A customer orders a jacket for \$50.00. The shipping charge to deliver the jacket to the customer is \$5.00. The selling price of the jacket is \$55.00. Tax is due on the full selling price.

(c) Example 2. A customer orders a suit for \$300.00 and a shirt for \$40.00. The transportation charge to deliver the items is \$15.00. The \$15.00 transportation charge must be proportionately and separately allocated between the items: $\$300 / \$340 = 88\%$; therefore, 88% of the \$15.00 shipping charge, or \$13.20, must be allocated to the suit, and separately identified on the invoice as such. The remaining 12% of the \$15.00 shipping charge, or \$1.80, must be allocated to the shirt, and separately identified on the invoice as such. The selling price of the shirt is \$40.00 plus \$1.80, totaling \$41.80, and therefore qualifying for the exemption.

Suit	\$300.00
Shipping for suit	13.20
Shirt	40.00
Shipping For shirt	1.80

(d) Example 3. A customer orders a suit for \$300.00 and a shirt for \$45.00. The transportation charge to deliver the items is \$50.00. The \$50.00 transportation charge must be proportionately and separately allocated between the items: $\$300 / \$345 = 87\%$. Therefore, 87% of the \$50.00 shipping charge, or \$43.50, must be allocated to the suit, and separately identified on the invoice as such. The remaining 13% of the \$50.00 shipping charge, or \$6.50, must be allocated to the shirt, and separately identified on the invoice as such. The selling price of the shirt is \$45.00 plus \$6.50, totaling \$51.50. Since the selling price of the shirt exceeds \$50.00, the purchase of the shirt is taxable.

Suit	\$300.00
Shipping for suit	43.50
Shirt	45.00
Shipping For shirt	6.50

(9) Layaway sales. A layaway sale is a transaction in which merchandise is set aside for future delivery to a customer who makes a deposit, agrees to pay the balance of the purchase price over a period of time, and receives the merchandise at the end of the payment period.

(a) For purposes of this exemption, eligible items will qualify for the exemption if:

1. A retailer and a customer enter into a contract for a layaway sale during the exemption period;

2. The customer makes the usual deposit in accordance with the retailer's layaway policy;

3. The merchandise is segregated from the retailer's inventory; and

4. The final payment is made during or after the exemption period.

(b) If final payment on a layaway order is made by and the merchandise is given to the customer during the exemption period, that sale of eligible items will qualify for the exemption, even when the qualified items were placed on layaway before the exemption period.

(10) Rain checks. Eligible items purchased during the exemption period using a rain check will qualify for the exemption regardless of when the rain check was issued. However, issuance of a rain check during the exemption period will not qualify eligible items for the exemption if the item is actually purchased after the exemption period.

(11) Exchanges.

(a) If a customer purchases an eligible item during the exemption period, then later exchanges the item for the same item (different size, different color, etc.), no additional tax will be due even if the exchange is made after the exemption period.

(b) If a customer purchases an eligible item during the exemption period, then later returns the item and receives credit on the purchase of a different item, the appropriate sales tax will apply to the sale of the newly purchased item.

(c) Examples:

1. During the exemption period, a customer purchases a \$50.00 dress that qualifies for the exemption. Later, during the exemption period, the customer exchanges the \$50.00 dress for a \$75.00 dress. Tax is due on the \$75.00 dress. The \$50.00 credit from the returned item cannot be used to reduce the sales price of the \$75.00 item to \$25.00 for exemption purposes.

2. A customer purchases a \$35.00 shirt during the exemption period. After the exemption period, the customer exchanges the shirt for a \$35.00 jacket. Since the jacket was not purchased during the exemption period, tax is due on the \$35.00 price of the jacket.

3. A customer purchases notebook filler paper for \$3.95 during the exemption period. Later during the exemption period, the customer exchanges the notebook filler paper for note pads costing the same amount. Tax is due on the note pads, because they are not eligible for the exemption.

(12) Refunds.

(a) A customer who pays tax to a dealer on an eligible item when no tax is due must secure a refund of the tax from the dealer and not from the Department of Revenue.

(b) For the period August 4, 2007, through October 31, 2007, when a customer returns an item that would qualify for the exemption, no refund of tax shall be given unless the customer provides a receipt or invoice showing tax was paid, or the retailer has sufficient documentation to show that tax was paid on the specific item.

(13) Coupons, Rebates, and Discounts.

(a)1. Manufacturer's coupons. Manufacturer's coupons do not reduce the sales price of an item. Therefore, a manufacturer's coupon cannot be used to reduce the selling price of a book or an item of clothing to \$50.00 or less, or a school supply item to \$10.00 or less, in order to qualify for the exemption.

2. Example: A jacket sells for \$55.00. The customer has a \$10.00 manufacturer's coupon good for the purchase of the jacket. The manufacturer's coupon does not reduce the sales price of the jacket. Tax is due on \$55.00, even though the customer only pays the retailer \$45.00 for the jacket.

(b)1. Store coupons and discounts. Store coupons and discounts reduce the sales price of an item. Therefore, a store coupon or discount can be used to reduce the sales price of an item to \$50.00 or less, or of a school supply item to \$10.00 or less, in order to qualify for the exemption.

(c)1. Rebates. Rebates occur after the sale and do not affect the sales price of an item purchased. 2. Example: A customer buys a \$400.00 suit and a \$55.00 shirt. The retailer is offering a 10 percent discount. After applying the 10 percent discount, the final sales price of the suit is \$360.00, and the sales price of the shirt is \$49.50. The suit is taxable (its price is over \$50.00), and the shirt is exempt (its price is less than \$50.00).

2. Example: A jacket sells for \$55.00. The customer receives a \$10.00 rebate from the manufacturer. The rebate occurs after the sale, so it does not reduce the sales price of the jacket. Tax is due on \$55.00.

(14) Repairs and Alterations to Eligible Items.

(a) Repairs to eligible items do not qualify for the exemption.

(b)1. Alterations to clothing or footwear do not qualify for the exemption, even though alterations may be sold, invoiced, and paid for at the same time as the item to be altered.

2. Example: A customer purchases a pair of pants for \$49.00 and pays \$5.00 to the retailer to have the pants cuffed. The \$49.00 charge for the pants is exempt; however, tax is due on the \$5.00 alterations charge.

(15) Gift Certificates.

(a) Eligible items purchased during the exemption period using a gift certificate will qualify for the exemption, regardless of when the gift certificate was purchased. Eligible items purchased after the exemption period using a gift certificate are taxable, even if the gift certificate was purchased during the exemption period. A gift certificate cannot be used to reduce the selling price of a book or an item of clothing to \$50.00 or less, or of a school supply item to \$10.00 or less, in order for the item to qualify for the exemption.

(b) Example: A customer purchases a dress priced at \$90.00 and uses a \$50.00 gift certificate. Tax is due on \$90.00. The gift certificate does not reduce the selling price to \$40.00 for purposes of the exemption.

(16) Rentals. Rentals of books, clothing, or footwear do not qualify for the exemption.

(17) Reporting. No special reporting procedures are necessary to report exempt sales made during the exemption period. Sales should be reported as currently required by law.

(18) Record Retention and Documentation. No special record keeping requirements are necessary. Records should be maintained as currently required by law.

(19) License Fees or Other Fees imposed by Panama City and Panama City Beach.

(a) The cities of Panama City and Panama City Beach impose upon retailers a Merchant's License Tax or similar gross receipts tax or fee, which may be passed on to the customer. The Merchant's License Tax is included in the sales price of each item, whether or not the tax is separately stated on the invoice.

(b) Example: A jacket sells for \$49.95. The separately stated 1% gross receipts fee for this item is \$0.50. Since the gross receipts fee is part of the sales price of the item (\$50.45), the jacket will not qualify for the exemption.

(20) List of Items of Clothing and Their Taxable Status During the Exemption Period. The following is a list of items of clothing and their taxable status during the exemption period, if they are sold for \$50.00 or less. This is not an inclusive list. T = Taxable, E = Exempt.

- A
- T Accessories (generally)
- E Belt buckles
- E Bow ties
- E Hair nets, bows, clips, and bands
- E Handbags
- T Handkerchiefs
- T Jewelry
- E Neckwear

- E Ponytail holders
- E Scarves
- E Ties
- E Wallets
- T Watch bands
- T Watches
- E Aerobic clothing
- E Antique clothing
- E Aprons/Clothing shields
- T Athletic gloves
- T Athletic pads
- E Athletic supporters
- B
- E Baby clothes
- E Backpacks
- E Bandanas
- E Baseball cleats
- E Bathing suits, caps, and cover-ups
- E Belt buckles
- E Belts
- T Belts for weightlifting
- E Bibs
- E Blouses
- E Book bags
- E Boots (except ski boots)
- E Bowling shoes (sold)
- T Bowling shoes (rented)
- E Bow ties
- E *Braces and supports worn to correct or alleviate a physical incapacity or injury
- E Bras
- T Briefcases
- C
- E Caps and hats
- T Checkbook covers (separate from wallets)
- T Chest protectors
- E *Choir and altar clothing
- E Cleated or spiked shoes
- E *Clerical vestments
- T Cloth and lace, knitting yarns, and other fabrics
- T Clothing repair items, such as thread, buttons, tapes, iron-on patches, zippers
- E Coats and wraps
- E Coin purses
- T Corsages and boutonnières
- E Corsets and corset laces
- T Cosmetic bags
- E Costumes

- E Coveralls
- T Crib blankets
- T Cufflinks

- D
- E Diaper bags
- E Diapers, diaper inserts (adult and baby, cloth or disposable)
- T Diving suits
- E Dresses
- T Duffel bags

- E
- T Elbow pads
- E Employee uniforms

- F
- E Fanny packs
- T Fins
- T Fishing boots (waders)
- E Fishing vests (nonflotation)
- T Football pads
- E Formal clothing (unless rented)

- G
- T Garment bags
- E Garters and garter belts
- E Girdles, bras, and corsets
- E Gloves (generally)
- T Baseball
- T Batting
- T Bicycle
- E Dress (unless rented)
- E Garden
- T Golf
- T Hockey
- E Leather
- T Rubber
- T Surgical
- T Tennis
- E Work
- T Goggles (except *prescription)
- E Graduation caps and gowns
- E Gym suits and uniforms

- H
- E Hair nets, bows, clips, and bands
- E Handbags
- T Handkerchiefs
- T Hard hats

- E Hats
- T Helmets (bike, baseball, football, hockey, motorcycle, sports)
- E Hosiery, including support hosiery
- E Hunting vests

- I-J
- T Ice skates
- T In-line skates
- E Insoles
- E Jackets
- E Jeans
- T Jewelry

- K
- T Key chains
- T Knee pads

- L
- E Lab coats
- E Leg warmers
- E Leotards and tights
- T Life jackets and vests
- E Lingerie
- T Luggage

- M - N
- T Make-up bags
- E Martial arts attire
- E Neckwear and ties

- O-P
- E Overshoes
- T Pads (football, hockey, soccer, elbow, knee, shoulder)
- T Paint or dust masks
- E Pants
- E Panty hose
- T Patterns
- E Ponchos
- T Protective masks (athletic)
- E Purses

- R
- E Raincoats and rainhats
- E Receiving blankets
- E *Religious clothing
- T Rented clothing (including uniforms, formal wear, and costumes)
- T Repair of wearing apparel
- E Robes

T	<u>Roller blades</u>	E	<u>Uniforms (work, school, and athletic – excluding pads)</u>
T	<u>Roller skates</u>		
E	<u>Rubber shoes</u>		
S		V-W	
E	<u>Safety clothing</u>	E	<u>Vests</u>
T	<u>Safety glasses (except *prescription)</u>	E	<u>Wallets</u>
E	<u>Safety shoes</u>	T	<u>Watchbands</u>
E	<u>Scarves</u>	T	<u>Water ski vests</u>
E	<u>Scout uniforms</u>	T	<u>Weight lifting belts</u>
T	<u>Shaving kits/bags</u>	T	<u>Wet and dry diving suits</u>
E	<u>Shawls and wraps</u>	T	<u>Wigs, toupees, and chignons</u>
T	<u>Shin guards and padding</u>	E	<u>Work clothes and uniforms</u>
E	<u>Shirts</u>		
E	<u>Shoe inserts</u>		
E	<u>Shoes (including athletic)</u>		
E	<u>Shoulder pads (for dresses, jackets, etc.)</u>		
T	<u>Shoulder pads (football, hockey, sports)</u>		
E	<u>Shorts</u>		
T	<u>Skates (ice, in-line, roller)</u>		
T	<u>Ski boots (snow)</u>		
T	<u>Ski vests (water)</u>		
E	<u>Ski suits (snow)</u>		
T	<u>Skin diving suits</u>		
E	<u>Skirts</u>		
E	<u>Sleepwear, nightgowns, pajamas</u>		
E	<u>Slippers</u>		
E	<u>Slips</u>		
E	<u>Socks</u>		
T	<u>Sports helmets</u>		
T	<u>Sports pads (football, hockey, soccer, knee, elbow, shoulder)</u>		
E	<u>Sports uniforms (except pads, helmets)</u>		
T	<u>Suitcases</u>		
E	<u>Suits, slacks, and jackets</u>		
T	<u>Sunglasses (except *prescription)</u>		
E	<u>Suspenders</u>		
E	<u>Sweatbands</u>		
E	<u>Sweaters</u>		
T	<u>Swimming masks</u>		
E	<u>Swim suits and trunks</u>		
T			
E	<u>Ties (neckties – all)</u>		
E	<u>Tights</u>		
E	<u>Tuxedos, excluding cufflinks and rentals</u>		
U			
T	<u>Umbrellas</u>		
E	<u>Underclothes</u>		

*These items are always exempt as prosthetic or orthopedic appliances, or due to another specific exemption.

(21) List of School Supplies and Their Taxable Status During the Exemption Period. The following is a list of school supplies and their taxable status during the exemption period if they are sold for \$10.00 or less. This is not an inclusive list. T = Taxable, E = Exempt.

T	<u>Binders</u>
E	<u>Calculators</u>
E	<u>Cellophane (transparent) tape</u>
E	<u>Colored pencils</u>
E	<u>Compasses</u>
E	<u>Composition books</u>
E	<u>Computer disks (floppies and blank CDs)</u>
T	<u>Computer paper</u>
T	<u>Construction paper</u>
T	<u>Correction tape, fluid, or pens</u>
E	<u>Crayons</u>
E	<u>Erasers</u>
E	<u>Glue (stick & liquid)</u>
T	<u>Highlighters</u>
E	<u>Legal pads</u>
T	<u>Markers</u>
T	<u>Masking tape</u>
E	<u>Notebook filler paper</u>
E	<u>Notebooks</u>
E	<u>Paste</u>
E	<u>Pencils, including mechanical and refills</u>
E	<u>Pens, including felt, ballpoint, and fountain, and refills, but not highlighters or markers</u>
T	<u>Poster board</u>
E	<u>Poster paper</u>
T	<u>Printer paper</u>
E	<u>Protractors</u>
E	<u>Rulers</u>
E	<u>Scissors</u>
T	<u>Staplers</u>
T	<u>Staples</u>

(22) List of Books and Their Taxable Status During the Exemption Period. The following is a list of books and their taxable status during the exemption period if they are sold for \$50.00 or less. This is not an inclusive list. T = Taxable, E = Exempt.

- T Audio books
- E Bibles*
- T Books with no publisher
- E Books with a publisher
- E Children’s books (published)
- E Foreign and old books (even without ISBN)
- T Greeting cards
- E Instruction manuals (bound and published)
- T Magazines*
- T Movies
- E Music books
- T Newspapers*
- T Periodicals
- E Textbooks (published)

*Subscriptions to newspapers and magazines that are delivered by mail remain exempt from tax. Bibles are always exempt.

This rule shall take effect on August 2, 2007.

Specific Authority 212.17(6), 212.18(2), 213.06(1), (2) FS., Section 1, Chapter 2007-144, L.O.F. Law Implemented 95.091, 212.02(16), 212.05, 212.0596, 212.06, 212.13, 213.35, 215.26(1), 330.27(2), 509.013(4), (9) FS., Chapter 2007-144, L.O.F. History–New 8-2-07.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE ARE SPECIFIED IN THIS RULE.

EFFECTIVE DATE: August 2, 2007

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

**Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT the South Florida Water Management District (SFWMD) Governing Board issued an Order Denying Portion and Approving Portion of Application for Right of Way Occupancy Permit, Denying Petition for Waiver, and Granting Issuance of Removal and Restoration Order under Section 120.542, Fla. Stat. (SFWMD 2007-469-DAO-ROW), on July 11, 2007, to Michael Moore and Anna Nicole Wellens. The petition for waiver was received by the SFWMD on September 26, 2006 and amended on March 1, 2007. The Petitioners waived the 90-day review period for their permit application set forth in Rule 40E-0.105, Florida Administrative Code, and also waived the 90-day statutory time requirement for granting or denying a waiver set forth in Section 120.542(8), Fla. Stat., on this Petition for Waiver, so that agency action could be taken simultaneously on their application for ROW Permit and this associated Petition for Waiver. Notice of receipt of the petition requesting the waiver was published in the F.A.W., Vol. 32, No. 41, on October 13, 2006, and Notice of receipt of the Amended petition for waiver was published in the F.A.W., Vol 33, No. 11, on March 16, 2007. No public comment was received. Both the Original and the Amended Petition for Waiver sought relief from subsections 40E-6.011(4) and (6), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground facilities and structures within 40 feet of the top of the canal bank within Works or Lands of the District. Denial of a portion of the requested Right of Way Occupancy Permit and denial of the Waiver of District Criteria is due to the fact that the existing, unauthorized encroachments (shed and landscaping) and the proposed fence enclosure and landscaping within the District’s south right of way of the Hillsboro Canal; S36/T47S/R42E, Broward County, are contrary to the District’s rules and criteria as they constitute permanent and/or semi-permanent above-ground encroachments within the District’s rights of way within forty (40) feet of the top of the canal bank; and therefore, have the potential to interfere with the District’s present or future vehicular access and ability to perform its routine and/or emergency canal maintenance operations. Specifically, these existing and proposed uses are contrary to District subsections

40E-6.011(1), (4), and paragraphs 40E-6.221(2)(a), (j) and subsection (5), Florida Administrative Code. In addition, the Application and Petition are inconsistent with the District's Right of Way Management and Recovery Plan as approved by the Governing Board at their November 9, 2005 meeting. Finally, the Applicants have failed to provide evidence sufficient to demonstrate that the denial of their request for a waiver would create a substantial hardship or violate the principals of fairness as defined in Section 120.542, F.S.

A copy of the Order can be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1413, West Palm Beach, FL 33406-4680, (561)682-6320 or by e-mail kruff@sfwmd.gov.

NOTICE IS HEREBY GIVEN THAT the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2007-470-DAO-ROW), on July 11, 2007, to Ernest L. Prather. The petition for waiver was received by the SFWMD on June 8, 2007. Notice of receipt of the petition requesting the waiver was published in the F.A.W., Vol. 33, No. 26, on June 29, 2007. No public comment was received. This Order provides a waiver of the District's criteria for the proposed temporary vehicular use of the L-28 right of way from U.S. 41 to the northerly terminus of L-28 to gain access to the applicant's camp/cabin which is located approximately 3 miles from L-28 in Collier County; within Multiple Sections/T54, 53, 52S/R35E, Miami-Dade County. Specifically, the Order grants a waiver from subsection 40E-6.221(9), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which governs the requirement that, except for utilities, an applicant must own or lease the land lying adjacent to the District Work within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Ernest L. Prather from suffering a substantial hardship. A copy of the Order can be obtained from Kathie Ruff at the South Florida Water Management District, 3301 Gun Club Road, MSC 1413, West Palm Beach, FL 33406-4680, (561)682-6320 or by e-mail kruff@sfwmd.gov.

NOTICE IS HEREBY GIVEN THAT on July 2, 2007, the St. Johns River Water Management District, received a petition for variance from Melbourne 95 New Haven, LLC, pursuant to Section 120.542, Florida Statutes. Petitioner is seeking a variance from subparagraph 40C-41.063(1)(c)1., F.A.C., and

Section 11.1.3 of the Applicant's Handbook: Management and Storage of Surface Waters (February 1, 2005) (A.H.), for Environmental Resource Permit (ERP) Application 4-009-111704-1. The permit applicant is proposing to construct a wet detention surface water management system that would discharge into the Melbourne-Tillman Water Control District canal system, for a surface water management system known as Coastal Commerce Center, in Brevard County. Subparagraph 40C-41.063(1)(c)1., F.A.C., and Section 11.1.3, A.H., prohibit the construction, operation, and maintenance of a surface water management system in the Upper St. Johns River Hydrologic Basin that results in an increase in the amount of water being diverted from the Basin to coastal receiving waters. These rules are intended to protect the water resources of the state by limiting discharges of fresh water to estuarine waters and curtailing interbasin diversion.

Comments on this petition should be filed with: Robert Nawrocki, District Clerk, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, within 14 days of publication of this notice. The petition has been assigned F.O.R. Number 2007-52.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Timothy A. Smith, Senior Assistant General Counsel, at the Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, or by telephone at (386)312-2347.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on June 18, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.0101(1) and 61C-4.010(6), Florida Administrative Code, from El Cubanito located in Orlando. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

This variance request was approved July 9, 2007, and is contingent upon the Petitioner's use of open-air steam table properly covered and air curtain operating properly according to manufacturer's specifications and Section 6-202-15(D)(2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval is also contingent upon Petitioner conducting all re-heating for hot holding at approved commissaries to the proper temperature per Section 3-403.11, 2001 FDA Food Code; and potentially hazardous food is held at proper temperatures according to Section 3-501.16, 2001 FDA Food Code.

The Petitioner shall strictly adhere to paragraph 61C-4.0161(2)(c), Florida Administrative Code, and report to the commissary at least once daily when operating. All warewashing is to be conducted at the commissary and strict adherence to employee health guidelines as specified in the Section 2-201, 2001 FDA Food Code, are to be followed. Petitioner shall also use a potable water tank and utilize a wastewater holding tank that is at least 15% larger than the potable water holding tank; and sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve. Petitioner must receive potable water from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

Copies of the variance and operating procedures are to be present on the MFDV at all times of operation and shall be adhered to as approved by the Division. This variance is not transferable under any conditions. All provisos must be complied prior to final approval and licensing. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes. To obtain a copy of the approved variance you may contact David.Fountain@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on June 22, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.0101(1) and 61C-4.010(6), Florida Administrative Code, from Perez's Catering located in Orlando. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

This variance request was approved July 12, 2007, and is contingent upon the Petitioner's use of open-air steam table properly covered and air curtain operating properly according to manufacturer's specifications and Section 6-202-15(D)(2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval is also contingent upon Petitioner conducting all re-heating for hot holding at approved commissaries to the proper temperature per Section 3-403.11, 2001 FDA Food Code; and potentially hazardous food is held at proper temperatures according to Section 3-501.16, 2001 FDA Food Code.

The Petitioner shall strictly adhere to paragraph 61C-4.0161(2)(c), Florida Administrative Code, and report to the commissary at least once daily when operating. All warewashing is to be conducted at the commissary and strict adherence to employee health guidelines as specified in the Section 2-201, 2001 FDA Food Code, are to be followed. Petitioner shall also use a potable water tank and utilize a

wastewater holding tank that is at least 15% larger than the potable water holding tank; and sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve. Petitioner must receive potable water from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

Copies of the variance and operating procedures are to be present on the MFDV at all times of operation and shall be adhered to as approved by the Division. This variance is not transferable under any conditions. All provisos must be complied prior to final approval and licensing. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes. To obtain a copy of the approved variance you may contact David.Fountain@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on June 28, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Big E's located in Lake City. The above referenced F.A.C. states that all bathrooms shall be of easy and convenient access to both patrons and employees. They are requesting a variance to not have bathroom facilities in their facility, but use centrally located bathroom facilities.

This variance request was approved July 9, 2007, and is contingent upon the Petitioner ensuring the centrally located bathrooms are functional, has running water at all times, provided with soap and an approved method to dry hands, kept in a clean and sanitary manner, and available during all hours of operation. The Petitioner shall also ensure directional signage is installed within/or outside the establishment clearly stating the location of the bathrooms. Seating shall not exceed thirty-four (34) which includes inside and outside seating. All provisos shall be met prior to licensing. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes. To obtain a copy of the approved variance you may contact David.Fountain@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on June 29, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsections 61C-4.0101(1) and 61C-4.010(6), Florida Administrative Code, from Jimbo's Catering located in Bradenton. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN THAT on June 29, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsections 61C-4.0101(1) and 61C-4.010(6), Florida Administrative Code, from Jimbo's Catering located in Bradenton. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

This variance request was approved July 12, 2007, and is contingent upon the Petitioner's use of open-air steam table properly covered and air curtain operating properly according to manufacturer's specifications and Section 6-202-15(D)(2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval is also contingent upon Petitioner conducting all re-heating for hot holding at approved commissaries to the proper temperature per Section 3-403.11, 2001 FDA Food Code; and potentially hazardous food is held at proper temperatures according to Section 3-501.16, 2001 FDA Food Code.

The Petitioner shall strictly adhere to paragraph 61C-4.0161(2)(c), Florida Administrative Code, and report to the commissary at least once daily when operating. All warewashing is to be conducted at the commissary and strict adherence to employee health guidelines as specified in the Section 2-201, 2001 FDA Food Code, are to be followed. Petitioner shall also use a potable water tank and utilize a wastewater holding tank that is at least 15% larger than the potable water holding tank; and sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve. Petitioner must receive potable water from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

Copies of the variance and operating procedures are to be present on the MFDV at all times of operation and shall be adhered to as approved by the Division. This variance is not transferable under any conditions. All provisos must be complied prior to final approval and licensing. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the

Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes. To obtain a copy of the approved variance you may contact David.Fountain@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on July 16, 2007, the Board of Architecture and Interior Design, received a petition for Marshall Erdman & Associates, seeking a variance or waiver of subsection 61G1-12.001(3), Florida Administrative Code, which states that an architectural firm may not offer services to the public under a firm name which contains only the name of an individual not licensed as a professional engineer or registered architect in any state.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, FL 32399-0783. Comments on this petition should be filed with the Board of Architecture and Interior Design within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on June 20, 2007, the Construction Industry Licensing Board, received a petition for Arxx Building Products, seeking a variance or waiver of paragraph 61G4-18.003(5)(m), Florida Administrative Code, which states that the Board shall deny approval of, suspend, or revoke the registration of an course provider for failing to attend at least one continuing education seminar during each provider renewal cycle as required by subsection 61G4-18.014(2), F.A.C.

A copy of the Petition for Variance or Waiver may be obtained by contacting: G. W. Harrell, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0783. Comments on this petition should be filed with the Construction Industry Licensing Board within 14 days of publication of this notice.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on July 12, 2007, the Board of Dentistry, received a petition for seeking a waiver or variance filed by Edwin A. Bayo, Esq, on behalf of Monica Tabbita, D.D.S., of subsections 64B5-7.003(4) and 64B5-2.0146(2), F.A.C., with respect to the following licensure requirements: (1) that experience obtained by an individual pursuant to a permit issued under Rule 64B5-7.003, F.A.C. and Section 466.025, F.S. is not acceptable for the purpose of fulfilling the supplemental education program set forth in Section 466.006(3)(b), F.S., (2) that each applicant for

a Florida dental license successfully completes remediation to the level of a graduation senior and (3) provide transcripts from the sponsoring institution so indicating.

A copy of the Petition for Variance or Waiver may be obtained by contacting Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN THAT on July 18, 2007, the Florida Housing Finance Corporation, received a petition for Waiver of Part II.2.c.(1) of the 2006 Rental Recovery Loan Program Application Instruction and Part II.A.2.a.(2) of the 2006 Universal Cycle Application Instructions, Florida Administrative Code from Clear Harbor, Ltd. (“Petition”). The Petition is seeking a waiver of a change in co-general partnership.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

FISH AND WILDLIFE CONSERVATION COMMISSION

NOTICE IS HEREBY GIVEN THAT on July 11, 2007, the Florida Fish and Wildlife Conservation Commission (FWC) has issued an order.

The Florida Fish and Wildlife Conservation Commission (FWC) issued an Order Granting an Emergency Waiver of Rule under Section 120.542, F.S., to CBS Productions – CSI Miami on July 11, 2007. The petition for emergency waiver was received by FWC on July 5, 2007. A Notice of Receipt of the petition for emergency waiver of subparagraph 68C-22.025(1)(a)5., F.A.C., was posted on FWC’s internet website on July 5, 2007, pursuant to the procedures appropriate for emergency waivers in Rules 28-104.004 and 28-104.005, F.A.C. Public comments were received and considered by the Commission. The order provides a temporary waiver from the slow speed vessel speed restrictions for manatee protection in the area of Biscayne Bay north of Broad Causeway and just north of Bay Harbour Islands in Dade County. The waiver was granted to allow the petitioner to film a high speed boat sequence on July 13 and 14, 2007, to be part of the CSI Miami television series. The order found that the temporary emergency waiver was justified because of adverse economic hardships to the petitioner in the event that the temporary emergency waiver was not granted. The underlying purposes

of the manatee protection rule will be achieved in this case because the film sequence will be conducted in accordance with a Protected Species Watch Plan which will assure manatee safety.

A copy of the Order may be obtained by contacting: Carol Knox, Imperiled Species Management Section, Florida Fish and Wildlife Conservation Commission, 1320 Executive Center Drive, Tallahassee, FL 32301 or by email address carol.knox@myfwc.com.

**Section VI
Notices of Meetings, Workshops and Public Hearings**

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Financial Services Commission
- Department of Veterans’ Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Department of Education
- Administration Commission
- Florida Land and Water Adjudicatory Commission
- Board of Trustees of the Internal Improvement Trust Fund
- Department of Environmental Protection

DATE AND TIME: August 14, 2007, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular scheduled meeting of the Governor and Cabinet.

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director’s reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to, matters relating to rulemaking for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and for all activities relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and

orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation and Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

DEPARTMENT OF STATE

The **Department of State, Division of Cultural Affairs** announces grant panel meetings, to which all persons are invited. These meetings are subject to cancellation or change, please call to confirm the meeting date and time.

***DATE AND TIME:** August 21, 2007, 9:00 a.m. – Conclusion (Will be held via Teleconference)

GENERAL SUBJECT MATTER TO BE CONSIDERED: 2007-2008 Artist Enhancement Grants Program and 2007-2008 Quarterly Assistance Grant Panel Meeting.

DATE AND TIME: October 10, 2007, 9:00 a.m. – Conclusion
GENERAL SUBJECT MATTER TO BE CONSIDERED: 2007-2008 Individual Artist Fellowships Panel Meeting – Media Arts Fellowships Grant Panel Meeting.

DATE AND TIME: October 23, 2007, 9:00 a.m. – Conclusion
GENERAL SUBJECT MATTER TO BE CONSIDERED:
2007-2008 Individual Artist Fellowships Panel Meeting –
Visual Arts 3 Dimensional Grant Panel Meeting.

DATE AND TIME: October 24, 2007, 9:00 a.m.– Conclusion
GENERAL SUBJECT MATTER TO BE CONSIDERED:
2007-2008 State Touring Grant Panel Meeting.

DATE AND TIME: October 25, 2007, 9:00 a.m. – Conclusion
GENERAL SUBJECT MATTER TO BE CONSIDERED:
2007-2008 Individual Artist Fellowships Panel Meeting –
Visual Arts 2 Dimensional Grant Panel.

*DATE AND TIME: October 31, 2007, 9:00 a.m. –
Conclusion (Will be held via Teleconference)

GENERAL SUBJECT MATTER TO BE CONSIDERED:
2007-2008 Challenge Grant Panel Meeting

PLACE: R. A. Gray Building, 3rd Floor, Room 307, 500 South
Bronough Street, Tallahassee, Florida 32399. *Instructions for
meetings held via Teleconference: Join the teleconference by
dialing the ReadyTalk phone number: 1(866)740-1260. This is
a toll-free call. Enter the 7-digit access code: 2456470 (You
will be placed on hold until the Chairperson starts the
conference). *If you have problems joining the conference or if
you need technical assistance, please contact the ReadyTalk
Customer Care Line 1(800)843-9166 or contact the Division of
Cultural Affairs at (850)245-6470.

The panel meeting is a public process that any person may
participate. If you would like to participate in the panel
meeting, you may dial into the conference call by following the
instructions below. Participation in the panel process is by no
means required; however, there will be time during the meeting
for update information and public comment. During the time
when your application is being discussed and initially scored,
the Chair will ask for update information and you may respond
and also answer direct questions by the panelists. Public
comment will occur again after the initial scoring of all
applications has been completed.

If you have previously sent us a Telephone Participation Form,
be aware that we will not call you as described – you must call
into the teleconference (toll free) and be ready to give update
information or answer questions when your application
number is announced. You are advised to dial in at 9:00 am.
Once you have heard the initial scoring and discussion of your
application, you may leave the conference if you wish (hang
up) or remain to hear the final outcome.

If you have any questions about the new panel meeting format
or if you would like additional assistance determining how to
dial in, please do not hesitate to contact the Division at
(850)245-6470.

Please make sure that the appropriate people in your
organization receive this important information.

INSTRUCTIONS FOR PANEL MEETINGS HELD IN
ROOM 307: Telephone Participation Procedures: As stated in
the Grants Program Guidelines, organization grant applications

may participate in the panel meetings by telephone. Applicants
must submit a written request for telephone participation,
which must be received by the Division no later than 4:00 p.m.
(Eastern Standard Time) on the last business day immediately
preceding the scheduled panel meeting. The request must
contain the organization name and application number; the
name and date of the panel meeting; the name of the person or
persons designated to speak at the panel; and the complete
telephone number, including the area code and extension. The
request must be signed by an authorized official of the
organization, with the name and title typed below the
signature.

A copy of the meeting agenda may be obtained by writing to:
Division of Cultural Affairs, 500 S. Bronough Street, R. A.
Gray Building, 3rd Floor, Tallahassee, FL 32399-0250.

Should any person wish to appeal any decision made with
respect to any matter considered at the above-referenced
meeting, he/she may need to ensure a verbatim recording of the
proceedings in order to provide a record for judicial review. To
request special aids or services, contact Division staff at least
72 hours prior to the above stated schedule at (850)245-6356 or
Text Telephone 711.

Should any person wish to appeal any decision made with
respect to any matter considered at the above-referenced
meeting, he/she may need to ensure a verbatim recording of the
proceedings in order to provide a record for judicial review. To
request special aids or services, contact Morgan Lewis with the
division at least 48 hours prior to the above stated schedule at
(850)245-6470. If you are hearing or speech impaired, please
contact the Division by calling Florida Relay at 711.

Please note: These meetings are subject to cancellation or
change, please call to confirm the meeting date and time.

For more information, please contact: Morgan Lewis or M.
Gaylen Phillips, Division of Cultural Affairs, R. A. Gray
Building, 3rd Floor, 500 South Bronough Street, Tallahassee,
Florida 32399 or (850)245-6470.

DEPARTMENT OF LEGAL AFFAIRS

The **Department of Legal Affairs**, Council on the Social
Status of Black Men and Boys announces the following
sub-committee telephone conference meetings which all
persons are invited to attend.

Subcommittee on Improving Educational Outcomes

DATE AND TIME: August 3, 2007, 11:00 a.m. – 1:00 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959,
Conference Code: 5414291059

Subcommittee on Improving Foster Care and Families Issues

DATE AND TIME: August 7, 2007, 1:00 p.m. – 3:00 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959,
Conference Code: 6532211382

Subcommittee on Improving Economic Outcomes

DATE AND TIME: August 14, 2007, 2:00 p.m. – 3:00 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959,
Conference Code: 8733623109

Legislative Review Subcommittee

DATE AND TIME: August 16, 2007, 3:00 p.m. – 4:00 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959,
Conference Code: 3321010629

Subcommittee on Improving Health Status

DATE AND TIME: August 24, 2007, 9:00 a.m. – 11:00 a.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959,
Conference Code: 1021731236

GENERAL SUBJECT MATTER TO BE CONSIDERED:
The Council shall make a systematic study of the conditions affecting black men and boys, including, but not limited to, homicide rates, arrest and incarceration rate, poverty, violence, drug abuse, death rates, disparate annual income levels, school performance in all grade levels including postsecondary levels, and health issues.

A copy of the meeting agenda may be obtained by contacting: Fredrica Doctor, Research and Training Specialist, Bureau of Criminal Justice Programs at (850)414-3300.

Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Bureau at least 48 hours prior to the meeting by contacting the Bureau of Criminal Justice Programs at (850)414-3300. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, contact the Bureau of Criminal Justice Programs at (850)414-3300.

The **Department of Legal Affairs**, Council on the Social Status of Black Men and Boys announces a public meeting which all persons are invited to attend.

DATE AND TIME: Thursday, August 30, 2007, 8:00 a.m. – 8:00 p.m.

PLACE: Broward Community College, North Campus, Student Life Conference Room, Building 46, Room 152, 1000 Coconut Creek Boulevard, Coconut Creek, FL 33066

There will be four Council sub-committee meetings being held on the same date. The times and locations are as follows:

Subcommittee on Improving Economic Outcomes

DATE AND TIME: August 30, 2007, 12:00 Noon – 1:00 p.m.

PLACE: Student Life Conference Room, Building 46, Room 143

Subcommittee on Improving Educational Outcomes

DATE AND TIME: August 30, 2007, 1:00 p.m. – 3:00 p.m.

PLACE: Provost's Suite, Building 49, Room 207

Subcommittee on Improving Foster Care and Families Issues

DATE AND TIME: August 30, 2007, 10:00 a.m. – 12:00 Noon

PLACE: Provost's Suite, Building 49, Room 216

Subcommittee on Improving Health Status: August 30, 2007, 9:00 a.m. – 11:00 a.m. – Student Affairs Conference Room, Building 46, Room 221

Full Council Meeting

DATE AND TIME: August 30, 2007, 4:00 p.m.; followed by a Public Hearing

GENERAL SUBJECT MATTER TO BE CONSIDERED:
This is the monthly meeting of this Council, created by Section 16.615, Florida Statutes. The Council shall make a systematic study of the conditions affecting black men and boys, including, but not limited to, homicide rates, arrest and incarceration rate, poverty, violence, drug abuse, death rates, disparate annual income levels, school performance in all grade levels including postsecondary levels, and health issues.

A copy of the meeting agenda may be obtained by contacting Fredrica Doctor, Bureau of Criminal Justice Programs at (850)414-3300, or fredrica.doctor@myfloridalegal.com.

Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Bureau at least 48 hours prior to the meeting by contacting the Bureau of Criminal Justice Programs at (850)414-3300. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, contact the Bureau of Criminal Justice Programs at (850)414-3300.

The **Florida Atlantic University**, Florida's Art in State Buildings Program announces the following public meeting to which all persons are invited.

COMMITTEE: Art Selection Committee

DATE AND TIME: August 3, 2007, 11:00 a.m.

PLACE: Florida Atlantic University, Florida's Art in State, Buildings Program, Port Saint Lucie, Bldg. TC02, Room CO-229, 500 N. W. California Boulevard, Port St. Lucie, FL 34986

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold an Orientation Meeting regarding Florida's Art in State Buildings Program for BT-623 Port Saint Lucie Partner Campus Phase II.

For more information or to obtain a copy of the agenda, please contact: Corina Mavrodin, Program Administrator for Florida's Art in State Buildings Program, Florida Atlantic University, 777 Glades Road, Bldg. CO-69, Room 104, Boca Raton, Florida 33431, (561)297-0541.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Florida's Art in State Buildings Program.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Corina Mavrodin at (561)297-0541. If you are hearing or speech impaired, please contact the agency by calling TT: 1(800)955-8770.

The Board of Trustees of the **Florida School for the Deaf and the Blind** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, August 17, 2007, 1:00 p.m.

PLACE: Center for Leadership and Development, Moore Hall – FSDB campus, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workshop relating to matters pertaining to the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by writing to: Elmer L. Dillingham, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799, or by calling (904)827-2200.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based. Special accommodations for persons with disabling conditions should be requested at least 48 hours in advance from the aforementioned address.

The Board of Trustees of the **Florida School for the Deaf and the Blind** announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday August 18, 2007, 9:00 a.m.

PLACE: Center for Leadership Development, Moore Hall, FSDB Campus, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the Florida School for the Deaf and the Blind, including a rule Development Workshop on Rule 6D-4.004, F.A.C., Florida School for the Deaf and the Blind Classifications and Qualifications for Board of Trustees Positions.

A copy of the agenda may be obtained by writing to: Elmer L. Dillingham, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799, or by calling (904)827-2200.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

Special accommodations for persons with disabling conditions should be requested at least 48 hours in advance from the aforementioned address.

The **Commission for Independent Education** announces a workshop on Rule 6E-4.001, F.A.C., Fees and Expenses, to which all persons are invited.

DATE AND TIME: August 28, 2007, 11:00 a.m. – business is completed but no later than 3:00 p.m.

PLACE: Grosvenor Resort, 1850 Hotel Plaza Boulevard, Lake Buena Vista, Florida 32830-2202, (407)828-4444

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Rules Committee is seeking public input and discussion to revisions to Rule 6E-4.001, F.A.C., Fees and Expenses.

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 the Area of Critical State Concern at (850)488-4925. If you are 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: Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

The Florida **Community College at Jacksonville District**, Board of Trustees announces the following meetings to which the public is invited.

STRATEGIC CONVERSATION

DATE AND TIME: August 7, 2007, 12:00 Noon – 1:00 p.m.

PLACE: Advanced Technology Center, 401 West State Street, Room T-140, Jacksonville, Florida 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: Major Priorities for 2007-08.

EXECUTIVE SESSION

DATE AND TIME: August 7, 2007, 1:00 p.m. – 2:00 p.m.

PLACE: Donald T. Martin Center for College Services, 501 West State Street, Room 462, Jacksonville, Florida 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Session and Board discussion regarding Faculty Collective Bargaining Agreement pursuant to Section 447.605, Florida Statutes (2005). Pursuant to Section 447.605, Florida Statutes (2005), the Executive Session is closed to the public and exempt from the requirements of Section 286.011, Florida Statutes (2005). Documents prepared for the Executive Session pertaining to faculty collective bargaining are confidential and exempt from Section 119.07(1), Florida Statutes (2005).

REGULAR MONTHLY BOARD MEETING

DATE AND TIME: August 7, 2007, 2:00 p.m. – 3:00 p.m.

PLACE: Donald T. Martin Center for College Services, 501 West State Street, Boardroom, Jacksonville, Florida 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting.

DISCUSSION OF COLLEGE OPERATIONAL MATTERS, TIME PERMITTING

DATE AND TIME: August 7, 2007, 3:00 p.m. – 5:00 p.m.

PLACE: Donald T. Martin Center for College Services, 501 West State Street, Room 462, Jacksonville, Florida 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: College operational matters.

Copies of the agenda for the regular monthly Board meeting will be available for inspection on and after Tuesday, July 31, 2007, and copies will be provided upon written request and the payment of approved duplicating charges. Any person wishing to address agenda items at the Board of Trustees meeting will be provided an opportunity to do so by appearing before the Board at the meeting. All objections to this notice or the propriety of the scheduled public meeting should be filed in writing with the College President, Florida Community College at Jacksonville on or before August 7, 2007. All legal issues should be brought to the College's attention and an attempt made to resolve them prior to the public meeting.

Board will hold informal meetings

DATES AND TIME: Through the months of August and September 2007, each Thursday, 12:00 Noon – 4:00 p.m.

PLACE: Donald T. Martin Center for College Services, Room 462

GENERAL SUBJECT MATTER TO BE CONSIDERED: For the purpose of discussing College business as appropriate.

Any person wishing to appeal a decision made by the Board with respect to any matter considered at this meeting will need a record of the proceeding for such an appeal and may, therefore, need to ensure that a verbatim record is made.

FCCJ does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services and is an equal access/equal opportunity/affirmative action college. If special accommodations are required, please advise human resources 24 hours in advance of the meeting.

The **Gulf Coast Community College District**, Board of Trustees will hold its Monthly meeting as follows: Contact person for the meeting is: Dr. Jim Kerley, President.

DATE AND TIME: August 9, 2007, 10:00 a.m.

PLACE: Gulf Coast Community College, Student Union West, Room 306

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting.

The **Board of Governors** of the State University System of Florida and the Trustees of the Universities. Also, the Finance Committee of the Board of Governors announces meetings to which all interested persons are invited.

DATE AND TIME: August 8, 2007, 10:30 a.m. – 5:00 p.m.

PLACE: Traditions Hall, Gibbons Alumni Center, University of South Florida, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: National and state trends in higher education; Discussion of relationships with members of the State Legislature; Workshop on Audit and Accountability; Workshop on Presidential Review; Discussion of the 2008-2009 State University System Legislative Budget Request; and other matters pertaining to the Board of Governors.

Copies of the agendas may be obtained from the Board of Governors website at <http://www.flbog.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

The **Florida Technology, Research, and Scholarship Board** announces a meeting to which all interested persons are invited.

DATE AND TIME: August 8, 2007, 1:00 p.m. – 3:00 p.m.

PLACE: Traditions Hall, Gibbons Alumni Center, University of South Florida, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hear from Enterprise Florida on its Strategic Plan; discussion and recommendation of criteria for Centers of Excellence and recommended changes; discussion of Centers of Excellence program timeline; discussion of commercialization program; and other matters pertaining to the Florida Technology, Research and Scholarship Board.

A copy of the agenda may be obtained from the Board of Governors' website at <http://www.flbog.org/21stCentury>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

The public is invited to Committee meetings and the regular meeting of the **Board of Governors** of the State University System of Florida. The following Committees will meet: Finance and Emergency Preparedness and Campus Security. The regular meeting of the Board will follow.

DATE AND TIME: August 9, 2007, 8:00 a.m. – 5:00 p.m.

PLACE: Traditions Hall, Gibbons Alumni Center, University of South Florida, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of 2008-2009 State University System Legislative Budget Request and 2008-2009 Board of Governors General Office Budget Request; Update on

university notification systems; Centers of Excellence Criteria and recommended Program Changes; Notice of Intent to amend Board of Governors Regulations, as follows: 6C-6.001, Admissions; 6C-6.002, Entering Freshmen; 6C-6.009, Admission of Foreign Students to SUS Institutions; Review proposed Student Lending Practices Code of Conduct; Consideration of differential tuition for UF, FSU, and USF; Consideration of a Resolution authorizing the Issuance by the University of Florida University Athletic Association of Tax-exempt Bonds to Finance the Expansion and Renovation of a portion of the Ben Hill Griffin Stadium on the Main Campus, UF; Consideration of a Resolution authorizing the Issuance by the University of South Florida Financing Corporation of Certificates of Participation to Finance a Medical Faculty Office Building on the Main Campus, USF; action items brought forward from Board Committees; and other matters pertaining to the Board of Governors.

Copies of the agendas may be obtained from the Board of Governors website at <http://www.flbog.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Building Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: August 8, 2007, 8:30 a.m.

PLACE: Clarion Hotel & Conference Center, 2701 East Fowler Avenue, Tampa, Florida 33612, (813)971-4710

GENERAL SUBJECT MATTER TO BE CONSIDERED: Hurricane Mitigation Techniques Workshop.

A copy of the agenda may be obtained by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, or call (850)487-1824 or Fax (850)414-8436, or go to the web site at www.floridabuilding.org.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824 or

Fax (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824 or Fax (850)414-8436, or go to the web site at www.floridabuilding.org

The **Department of Community Affairs** announces an additional hearing on Rules 9B-72.010, Definitions; 9B-72.070, Product Evaluation and Quality Assurance for State Approval; 9B-72.080, Product Validation by Approved Validation Entity for State Approval; 9B-72.100, Approval of Product Evaluation Entities, Product Validation Entities, Testing Laboratories, Certification Agencies, Quality Assurance Agencies and Accreditation Bodies; 9B-72.130, Forms, F.A.C., to which all persons are invited.

DATE AND TIME: August 21, 2007, 1:00 p.m., or as soon thereafter as the matter comes before the Commission in accordance with its agenda

PLACE: Embassy Suites Tampa – USF, 3705 Spectrum Boulevard, Tampa, Florida 33612-9412

GENERAL SUBJECT MATTER TO BE CONSIDERED: Product approval amendments and a schedule of penalties for discipline of validators who fail to appropriately perform their duties as prescribed by statute or rule.

The Notice of Proposed Rulemaking appeared in the June 1, 2007, edition of the F.A.W.

A copy of the agenda may be obtained by contacting: Mo Madani, Program Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Mo Madani, Program Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Mo Madani, Program Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824.

The **Florida Building Commission** announces an additional hearing on Rule 9B-7.0042, F.A.C., Florida Accessibility Code for Building Construction, to which all persons are invited.

DATE AND TIME: August 21, 2007, 1:00 p.m., or as soon thereafter as the matter comes before the Commission in accordance with its agenda

PLACE: Embassy Suites Tampa – USF, 3705 Spectrum Boulevard, Tampa, Florida 33612-9412

GENERAL SUBJECT MATTER TO BE CONSIDERED: The rule amendment generally integrates standards for marking accessible parking spaces and addresses ramp width eliminating an erroneous exception. The purpose of this additional hearing is to implement the express action of the Commission at its meeting on June 26, 2007. The rationale for the additional hearing was to incorporate the form update (Rule 9B-7.003, F.A.C.) that had been omitted from the Notice of Proposed Rulemaking, but, based upon subsequent input, that rule is the subject of a separate Notice of Proposed Rulemaking. In the event that any party withheld comment on this particular rule in reliance on the Commission's intent to hold an additional hearing, that hearing will be convened as set forth herein.

The Notice of Proposed Rulemaking appeared in the March 9, 2007, edition of the F.A.W.

A copy of the agenda may be obtained by contacting: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824.

DEPARTMENT OF TRANSPORTATION

The **Commercial Motor Vehicle Review Board** announces a public meeting to which all persons are invited.

DATE AND TIME: August 9, 2007, 8:30 a.m.

PLACE: Hampton Inn, 4499 W. Commercial Blvd., Tamarac, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a monthly meeting of the Commercial Motor Vehicle Review Board for the purpose of reviewing penalties imposed upon any vehicle or person under the provisions of Chapter 316, Florida Statutes, relating to weights imposed on the

highway by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.

Any person aggrieved by the imposition of a civil penalty pursuant to Section 316.3025 or 316.550, Florida Statutes, may apply to the Commercial Motor Vehicle Review Board for a modification, cancellation, or revocation of the penalty.

A copy of the agenda may be obtained by contacting: Christine Jones, Executive Assistant, Commercial Motor Vehicle Review Board, 325 John Knox Rd., Bldg. K, Tallahassee, FL 32303.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 days before the workshop/meeting by contacting: Christine Jones, Executive Assistant, Commercial Motor Vehicle Review Board, 325 John Knox Rd., Bldg. K, Tallahassee, FL 32303. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Christine Jones at (850)245-7914.

The **Department of Transportation**, District One announces a public hearing to which all persons are invited.

DATE AND TIMES: August 23, 2007, 6:00 p.m., Open House; 7:00 p.m., Formal Hearing

PLACE: St. Finbarr's Catholic Church, 13250 East Tamiami Trail, Naples, Florida. In the event that severe weather or other unforeseen conditions cause the hearing to be postponed, it will be held on the alternate date of September 11, 2007 at the same time and location.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic and environmental effects of the proposed improvements to US 41 from CR 951 to CR 92 in Collier County, Financial Project ID Number 415621 1 22 01.

A copy of the agenda may be obtained by writing to Ms. Pipkin at the address below.

Anyone needing project or public hearing information or special accommodations under the Americans with Disabilities Act (ADA) of 1990 should write to Gwen G. Pipkin, Project Manager, Florida Department of Transportation, P. O. Box 1249, Bartow, FL 33831 or call (863)519-2375. Special accommodation requests under the ADA should be made at least seven (7) days prior to the public hearing.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

The **Department of Highway Safety and Motor Vehicles** announces a public meeting on Rule 15A-10.007, F.A.C., Review Board and Monitoring, to which all persons are invited.

DATE AND TIME: August 3, 2007, 9:30 a.m.

PLACE: Supreme Court Building, Judicial Education Room

GENERAL SUBJECT MATTER TO BE CONSIDERED: Bi-Annual Review Board Meeting for the Florida DUI Program. Oversight of the Florida DUI Program.

A copy of the agenda may be obtained by contacting Felecia Ford at (850)617-2505.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting Felecia Ford at (850)617-2505. 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).

For more information, you may contact Felecia Ford at (850)617-2505.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

The **State Board of Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: July 31, 2007, 9:00 a.m. (ET) – Conclusion of the meeting

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Trustees of the State Board of Administration to address the liquidity needs of the Florida Hurricane Catastrophe Fund and to request the Florida Hurricane Catastrophe Fund Finance Corporation, pursuant to Section 215.555, F.S., to engage in financial transactions to

provide sufficient funds to achieve the purposes of Section 215.555, F.S. Other general business of the Fund and the Board will also be addressed.

For more information, you may contact: Anne Bert, Florida Hurricane Catastrophe Fund, P. O. Drawer 13300, Tallahassee, FL 32317-3300, (850)413-1342.

The **State Board of Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: July 31, 2007, immediately following the conclusion of the meeting of the Governor and Cabinet. The Cabinet meeting begins at 9:00 a.m. (ET)

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Board of Directors of the Florida Hurricane Catastrophe Fund Finance Corporation, a public benefits corporation created under Section 215.555(6)(d), F.S., to provide the authorization for the Corporation to engage in financial transactions to provide sufficient funds to achieve the purposes of Section 215.555, F.S. Other general business of the Fund and the Board will also be addressed.

A copy of the agenda may be obtained by contacting: Anne Bert, Florida Hurricane Catastrophe Fund, P. O. Drawer 13300, Tallahassee, FL 32317-3300, (850)413-1342.

The **State Board of Administration** announces a public meeting of the Audit Committee to which all persons are invited.

DATE AND TIME: Wednesday, August 8, 2007, 9:00 a.m. – until conclusion.

PLACE: Hermitage Room, Plaza Level, Hermitage Centre, 1801 Hermitage Boulevard, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled quarterly meeting of the Audit Committee.

In compliance with the Americans with Disabilities Act, anyone needing special accommodations to attend the meeting is requested to call James Linn at (850)488-4406, five days prior to the meeting, so that appropriate arrangements can be made.

If you would like to have a copy of the agenda, please contact: Loveleen Verma, State Board of Administration, 1801 Hermitage Blvd., Suite 100, Tallahassee, FL 32308 or call (850)413-1246.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 8, 2007, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg.C, Tallahassee, Florida 32399-2450

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery and Control Release Matters as well as other Commission business.

A copy of the agenda may be obtained by contacting: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five days before the workshop/meeting by contacting: Florida Parole Commission, 2601 Blair Stone Road, Tallahassee, Florida 32399-2450, (850)488-3417. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a hearing to which all persons are invited.

DATE AND TIME: Monday, August 27, 2007, 1:30 p.m.

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this prehearing conference is to: (1) simplifying the issues; (2) identify the positions of the parties on the issues; (3) consider the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) identify exhibits; (5) establish an order of witnesses; and (6) consider such other matters as may aid in the disposition of Docket No. 070393-EI, Petition for determination of need for Lake Agnes-Gifford 230KV transmission line in Polk and Orange Counties, by Progress Energy Florida and Tampa Electric Company.

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 accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 days 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 Florida **Public Service Commission** announces a hearing to which all persons are invited.

DATE AND TIME: Wednesday, September 12, 2007, 9:30 a.m.

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the hearing is for the Commission to take final action to determine the need, pursuant to Section 403.537, F.S., for the Lake Agnes-Gifford 230 kV electrical transmission line proposed by Progress Energy Florida and Tampa Electric Company in Polk and Orange Counties, Florida. This proceeding shall: (1) allow Progress Energy Florida and Tampa Electric Company to present evidence and testimony in support of its petition for a determination of need for its proposed electrical transmission line; (2) permit any intervenors to present testimony and exhibits concerning this matter; (3) permit members of the public who are not parties to the need determination proceeding the opportunity to present testimony concerning this matter; and (4) allow for such other purposes as the Commission may deem appropriate. Docket No. 070393-EI.

Any member of the public who wishes to offer testimony should be present at the beginning of the hearing. By providing public testimony, a person does not become a party to the proceeding. To become an official party of record, you must file a Petition for Intervention at least five days before the final hearing, pursuant to the requirements contained in Rule 25-22.039, F.A.C. All witnesses shall be subject to cross-examination at the conclusion of their testimony.

The hearing will be governed by the provision of Chapter 120, F.S.; Section 403.537, F.S.; and Chapters 25-22 and 28-106, F.A.C.

Only issues relating to the need for the electrical transmission line will be heard at the September 12, 2007 hearing. Separate public hearings may be held before the Division of Administrative Hearings to consider environmental and other impacts of the proposed electrical transmission line as required by the "Transmission Line Siting Act", Section 403.52-403.5365, F.S.

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 accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 days 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).

EXECUTIVE OFFICE OF THE GOVERNOR

The **Florida Faith-Based and Community Based Advisory Council**, Emerging Initiatives and Best Practices Subcommittee announces a public call meeting to which all persons and interested media are invited, except as provided under Section 288.9551, Fla.Stat. (2003).

DATE AND TIME: Monday, August 6, 2007, 3:00 p.m.

PLACE: Conference Call 1(888)808-6959, when prompted dial Pass Code 4130909; Leaders: Shalom Ciment & Libbie Combee, Co-Chairs

GENERAL SUBJECT MATTER TO BE CONSIDERED: At this meeting, the Subcommittee will discuss the idea of a state-wide best practice award, as well as discuss other pending issues.

For a copy of the agenda and more information about how to attend the meeting contact Mark Nelson at mark.nelson@vfffund.org or (850)413-0909.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to participate in this meeting in order to request any needed special assistance should contact jennie.hopkins@myflorida.com at least 48 hours in advance of the meeting.

Volunteer Florida, The Governor's Commission on Volunteerism and Community Service is pleased to announce a meeting (via conference call) to which all persons are invited.

DATE AND TIME: Tuesday, August 7, 2007, 1:00 p.m. – 6:00 p.m. Please note that dates and times are subject to change.

PLACE: Please contact Kristin Mullikin at (850)414-0092 for conference call in information

GENERAL SUBJECT MATTER TO BE CONSIDERED: Recommendations from the Finance & Audit Committee and Executive Committee.

If you require a reasonable accommodation to participate, Voice/TTY, please advise 72 hours in advance with your request.

Volunteer Florida, The Governor's Commission on Volunteerism and Community Service is pleased to announce committee meetings (via conference call) to which all persons are invited.

Finance and Audit Committee

DATE AND TIME: Wednesday, August 1, 2007, 10:00 a.m. – 6:00 p.m.

Executive Committee Meeting

DATE AND TIME: Monday, August 6, 2007, 1:00 p.m. – 6:00 p.m.

Please note that dates and times are subject to change.

Please contact Kristin Mullikin at (850)414-0092 for conference call in information.

If you require a reasonable accommodation to participate, Voice/TTY, please advise 72 hours in advance with your request.

REGIONAL PLANNING COUNCILS

The **West Florida Regional Planning Council** and the **Regional Utilities Authority** (RUA) announces a public meeting to which all persons are invited.

DATE AND TIMES: Wednesday, August 1, 2007, 2:00 p.m. – 3:30 p.m., RUA; 1:00 p.m. – 2:00 p.m., Technical Advisory Committee

PLACE: Ft. Walton Beach City Hall, 107 Miracle Strip Parkway, Ft. Walton Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business meeting of the RUA.

A copy of the agenda may be obtained by contacting Mary Gutierrez, Environmental Planner, mary.gutierrez@wfrpc.org or (850)332-7976, ext. 226.

The **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: August 8, 2007, 4:00 p.m.

PLACE: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Audit Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by calling (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Tampa Bay Estuary Program**, Policy Board will conduct a public hearing. All citizens are invited to attend and express their support or objections to the work plan budget.

DATE AND TIME: August 10, 2007, 1:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To present the Program's Work Plan budget for fiscal year 2007-2008, beginning October 1, 2007.

PLACE: Tampa Bay Regional Planning Council, 4000 Gateway Centre Blvd., Pinellas Park, Florida

SOURCES OF FUNDING

Federal	\$ 418,000
Non-Federal	459,470
Total Funding	877,470

PROJECTED EXPENDITURES

Action Plan Implementation	\$ 649,970
Contracted Tech. Projects	105,000
Community Outreach	92,500
Partners Action Plan Imp.	30,000
Total Proj. Expenditures	877,470

For more information, please contact the: Program office, 100 8th Ave., S. E., St. Petersburg, FL, (727)893-2765, or e-mail our Office Administrator at ron@tbep.org.

The **Tampa Bay Regional Planning Council**, Executive/Budget Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, September 10, 2007, 9:00 a.m.

PLACE: 4000 Gateway Center Centre Blvd., Suite #100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive/Budget Committee.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, September 10, 2007, 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.

The **Tampa Bay Regional Planning Council**, Legislative Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, September 10, 2007, 11:30 a.m.

PLACE: 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the TBRPC Legislative Committee.

A copy of the agenda may be obtained by contacting Wren Krahl at (727)570-5151, ext. 22.

For more information, you may contact Wren Krahl at (727)570-5151, ext. 11.

The **Tampa Bay Regional Planning Council**, Agency on Bay Management announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 13, 2007, 9:00 a.m.

PLACE: 4000 Gateway Centre Blvd., Suite #100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Agency on Bay Management.

A copy of the agenda may be obtained by contacting www.tbrpc.org.

For more information, you may contact Wren Krahl at (727)570-5151, ext. 22.

The **Tampa Bay Regional Planning Council**, Clearinghouse Review Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, September 24, 2007, 9:30 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 Clearinghouse Review Committee.

A copy of the agenda may be obtained by contacting www.tbrpc.org.

For more information, you may contact Wren Krahl at (727)570-5151, ext. 22.

The **Southwest Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 9, 2007, 10:00 a.m.
PLACE: Southwest Florida Regional Planning Council, 1st Floor, Conference Room, 1926 Victoria Avenue, Fort Myers, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The SWFRPC's Lower West Coast Watersheds Subcommittee will be discussing water quality issues affecting the Southwest Florida Region.

A copy of the agenda may be obtained by contacting Mr. David Crawford at (239)338-2550, ext. 226 or by email dcrawford@swfrpc.org or Mr. Jim Beever at (239)338-2550, ext. 224 or email jbeever@swfrpc.org.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of 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 Mr. David Crawford at (239)338-2550, ext. 226 or by email dcrawford@swfrpc.org or Mr. Jim Beever at (239)338-2550, ext. #224 or email jbeever@swfrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Mr. David Crawford at (239)338-2550, ext. 226 or by email dcrawford@swfrpc.org or Mr. Jim Beever at (239)338-2550, ext. 224 or email jbeever@swfrpc.org.

DEPARTMENT OF CORRECTIONS

The **Department of Corrections** announces a public meeting on Rule 33-602.210, F.A.C., Use of Force, to which all persons are invited.

DATE AND TIME: Tuesday, August 14, 2007, 10:00 a.m.

PLACE: Department of Corrections Central Office, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

GENERAL SUBJECT MATTER TO BE CONSIDERED: Use of Force proposed rule amendments.

Pursuant to the provisions of 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: Perri K. Dale, Department of Corrections Central Office, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Perri K. Dale, Department of Corrections Central Office, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

WATER MANAGEMENT DISTRICTS

The **R. O. Ranch Inc.**, a Florida non-profit corporation, announces a public meeting to which all persons are invited.

DATE AND TIME: August 2, 2007, 6:30 p.m.

PLACE: Le Chateau, Mayo, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors meeting to consider business including the development of equestrian facilities on Suwannee River Water Management District lands.

A copy of the agenda may be obtained by contacting: Gwen Lord, Administrative Assistant, SRWMD, 9225 CR 49, Live Oak, FL 32060.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting Gwen Lord at (386)362-1001. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Gwen Lord at (386)362-1001 or 1(800)226-1066 (Florida only).

The **Suwannee River Water Management District** announces the following public meeting to which all interested persons are invited.

DATE AND TIME: August 7, 2007, 7:00 p.m. – 9:00 p.m.

PLACE: Union County Courthouse, 55 West Main Street, Commissioners Room, Lake Butler, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Receive public comment on the recommended minimum flows and levels (MFLs) for the Upper Santa Fe River.

A copy of the technical document is available on the District's website (www.mysuwanneeriver.com) or may be obtained by writing: SRWMD, Attn. John Good, 9225 CR 49, Live Oak, Florida 32060.

Florida Statutes require that MFLs (water levels and/or flows designed to prevent significant harm to water resources) be established for water bodies. The Suwannee River Water Management District has gathered technical data and information to develop MFLs for the Upper Santa Fe River. MFLs help in the water supply planning process and in determining water availability for consumptive use purposes.

Persons with disabilities who need assistance in order to participate in this meeting may contact John Good, (386)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

The **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

DATE AND TIME: August 14, 2007, 9:00 a.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – to consider District business, and conduct public hearings on regulatory and land acquisition matters.

Public hearing in accordance with Section 373.59, F.S., concerning the proposed acquisition of the Robert Tisdale/Manatee Springs Addition Conservation Easement, 80 acres +/- in Levy County, with funds from the Florida Forever Trust Fund; also the proposed acquisition of the Albert Levings/Fort White Wellfield Parcel, 100 acres +/- located in Columbia County, with funds from the Florida Forever Trust Fund; also the proposed surplus and sale of 536 acres +/- of District property in Columbia County to Albert Levings; also the proposed acquisition of the Derwood Sheppard/Manatee Springs Addition Conservation Easement, 120-acres +/- in Levy County, with funds from the Florida Forever Trust Fund; also the proposed acquisition of the B. Larry Smith/Suwannee Gardens Addition, 48 Acres +/- in Dixie County, with funds from the Florida Forever Trust Fund.

A workshop will follow the Governing Board Meeting.

A copy of the agenda(s) may be obtained by writing: SRWMD, 9225 CR 49, Live Oak, Florida 32060.

If any person decides to appeal any decision with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance in order to participate in this meeting may contact Lisa Cheshire, (386)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, August 6, 2007, 3:30 p.m.

PLACE: East Hernando Branch Library, 6457 Windmere Road, Brooksville, Florida 34602

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of task force business for the Hernando County Task Force of the Citrus/Hernando Waterways Restoration Council. Hernando County residents are encouraged to attend and provide suggestions for restoration projects to enhance fish and wildlife habitat.

A copy of the agenda may be obtained by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604, (352)796-7211 or 1(800)423-1476 (Florida only), extension 4227.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting 1(800)423-1476 (Florida), or (352)796-7211, extension 4226, Fax (352)797-5806, TDD ONLY 1(800)231-6103 (Florida). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: August 8, 2007, 9:00 a.m.

PLACE: Indian Rock Beach Auditorium

GENERAL SUBJECT MATTER TO BE CONSIDERED: PINELLAS-ANCLOTE RIVER BASIN BOARD MEETING: CANCELLED Ad Order 62149.

A copy of the agenda may be obtained by contacting: SWFWMD Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or (352)796-7211, extension 4606.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the General Services Department at 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact SWFWMD Executive Department at the address above.

The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: August 9, 2007, 9:30 a.m.
PLACE: Tampa Service Office, Tampa, FL
GENERAL SUBJECT MATTER TO BE CONSIDERED:
ALAFIA RIVER BASIN BOARD MEETING: CANCELLED
Ad Order 62149.

A copy of the agenda may be obtained by contacting:
SWFWMD Executive Department, 2379 Broad Street,
Brooksville, Florida 34604, 1(800)423-1476 (Florida) or
(352)796-7211, extension 4606.

If any person decides to appeal any decision made by the
Board with respect to any matter considered at this meeting or
hearing, he/she will need to ensure that a verbatim record of
the proceeding is made, which record includes the testimony
and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities
Act, any person requiring special accommodations to
participate in this workshop/meeting is asked to advise the
agency at least 5 days before the workshop/meeting by
contacting the General Services Department at
1(800)423-1476 (Florida) or (352)796-7211, extension 4527,
TDD only 1(800)231-6103. If you are hearing or speech
impaired, please contact the agency using the Florida Relay
Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact the SWFWMD
Executive Department at the address above.

The **Southwest Florida Water Management District**
(SWFWMD) announces a public meeting to which all persons
are invited.

DATE AND TIME: August 9, 2007, 1:30 p.m.
PLACE: Tampa Service Office, Tampa, FL
GENERAL SUBJECT MATTER TO BE CONSIDERED:
NORTHWEST HILLSBOROUGH BASIN BOARD
MEETING: CANCELLED Ad Order 62149.

If any person decides to appeal any decision made by the
Board with respect to any matter considered at this meeting or
hearing, he/she will need to ensure that a verbatim record of
the proceeding is made, which record includes the testimony
and evidence from which the appeal is to be issued.

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

The **Southwest Florida Water Management District**
(SWFWMD) announces a public meeting to which all persons
are invited.

DATE AND TIME: August 10, 2007, 9:30 a.m.
PLACE: Bartow Service Office, Bartow, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:
PEACE RIVER BASIN BOARD MEETING: CANCELLED
Ad Order 62149.

A copy of the agenda may be obtained by contacting:
SWFWMD Executive Department, 2379 Broad Street,
Brooksville, Florida 34604, 1(800)423-1476 (Florida) or
(352)796-7211, extension 4606.

Pursuant to the provisions of the Americans with Disabilities
Act, any person requiring special accommodations to
participate in this workshop/meeting is asked to advise the
agency at least 5 days before the workshop/meeting by
contacting the General Services Department at
1(800)423-1476 (Florida) or (352)796-7211, extension 4527,
TDD only 1(800)231-6103. If you are hearing or speech
impaired, please contact the agency using the Florida Relay
Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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 SWFWMD Executive
Department at the address above.

The **South Florida Water Management District** announces a
public meeting to which all persons are invited.

Governing Board Committee Meetings, Workshop and
Meeting

Audit and Finance Committee Meeting
DATE AND TIME: August 8, 2007, 9:00 a.m.
PLACE: SFWMD Headquarters, Building B-1, 3301 Gun Club
Road, West Palm Beach, Florida 33416

Human Resources Committee Meeting
DATE AND TIME: August 8, 2007, Immediately following
Audit and Finance Committee Meeting
PLACE: SFWMD Headquarters, Building B-1, 3301 Gun Club
Road, West Palm Beach, Florida 33416

Project and Lands Committee Meeting
DATE AND TIME: August 8, 2007, Immediately following
Human Resources Committee Meeting
PLACE: SFWMD Headquarters, Building B-1, 3301 Gun Club
Road, West Palm Beach, Florida 33416

Workshop
DATE AND TIME: August 8, 2007, 1:00 p.m.
PLACE: SFWMD Headquarters, Building B-1, 3301 Gun Club
Road, West Palm Beach, Florida 33416

Meeting
DATE AND TIME: August 9, 2007, 9:00 a.m.
PLACE: SFWMD Headquarters, Building B-1, 3301 Gun Club
Road, West Palm Beach, Florida 33416

All or part of these meetings may be conducted as a teleconference in order to permit maximum participation by Governing Board members. Governing Board action may be taken at the Governing Board Workshop or Meeting. If Workshop items are not discussed on 8/8, the items may be discussed on 8/9

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board to discuss and consider District business, including regulatory and non-regulatory matters and may include an amendment to the District's Fiscal Year 2007 budget to revise revenues and expenditures.

A copy of the agenda may be obtained by contacting: Jacki McGorty, (561)682-2087, or at https://my.sfwmd.gov/portal/page?_pageid=2574,13014318&_dad=portal&_schema=PORTAL.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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

For more information, you may contact the District Clerk's office at (561)682-2087.

The **South Florida Water Management District** announces a private closed door attorney-client session.

DATE AND TIME: Wednesday, August 8, 2007, 9:00 – Completed

PLACE: South Florida Water Management District Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

DATE AND TIME: Thursday, August 9, 2007, 9:00 a.m. – Completed

PLACE: South Florida Water Management District Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2006) to discuss strategy related to litigation expenditures in Friends of the Everglades, Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 02-80309-CV-Altonaga/Turnoff; Miccosukee Tribe of Indians of Florida v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 98-6056-CIV-Lenard/Klein; and Friends of the Everglades

v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 98-6057-CIV-Lenard/Klein. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, M. Collins, C. Dauray, S. Estenoz, N. Gutiérrez, M. Meeker, P. Rooney, H. Thornton; Executive Director C. Wehle; District attorneys S. Wood, S. Echemendia, S. Nall, C. Kowalsky, R. Panse, J. Nutt.

A copy of the agenda may be obtained by contacting the District Clerk's Office at (561)682-2087 or www.sfwmd.gov.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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

For more information, you may contact the District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a private closed door attorney-client session.

DATE AND TIME: Wednesday, August 8, 2007, 9:00 – Completed

PLACE: South Florida Water Management District Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

DATE AND TIME: Thursday, August 9, 2007, 9:00 a.m. – Completed

PLACE: South Florida Water Management District Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2006) to discuss strategy related to litigation expenditures in Pietrucha v. South Florida Water Management District, 15th Judicial Circuit, Palm Beach County, Case No. 50-2005 CA 006879 – Kelley. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, M. Collins, C. Dauray, S. Estenoz, N. Gutiérrez, M. Meeker, P. Rooney, H. Thornton, M. Wade; Executive Director C. Wehle; District attorneys S. Wood, S. Echemendia, S. Nall, C. Kowalsky, R. Panse, S. Eisenberg, E. Gordon.

A copy of the agenda may be obtained by contacting the District Clerk's Office at (561)682-2087 or www.sfwmd.gov.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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

For more information, you may contact the District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a private closed door attorney-client session.

DATE AND TIME: Wednesday, August 8, 2007, 9:00 – Completed

PLACE: South Florida Water Management District Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

DATE AND TIME: Thursday, August 9, 2007, 9:00 a.m. – Completed

PLACE: South Florida Water Management District Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2006) to discuss strategy related to litigation expenditures in South Florida Water Management District v. Snow et al., Circuit Court, 20th Judicial Circuit, Lee County, Florida, Case No. 03-CA-1771-McIver. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, M. Collins, C. Dauray, S. Estenoz, N. Gutiérrez, M. Meeker, P. Rooney, H. Thornton, M. Wade; Executive Director C. Wehle; District attorneys S. Wood, S. Echemendia, S. Nall, C. Kowalsky, R. Panse, E. Artau.

A copy of the agenda may be obtained by contacting the District Clerk's Office at (561)682-2087 or www.sfwmd.gov.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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

For more information, you may contact the District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a private closed door attorney-client session.

DATE AND TIME: Wednesday, August 8, 2007, 9:00 – Completed

PLACE: South Florida Water Management District Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

DATE AND TIME: Thursday, August 9, 2007, 9:00 a.m. – Completed

PLACE: South Florida Water Management District Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2006) to discuss strategy related to litigation expenditures in United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, M. Collins, C. Dauray, N. Gutiérrez, M. Meeker, P. Rooney, H. Thornton; Executive Director C. Wehle; District attorneys S. Wood, S. Echemendia, S. Nall, C. Kowalsky, R. Panse, K. Burns.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained by contacting the District Clerk's Office at (561)682-2087 or www.sfwmd.gov.

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

contacting the District Clerk's Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact the District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

Quarterly meeting of the Everglades Technical Oversight Committee (TOC)

DATE AND TIME: August 28, 2007, 10:00 a.m.

PLACE: South Florida Water Management District Headquarters, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Everglades Technical Oversight Committee (TOC).

A copy of the agenda may be obtained by contacting (1) District Website http://www.sfwmd.gov/org/ema/toc/draft_agenda.html or (2) by writing to: South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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

For more information, you may contact the District Clerk's Office at (561)682-2087.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces an Executive-Personnel Committee meeting to which all persons are invited.

DATE AND TIME: Monday, August 6, 2007, 9:00 a.m. – until completion

PLACE: Renaissance Orlando Resort at Sea World, 6677 Sea Harbor Drive, Orlando, FL 32821, (407)351-5555. Conference Call Number: 1(888)808-6959, Conference Code: 34767

GENERAL SUBJECT MATTER TO BE CONSIDERED: To address regular Committee Business.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact Nikki Smith at the following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435.

The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a Commission Business Meeting to which all persons are invited.

DATE AND TIME: Monday, August 6, 2007, 10:00 a.m. – until completion

PLACE: Renaissance Orlando Resort at Sea World, 6677 Sea Harbor Drive, Orlando, FL 32821, (407)351-5555, Conference Call Number: 1(888)808-6959, Conference Code: 34767.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To address regular Commission business.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact Nikki Smith at the following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435.

The meeting is subject to change upon chairperson's request.

DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs, Division of State Wide Community-Based Services** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, August 7, 2007, 9:00 a.m. – 4:30 p.m.

PLACE: Department of Health, 4025 Esplanade Way, Conference Room 301, Tallahassee, Florida 32399-7000

GENERAL SUBJECT MATTER TO BE CONSIDERED: Capitation rate methodology and new contract revisions effective September 1, 2007 for long-term care community diversion project providers.

A copy of the agenda may be obtained by contacting: Vicky Sexton, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000, Suncom 994-2000, email: sextonv@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: Vicky Sexton, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000, Suncom 994-2000, email:

sextonv@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: Vicky Sexton, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000, Suncom 994-2000, email: sextonv@elderaffairs.org.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a telephone conference call to which all persons are invited.

DATE AND TIME: August 20, 2007, 1:00 p.m. – 4:00 p.m.

PLACE: Dial-In Number 1(877)328-7346, Conference ID #6321480

GENERAL SUBJECT MATTER TO BE CONSIDERED: Medicaid Reform Technical Advisory Panel Teleconference.

A copy of the agenda may be obtained by contacting Susan Dilmore at dilmores@ahca.myflorida.com.

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: September 14, 2007, 1:00 p.m. – 4:00 p.m.

PLACE: 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee FL 32308. Dial-In Number 1(877)328-7346, Conference ID #10274937.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Medicaid Reform Technical Advisory Panel Meeting.

A copy of the agenda may be obtained by contacting Susan Dilmore at dilmores@ahca.myflorida.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Florida Mobile Home Relocation Corporation** announces a meeting of its Board of Directors. The board will consider mobile home applications for abandonment and relocation compensation due to evictions as a result of a change in land use.

DATE AND TIME: Wednesday, August 10, 2007, 9:30 a.m.

PLACE: Shady Lane Oaks, 15777 Bolesta Rd., Clearwater, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Florida Mobile Home Relocation Corporation. Review of mobile home owner applications for compensation for relocation and/or abandonment due to change in land use, and such other business as may come before the board. A schedule for future meetings will be determined.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Janet Garrett at 1(888)862-7010.

Additional information may be obtained by contacting Janet Garrett, Executive Director, FMHRC, P. O. Box 14125, Tallahassee, FL 32317-4125, 1(888)862-7010.

The Florida **Board of Architecture and Interior Design** announces a telephone conference call to which all persons are invited.

DATE AND TIME: August 9, 2007, 10:00 a.m.

PLACE: Conference Call: 1(888)808-6959 (Toll Free), Conference Code 9218690

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Florida Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0751.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the Florida Board of Architecture and Interior Design at (850)487-8304. If you are 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 Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0751.

The Florida **Board of Architecture and Interior Design** announces a telephone conference call to which all persons are invited.

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

PLACE: Conference Call: 1(888)808.6959, Conference Code 9218690

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Florida Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0751.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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

contacting the Florida Board of Architecture and Interior Design at (850)487-8304. If you are 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 Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0751.

The Probable Cause Panel of the **Florida Real Estate Commission** announces a meeting to which all interested persons are invited.

DATE AND TIME: Monday, August 13, 2007, 2:00 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 901N, 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.

Any person who desires a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate at (407)245-0800 (between the hours of 8:30 a.m. – 4:00 p.m.), at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Division using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Real Estate Commission** (FREC) announces a public meeting to which all persons are invited.

DATES AND TIME: Tuesday, August 14, 2007; Wednesday, August 15, 2007, 8:30 a.m.

PLACE: Division of Real Estate, Conference Room N901, North Tower, 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.

If a person decides to appeal a decision made by the Commission, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required.

A copy of the agenda may be obtained by writing to: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation at (407)245-0800, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

The **Department of Environmental Protection**, Orange Creek Basin Total Maximum Daily Load (TMDL) Working Group announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 2, 2007, 9:30 a.m.

PLACE: Gainesville Regional Utilities, 1st Floor, Conference Room, 301 S. E. 4th Avenue, Gainesville, Florida 32601

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Orange Creek Basin (OCB) TMDL Working Group was formed to provide a forum for stakeholders to discuss issues related to the OCB TMDLs, including development, allocation, and implementation of the TMDLs. Topics for this meeting include continuing discussion of the Orange Creek Basin Management Action Plan and scheduling of BMAP briefings and public meetings.

A copy of the agenda may be obtained by contacting: Ms. Mary Paulic, Department of Environmental Protection, 2600 Blair Stone Road, Watershed Planning and Coordination Section, MS 3565, Tallahassee, Florida 32399-2400 or by calling her at (850)245-8560.

Pursuant to the provisions of 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. Mary Paulic at (850)245-8560. If you are 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 **Suwannee River Wilderness Trail** announces a public meeting to which all persons are invited.

DATE AND TIME: August 8, 2007, 10:00 a.m.

PLACE: Branford Shrine Club, the intersection of Owens and Trail Streets (behind Sister's Restaurant) 1 block off Hwy. 129 on the banks of the river, Branford Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Suwannee River Wilderness Trail – Trail Progress and updates along the Wilderness Trail.

A copy of the agenda may be obtained by contacting Amy Thompson at 1(800)868-9914 or amy.thompson@dep.state.fl.us.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting Amy Thompson at 1(800)868-9914 or amy.thompson@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Amy Thompson at 1(800)868-9914 or amy.thompson@dep.state.fl.us.

The **Department of Environmental Protection** announces a workshop on Rule 62-304.725, F.A.C., Southeast Coast Basin TMDLs, to which all persons are invited.

DATE AND TIME: Wednesday, August 22, 2007, 9:30 a.m.

PLACE: Fern Forest Nature Center, 201 South Lyons Road, Coconut Creek, Florida 33063

GENERAL SUBJECT MATTER TO BE CONSIDERED: NOTICE OF PUBLIC WORKSHOP AND PUBLIC COMMENT PERIOD FOR DRAFT TOTAL MAXIMUM DAILY LOADS FOR IMPAIRED WATERS IN THE SOUTHEAST COAST BASIN.

The Department of Environmental Protection gives notice of a public workshop and public comment period on draft total maximum daily loads (TMDLs) for Pompano Canal, which is in the Southeast Coast basin. The TMDLs to be presented at the public workshop are for Total Nitrogen and Total Phosphorus.

The public workshop is being held pursuant to Section 403.067(6)(d), F.S., which requires the Department to hold at least one public workshop in the vicinity of the water body or water body segment for which a TMDL is being developed. TMDL calculations and allocations for each water body or water body segment will be adopted by rule, by the Secretary of the Department, pursuant to Sections 120.536(1), 120.54, and 403.805, F.S. The public workshop is part of the TMDL development and adoption process, as authorized by Section

403.067, F.S., and anyone wishing to comment as to the development and adoption of the TMDLs is encouraged to attend.

Public Comment Period

The draft TMDL document for Pompano Canal will be placed on the Department's TMDL website <http://www.dep.state.fl.us/water/tmdl> by July 27, 2007, and will be provided upon request to interested parties by mail or via e-mail distribution. To request a copy of the draft TMDL document, contact Dr. T.S. Wu at the mailing address below or call (850)245-8457. The Department will accept written comments on the draft TMDLs through August 31 or for 30 days after they are posted, whichever date is later. The purpose of the comment period is to provide an opportunity for public participation in lieu of, or in addition to, participation in the public workshop on the draft TMDLs. Any and all written comments should be directed to: Jan Mandrup-Poulsen, Environmental Administrator, Watershed Assessment Section, Florida Department of Environmental Protection, Mail Station 3555, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Written comments may also be provided by e-mail directed to: jan.mandrup-poulsen@dep.state.fl.us.

A copy of the agenda may be obtained by contacting: Ms. Pat Waters, Watershed Assessment Section, MS 3555, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or by calling (850)245-8449.

Pursuant to the provisions of 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. Pat Waters at (850)245-8449. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF HEALTH

The **Council on Physician Assistants** announces a meeting to which all persons are invited.

DATE AND TIME: Thursday, August 9, 2007, 3:00 p.m. or soon thereafter

PLACE: Embassy Suites, 1100 S. E. 17th Street, Ft. Lauderdale, FL 33316, (954)527-2700

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Council.

A copy of the agenda may be obtained by writing to: JoAnne Trexler, Supervisor/Consultant, Council on Physician Assistants, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

If any person decides to appeal any decision made by the Council 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.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Council on Physician Assistants, (850)245-4131 at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Council on Physician Assistants the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Nursing**, South PCP announces a telephone conference call to which all persons are invited.

DATE AND TIME: August 16, 2007, 5:30 p.m.

PLACE: Department of Health, Tallahassee at Meet Me Number 1(888)808-6959, Code 2458182

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda may be obtained by contacting: Rick García, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Department of Health, Board of Physical Therapy** announces a public meeting to which all persons are invited.

DATES AND TIMES: September 13, 2007, 4:00 p.m. or soon thereafter; September 14, 2007, 8:00 a.m. or soon thereafter

PLACE: Hampton Inn and Suites, 19 South 2nd Street, Fernandina Beach, FL 32034, (904)494-4911

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting and General Business Meeting.

A copy of the agenda may be obtained by contacting: Department of Health, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin C05, Tallahassee, FL 32399-3255 or by calling the board office at (850)245-4373, ext. 3467.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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

The **Board of Speech-Language Pathology and Audiology** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 16, 2007, 9:00 a.m. or soon thereafter

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

A copy of the agenda may be obtained by contacting: Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, Bin C-06, Tallahassee, Florida 32399-3256.

Please note, that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Board of Speech-Language Pathology and Audiology, (850)245-4161 at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Department of Health, Division of Health Access and Tobacco** announces a public physician workforce development conference call to which all persons are invited.

DATE AND TIME: Wednesday, August 8, 2007, 10:00 a.m. – 12:00 Noon

PLACE: Via Conference Call, number 1(888)808-6959, Code 2454144

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss implementation and planning of the Florida physician workforce project.

A copy of the agenda or additional information may be obtained by writing to: Division of Health Access and Tobacco, Department of Health, 4052 Bald Cypress Way, Bin C-18, Tallahassee, FL 32399-1738 or by calling Jessica Rivenbark at (850)245-4446, ext 2711.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment, should contact the Division of Health Access and Tobacco, (850)245-4446, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Division of Health Access and

Tobacco using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Department of Health, Division of Health Access and Tobacco** announces a public physician workforce development conference call to which all persons are invited. DATES AND TIME: Wednesday, August 14, 2007, 10:00 a.m. – 12:00 Noon

PLACE: Via Conference Call, number 1(888)808-6959, Code 2454144

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss implementation and planning of the Florida physician workforce project.

A copy of the agenda or additional information may be obtained by writing to the Division of Health Access and Tobacco, Department of Health, 4052 Bald Cypress Way, Bin C-18, Tallahassee, FL 32399-1738 or by calling Jessica Rivenbark at (850)245-4446, ext 2711.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment, should contact the Division of Health Access and Tobacco, (850)245-4446, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Division of Health Access and Tobacco using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Heart of Florida Community Alliance of the **Department of Children and Family Services**, District 14 announces the following public meeting to which all persons are invited.

Meeting

DATE AND TIME: August 1, 2007, 2:30 p.m. – 4:00 p.m.

PLACE: United Way of Central Florida, 5605 U.S. Hwy. 98 S., Highland City, FL 33846

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.

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact Diane S. Dvorak, (863)619-4148, at least five days prior to the meeting. If you are hearing or speech-impaired, please contact the Agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

For more information, please contact: Diane S. Dvorak, Community Relations, 4720 Old Hwy. 37, Lakeland, FL 33813, (863)619-4148.

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: August 14, 2007, 10:00 a.m. (Tallahassee Local Time)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition and rehabilitation of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Boynton Bay, a 240-unit multifamily residential rental development located at 499 Boynton Bay Circle, Boynton Beach, Palm Beach County, FL 33435. The prospective owner and operator of the proposed development is Boynton Bay, Ltd., 1301 S. W. 10th Avenue, Bldg. J, Delray Beach, FL 33444, or such successor in interest in which Auburn Development, LLC, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is Auburn Management, Inc., 1301 S. W. 10th Avenue, Bldg. J, Delray Beach, FL 33444. The total tax-exempt bond amount is not to exceed \$17,690,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee Local Time), August 13, 2007, and should be addressed to the attention of Wayne Conner, Deputy Development Officer. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

A copy of the agenda may be obtained by contacting Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation at (850)488-4197.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Affordable Housing Study Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: September 7, 2007, 8:30 a.m. – 10:00 a.m. (Times subject to change)

PLACE: Omni Orlando Resort at Champions Gate, 1500 Masters Blvd., Champions Gate, FL 33896, (407)238-6674

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will present its 2007 final report, which includes findings and recommendations from the Commission's 2006-2007 study of the State Housing Initiatives Partnership (SHIP) program.

A copy of the agenda may be obtained by contacting our website at www.floridahousing.org/ahsc.

Pursuant to the provisions of 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 Odetta MacLeish-White at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

FISH AND WILDLIFE CONSERVATION COMMISSION

The **Fish and Wildlife Conservation Commission** announces a hearing on Rules 68E-1.002, Introduction, Scope and Definitions, 68E-1.004, General Permit Application Procedures, Requirements and Expiration, 68E-1.0041, Authorizations for Marine Turtle Research, Conservation, and Educational Activities, 68E-1.005, Suspension, Revocation and Penalties, F.A.C., to which all persons are invited.

DATES AND TIME: During the Commission's regular meeting September 12-14, 2007, 8:30 a.m. – 5:00 p.m.

PLACE: Hilton, 333 First Street South, St. Petersburg, FL 33701

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a Final Public Hearing on the adoption of proposed amendments to Rules 68E-1.002, 68E-1.004, 68E-1.0041, 68E-1.005, F.A.C., published on February 9, 2007 in Vol. 33, No. 06 of the F.A.W. The amendments require state authorization for all activities with threatened and endangered marine turtles, including nesting surveys, stranding work,

research, captive facilities, and educational display. A hearing was held before the Commission on April 11, 2007. The rule amendments are being brought before the Commission in response to a petition challenging the proposed amendments and comments provided by the Joint Administrative Procedures Committee.

A copy of the agenda may be obtained by contacting: Kathleen Hampton, Florida Fish and Wildlife Conservation Commission, 620 S. Meridian St., Tallahassee, FL 32399-1600 or by visiting <http://myfwc.com/commission/index.html>.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Mr. Jim Antista, General Counsel, 620 South Meridian Street, Tallahassee, Florida 32399-1600 or (850)487-1764.

FINANCIAL SERVICES COMMISSION

The **Financial Services Commission** announces a public hearing to which all persons are invited.

DATE AND TIME: August 14, 2007, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed new Rule 690-167.015, Florida Administrative Code, published on May 25, 2007 in Vol. 33, No. 21, of the F.A.W. No notice of change was published.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting Chris Bailey at e-mail chris.bailey@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE FULL TEXT OF THE PROPOSED RULE IS:

690-167.015 Home Structure Rating System Adopted.

(1) The Home Structure Rating System dated March 30, 2007, is hereby adopted as the Uniform Home Grading Scale and is incorporated by reference.

(2) The report is available for viewing or download at www.Floir.com/HomeStructureRatingSystem.htm.

Specific Authority 624.308(1) FS., Ch. 2007-1, Laws of Florida, Section 40 FS., Ch. 2006-12, Laws of Florida, Section 39 FS. Law Implemented 624.307(1) FS., Ch. 2007-1, Laws of Florida, Section 40 FS. History–New _____

A copy of the agenda may be obtained by contacting the Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>. The agenda should be available approximately one week before the cabinet meeting.

The **Financial Services Commission** announces a hearing to which all persons are invited.

DATE AND TIME: August 23, 2007, 9:30 a.m. – 2:00 p.m.
 PLACE: The Capitol, Senate Office Building, Room 301, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the hearing is to consider the actions needed to do the following: improve the oversight of the title industry and consumers ability to shop for title insurance; strengthen the regulation of affiliated business arrangements; and better protect Florida consumers by the publication of complete title insurance cost information, discounts, and retention data.

A copy of the agenda may be obtained by contacting Susan Dawson at e-mail: Susan.Dawson@fldfs.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 Susan Dawson, Assistant General Counsel at e-mail: Susan.Dawson@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Susan Dawson, Assistant General Counsel at e-mail: Susan.Dawson@fldfs.com.

SOIL AND WATER CONSERVATION DISTRICTS

The **Broward Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: August 1, 2007, 5:00 p.m.
 PLACE: 6191 Orange Drive, Suite 6181-P, Davie, Florida 33314

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a regular meeting of the Board of Supervisors, Broward Soil and Water Conservation District. Decisions may be made by the Board of Supervisors.

A copy of the agenda may be obtained by contacting russell.setti@browardswcd.org.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of 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. If you are 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 russell.setti@browardswcd.org.

The **Orange Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: August 8, 2007, 4:00 p.m.
 PLACE: Orange County Administration Building 201 South Rosalind Avenue, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business of the District, Regular Monthly Meeting.

A copy of the agenda may be obtained by contacting Lynne Pare' at (407)254-9844 or lynne.pare@ocfl.net.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

ADVOCACY CENTER FOR PERSONS WITH DISABILITIES, INC.

The **Advocacy Center for Persons with Disabilities, Inc.**, Florida's Protection and Advocacy Program, Quarterly Board of Directors Joint Meeting with the Protection and Advocacy for Individuals with Mental Illness Advisory Council (PAIMI Council) announces a public meeting to which all persons are invited.

DATES AND TIMES: August 16, 2007, 3:00 p.m. – August 18, 2007, ending at 12:00 Noon
 PLACE: Embassy Suites Hotel – Ft. Lauderdale, Room: Causeway I-II&III, 1100 S. E. 17th Street, Ft. Lauderdale, Florida 33316, (954)527-2700

For additional information, please contact Dawn Williams/Paige Morgan or Leslie Evans at (850)488-9071, ext. 218/219 or 231. If you are a person with a disability who needs

accommodation in order to attend this meeting, please contact the Advocacy Center for Persons with Disabilities, Inc., 2728 Centerview Drive, Suite 102, Tallahassee, Florida 32301, (850)488-9071. If you are hearing and/or voice impaired, please call 1(800)346-4127.

A copy of the agenda may be obtained by contacting Paige Morgan or Leslie Evans at (850)488-9071, ext. 219 or 231.

Section VII

Notices of Petitions and Dispositions Regarding Declaratory Statements

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT that the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Oaklee Grove Condominium Association, Inc.; Docket No. 2007034149. The petition seeks the agency's opinion as to the applicability of as it applies to the petitioner.

Whether the board of directors of Oaklee Grove Condominium Association, Inc., a unit owner controlled land condominium, may vote the units, to which it reacquired title to establish a quorum or conduct association business, including settlement litigation?

A copy of the Petition for Declaratory Statement may be obtained by contacting: the Division Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT Board of Chiropractic Medicine has declined to rule on the petition for declaratory statement filed by United Automobile Insurance Co. on May 7, 2007. The following is a summary of the agency's declination of the petition:

The Board of Chiropractic Medicine considered the Petition at its meeting held on June 8, 2007, in Fort Lauderdale, Florida. The Board's Order, filed on June 20, 2007, denies the Petition for Declaratory Statement, finding that there is no statutory authority allowing an agency to render a prior Final Order Declaratory Statement null and void. Additionally, the Board found that the prior declaratory statement is limited to the facts that were presented to it in the petition upon which the Board based its Final Order.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3257. Please refer all comments to: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3257.

NOTICE IS HEREBY GIVEN THAT Board of Orthotists and Prosthetists has received the petition for declaratory statement from BSN Medical Inc. The petition seeks the agency's opinion as to the applicability of Section 468.80, et.seq. F.S. as it applies to the petitioner.

The Petitioner seeks the Board's interpretation of the application to the manufacture of its products of various related sections of Florida Statutes found in Chapter 468, Part XIV, Orthotics, Prosthetics, and Pedorthics. Specifically, the Petitioner requests that for reasons detailed in the Petition, the Board issue a Declaratory Statement determining that Section 468.80, et.seq. (the "Orthotics Statutes") F.S., do not apply to BSN Products. This Petition will be considered by the Board at its meeting on August 10, 2007.

DEPARTMENT OF FINANCIAL SERVICES

The Department of Financial Services, Division of State Fire Marshal, has received a Petition for Declaratory Statement filed April 16, 2007, from Hernando County Development Department, Petitioner. The Petition requested a declaratory statement relating to F.S. 489 Part II, Section 489.503(4), F.S. 553.79(1); National Electric Code, Article 90.2(A)(2). After

the Petition was reviewed, published in the F.A.W., and copy provided to JAPC, the Petitioner was telephoned to advise that the Petition would be denied because the Department had no jurisdiction over the statutes and rules cited. And the Petition was withdrawn by the Petitioner.

Please refer all comments to: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604, or (850)413-4238, Fax number (850)922-1235 or (850)488-0697.

The Department of Financial Services, Division of State Fire Marshal, has received a Petition for Declaratory Statement filed May 8, 2007, from Tampa Armature Works, Petitioner. The Petition requested a declaratory statement relating to Sections 633.021(8) and 633.539, Florida Statutes. After the Petition was reviewed, published in the FAW, and copy provided to JAPC, the Petitioner was telephoned to get additional information so that question could be answered. Called Petitioner again with the probable answer and offered to send him an application. The Petition was withdrawn by the Petitioner.

Please refer all comments to: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604, or (850)413-4238, Fax number (850)922-1235 or (850) 488-0697.

NOTICE IS HEREBY GIVEN that the Department of Financial Services, Division of State Fire Marshal, has filed a Final Order of Denial of Petition for Declaratory Statement on July 17, 2007, in RE: Petition for Declaratory Statement, Fire Brigade Alarm Systems, David Perna, Case #89758, thus closing this file.

Please refer all comments to: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, FL 32399-0340.

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:

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

The Hospice of the Florida Suncoast, Inc. vs. Agency for Health Care Administration; Case No.: 07-2906RX; Rule No.: 59C-1.0355

Lifepath Hospice and Palliative Care, Inc. vs. Agency for Health Care Administration; Case No.: 07-3021RX; Rule No.: 59C-1.0355(4)(d)3.

Jeffrey P. Hilowitz, O.D. vs. Board of Optometry; Case No.: 07-2915RX; Rule No.: 64B13-4.001

Ty Fischer and Jody Fischer, as parents, legal guardians and next friends of Erica Fischer, a minor, and Lucas Fischer, a minor; Stephen W. Zeise and Joanne Zeise, as parents, legal guardians and next friends of Diane Elizabeth Zeise ET AL. vs. Orange County School Board; Case No.: 07-2760RU

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

Jessica Henderson vs. Department of Children and Family Services; Case No.: 07-1933RP; Rule No.: 65A-1.205; Voluntarily Dismissed

Chicago Title Insurance Company, Fidelity National Title Insurance Company, Security Union Title Insurance Company, Tigor Title Insurance Company and Tigor Title Insurance Company of Florida vs. Office of Insurance Regulation and the Financial Services Commission; Case No.: 06-5105RP; Rule No.: 69O-186.013; Dismissed

Sacred Heart Health System, Inc., d/b/a Sacred Heart Hospital on the Emerald Coast vs. Agency for Health Care Administration and Fort Walton Beach Medical Center, Inc.; Case No.: 03-2871; Voluntarily 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

REQUEST FOR BID

The University of Florida, Purchasing & Disbursement Services will receive sealed bids for the following: ITB08SV-209, UF/IFAS SANITARY SEWER AND WATER SYSTEM IMPROVEMENTS, estimated budget: \$625,000, to be opened September 11, 2007, at 2:00 p.m. (Local Time), at the University of Florida, Elmore Hall Conference Room, Radio Road, Gainesville, Florida. Scope of work: Installation of a packaged wastewater treatment plant, waste lines, lift station, and abandonment/demolition of existing septic systems. Mandatory Pre-Bid Meeting to be held August 28, 2007, at 10:00 a.m., in Building 8252, located at Tropical Research and Education Center, 18905 S. W. 280th Street, Homestead, FL. Specifications and Plans are available in Purchasing and Disbursement Services, Elmore Hall, Radio Road, Gainesville, FL 32611. All questions and bid document requests should be directed to Karen Olitsky, Purchasing and Disbursement Services, kolitsk@ufl.edu or (352)392-1331, ext. 224. For more information visit www.purchasing.ufl.edu. AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-Bid Meeting or the Bid opening, contact Purchasing, purchasing@ufl.edu or (352)392-1331 within three (3) days of the event.

REQUEST FOR BID – CONSTRUCTION SERVICES

PROJECT NAME: Bulkhead Improvements

PROJECT LOCATION: The Florida School for the Deaf and the Blind, 205 N. San Marco Avenue, St. Augustine, FL 32084-2799

The Florida School for the Deaf and the Blind (FSDB) requests bids from qualified construction firms for a bulkhead improvements project. The Base Bid includes all construction work relating to the replacement of the existing vinyl sheet pile bulkhead system with the new steel sheet pile bulkhead system, including a temporary wall termination. The Add Alternate Bid includes all construction work relating to the extension of the bulkhead replacement as a new bulkhead system, including the wall termination and drainage pipe outfalls.

Applicant must be a licensed general contractor in the State of Florida at the time of application. Further, if a corporation, the applicant must be registered by the Department of State, Division of Corporations, to operate in the State of Florida at the time of application.

For a bid packet contact John Connor, FSDB Purchasing Director at (904)827-2356 or email Connorj@fsdb.k12.fl.us

Submit sealed bids to: The Florida School for the Deaf and the Blind, Attn: John Connor, Purchasing Director, Bulkhead Improvements Project, Building #28 Stores and Receiving, 207 North San Marco Avenue, St. Augustine, FL 32084-2799.

Response Due Date: Tuesday, August 28, 2007, no later than 2:00 p.m.

The bid results will be posted at FSDB, Building #28 Stores and Receiving, 207 N. San Marco Ave., St. Augustine, FL and can be viewed during regular working days between the hours of 7:00 a.m. through 4:00 p.m. beginning 24 hours after each selection. Any protest of the selections must be made within 72 hours of the postings. Failure to file a protest within 72 hours (not including Saturday, Sunday, or a legal holiday) after posting shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. Final selection results will also be posted in the F.A.W.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

PRESENTATIONS / INTERVIEWS – CM005

CONSTRUCTION MANAGEMENT SERVICES FOR MAYO CORRECTIONAL INSTITUTION – ANNEX

The Department of Corrections has completed its evaluation of submittals, received in response to the above referenced project and will be conducting Presentations/Interviews with the top ranked firms.

The following are the three top rated firms, in order of ranking:

1. Balfour Beatty Construction, LLC
2. Peter Brown Construction, Inc.
3. Turner Construction Company

Presentations/Interviews will be held in room B356 at 2601 Blair Stone Road, Tallahassee, Florida on Thursday, August 2, 2007.

Presentation times are as follows:

- | | |
|-------------------------------------|---------------------------------------|
| 1. Peter Brown Construction, Inc. | 10:30 a.m. to 11:30 a.m. (Local time) |
| 2. Balfour Beatty Construction, LLC | 1:00 p.m. to 2:00 p.m. (Local time) |
| 3. Turner Construction Company | 2:30 p.m. to 3:30 p.m. (Local time) |

Persons planning to attend, not affiliated with the shortlisted firms, should contact Julyn Hussey, 410-4049 or Sandra Rogers at (850)922-8855 no later than Wednesday, August 1, 2007 by 12:00 Noon. If attending, be prepared to sign in at the security desk, surrender your driver's license, and receive a visitor's

identification badge. Upon arrival, request the security desk official contact Sandra Rogers or Julyn Hussey and you will be escorted to the room.

There will be No admittance after a Presentation/Interview has begun.

Be advised no interaction with the presenting firms or the committee members will be allowed.

Although this is a publicly noticed meeting, the public is not invited to and may not participate in any discussions held.

DEPARTMENT OF MANAGEMENT SERVICES

Notice of Bid/Request for Proposal

FOR CONSTRUCTION CONTRACTORS TO PROVIDE CONSTRUCTION MANAGEMENT AT RISK SERVICES REQUEST FOR QUALIFICATIONS (RFQ): The Department of Management Services, Division of Real Estate Development and Management, request qualifications for licensed general contractors, to submit for Construction Management at Risk services on the following project:

PROJECT NUMBER: DOE-26026000

PROJECT NAME: Daytona Beach District Office Remodeling

LOCATION: Daytona Beach Campus, Daytona Beach, Florida
ESTIMATED CONSTRUCTION BUDGET: \$850,000.00

The award will be made in accordance with Section 255.29, F.S., and the procedures and criteria of the Departments Division of Real Estate Development and Management. For details please visit the Department's website listed below and click on "Search Advertisements – Division of Real Estate Development and Management" http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

FLORIDA HOUSING FINANCE CORPORATION

Request for Proposals 2007-06

State Housing Initiatives Partnership (SHIP) Program and Hurricane Housing Recovery Program (HHRP) Compliance Monitoring Services

The Florida Housing Finance Corporation invites all qualified and interested parties wishing to provide compliance monitoring services in accordance with the terms and conditions of RFP 2007-06, to submit proposals for consideration. Proposals shall be accepted until 2:00 p.m. (Eastern Time), Friday, August 31, 2007, to the attention of: Robin L. Grantham, Contracts Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. For questions or additional

information, please contact Robin Grantham at (850)488-4197 or robin.grantham@floridahousing.org. To obtain a copy of the Request for Proposals, which outlines selection criteria and offeror's responsibilities, please submit your request to the attention of Robin L. Grantham, or you can download the Request for Proposals from the Florida Housing Finance Corporation web site at <http://www.floridahousing.org/Home/BusinessLegal/Solicitations/RequestForProposals.htm>.

Any modifications that occur to the Request for Proposals will be posted at the web site and may result in an extension of the deadline.

DAYTONA BEACH COMMUNITY COLLEGE

Notice of Bid/Request for Proposal

Advertisement for Engineering/Design Services

RFP #08-001

Pursuant to the provisions of Section 287.055, Florida Statutes, the "Consultants' Competitive Negotiations Act", Daytona Beach Community College hereby publicly announces it will consider qualified professional firms, registered to do work in the State of Florida, for a project requiring engineering/design services.

The project is the design of a Southwest Parking Lot on the Daytona Beach Campus. The scope of work will include demolition of existing 600 series buildings, site planning – including parking areas, storm-water drainage and contract administration. The estimated construction budget is \$1,250,000, inclusive of design fees.

Proposals are due by 12:00 Noon, August 8, 2007. Interested parties may obtain information by contacting the DBCC Facilities Planning Department at (386)506-4322 or by email to McReeD@dbcc.edu.

DEPARTMENT OF MILITARY AFFAIRS

REQUEST FOR BIDS

PROPOSALS ARE REQUESTED FROM QUALIFIED LICENSED GENERAL CONTRACTORS BY THE State of Florida, Department of Military Affairs HEREINAFTER REFERRED TO AS OWNER, FOR CONSTRUCTION OF:

PROJECT NUMBER: 206032 ACCOUNTING CODE: FARP 08
PROJECT NAME AND LOCATION: Renovations and Additions to the Palmetto National Guard Armory, 1107 14th Avenue West, Palmetto, Florida 34221-4544.

PREQUALIFICATION: Each bidder whose field is governed by Chapters 399, 455, 489, and 633 of the Florida Statutes, for licensure or certification must submit prequalification data of their eligibility to submit proposals ten (10) calendar days prior to the bid opening date. After the bid opening, the low bidder must qualify in accordance with Rule 60D-5.004, F.A.C. A copy of the requirements is included in the Non-Technical Specifications Level IV/V, Instructions to Bidders under Section B-2 "Bidder Qualification Requirements and

Procedures". Note: A completed experience questionnaire and financial statement form number DBC 5085 (Exhibit 3) must be submitted with bid.

Prior to contract award, the Department reserves the right to perform or have performed, an on-site review of the proposer's facilities and qualifications. This review will serve to verify data and representations submitted by the proposer and may be used to determine whether the proposer has an adequate, qualified, and experienced staff, and can provide overall management facilities. The review may also serve to verify whether the proposer has financial capability adequate to meet the contract requirements. Should the Department determine that the bid/proposal has material misrepresentations or that the size or nature of the proposer's facilities or the number of experienced personnel (including technical staff) are not adequate to ensure satisfactory contract performance, the Department has the right to reject the bid/proposal).

The respondent shall warrant that it has not employed or retained any company or person, other than a bona fide employee working solely for the respondent to solicit or secure the award for this project and that it has not paid or agreed to pay any person, company corporation, individual or firm other than a bona fide employee working solely for the respondent any fee, commission, percentage, gift or other consideration contingent upon or resulting from the award.

The respondent shall warrant that it presently has no interest and shall not acquire any interest which would conflict in any manner or degree with the performance of services required.

The respondent will comply with all applicable federal, state and local rules and regulations in providing services to the Department under this solicitation if awarded.

The employment of unauthorized aliens by any contractor/vendor is considered a violation of Section 274A(e) of the Immigration and Nationality Act. If a contractor/vendor employs unauthorized aliens, such violation shall be cause for rejection of bid/unilateral cancellation of a contract if awarded.

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

The STATE OF FLORIDA requires all Contractors to implement a drug free workplace program as defined in Section 287.087, Florida Statutes.

DISCRIMINATION; DENIAL OR REVOCATION FOR THE RIGHT TO TRANSACT BUSINESS WITH PUBLIC ENTITIES: An entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity.

BID SECURITY: Bids/Proposals in total excess of \$100,000.00, the bidder must provide with bid, a good faith deposit in the amount of 5% of the bid by way of a bid bond from a surety insurer authorized to do business in the STATE OF FLORIDA as surety or a certified check or cashier's check accompanying the bid.

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND'S are required from any persons or parties entering into a formal contract with the STATE OF FLORIDA for contracts in total excess of \$100,000.00 for construction, additions, renovations, repairs, or demolition of any public building pursuant to Florida Statute 255.05(1)(a).

PROCUREMENT RULES AND INFORMATION:

Contracting questions relating to this procurement should be addressed to:

Michele M. Dobbs, Contract Manager, Department of Military Affairs – CFMO, 2305 State Road 207, St. Augustine, Florida 32092, Telephone (904)823-0255 or 0256, Fax: (904)823-0189, e-Mail Address: Michele.dobbs1@fl.ngb.army.mil.

Technical questions relating to this project should be addressed to: Terry Miller, Architect/Engineer by email at tmiller@reparch.com.

INFORMATION WILL NOT BE AVAILABLE BY TELEPHONE. All information received through any oral communication shall not be binding on the Department of Military Affairs and shall not be relied upon by an offeror.

Pursuant to Section 287.057(26), Florida Statutes, Respondents to this solicitation of persons acting on their behalf may not contact, between the release of the solicitation and the end of the 72-hour period following the agency posting the notice of intended award, excluding Saturdays, Sundays, and state holidays, any employee or officer of the executive or legislative branch concerning any aspect of this solicitation, except in writing to the procurement officer or as provided in the solicitation documents. Violation of this provision may be grounds for rejecting a response.

All questions and answers/changes to the solicitation will be provided in writing and posted on the DMS Vendor Bid System (VBS). It is the prospective contractor's responsibility to check periodically for any information updates to the solicitation which are posted to the VBS. The Department of Military

Affairs bears no responsibility for any delays, or resulting impacts, associated with a prospective contractor's failure to obtain information made available through the DMS Vendor Bid System.

CONFLICT OF INTEREST: This solicitation is subject to chapter 112 of the Florida Statutes. Respondents shall disclose with their response the name of any officer, director, employee or other agent who is also an employee of the State. Respondents shall also disclose the name of any State employee who owns, directly or indirectly an interest of five percent (5%) or more in the respondent or its affiliates.

MANDATORY PRE-BID MEETING

DATE AND TIME: August 15, 2007, 10:00 a.m. (Local Time)

PLACE: Palmetto National Guard Armory, 1107 14th Avenue West, Palmetto, Florida 34221-4544.

Sealed bids will be received, publicly opened and read aloud on:

BIDS/RESPONSES TRANSMITTED ELECTRONICALLY WILL NOT BE CONSIDERED. BIDS/RESPONSES RECEIVED AT THE LOCATION DESIGNATED AFTER THE EXACT TIME SPECIFIED FOR RECEIPT WILL NOT BE CONSIDERED.

DATE AND TIME: September 12, 2007, until 10:00 a.m. (Local Time)

PLACE: Palmetto National Guard Armory, 1107 14th Avenue West, Palmetto, Florida 34221-4544

MARK ENVELOPES: SEALED BID for Project Number 206032, Construction Facility Management Office (CFMO) Attn: Kenneth Hersey or John Brady

Bids submitted prior to the bid opening via courier or mail are to be delivered to: State of Florida, Department of Military Affairs, 2305 State Road 207, St. Augustine, Florida 32086 Marked as above. Bids must be received by this office NO LATER THAN Close of Business, September 11, 2007.

BID/PROPOSAL: All responses must be submitted in a sealed package and shall be clearly marked on the outside of package with the above information. Department of Military Affairs is not responsible for the opening of any solicitation package which is not properly marked. It is the respondent's responsibility to assure its response is submitted in the place and time indicated in this solicitation. Also, all responses must be in full accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, and Non-Technical Specifications, which have been prepared by the Engineer as listed, and may be obtained as follows:

ARCHITECT-ENGINEER: Renker Eich Parks Architects, 1609 Dr. Martin Luther King Street North, St. Petersburg, FL 33704. **TELEPHONE:** (727)821-2986. All Technical Questions must be directed to Terry Miller by email at tmiller@reparch.com.

Make all checks or money orders payable to: Renker Eich Parks Architects
No Credit cards are accepted.

DEPOSIT: \$200.00 per set of Drawings and Specifications is required with a limit of two (2) sets per General Contractor or Prime Bidder and one set per mechanical subcontractor and/or electrical subcontractor. The deposit shall only be returned to those General Contractors, or Prime Bidders, mechanical subcontractors and/or electrical subcontractors, who, after having examined the Drawings and Specifications:

- a. Submit a request for pre-qualification and fail to qualify, or
- b. Submit a bid (in the case of mechanical and/or electrical subcontractor's submission of a bid to a prime bidder), and return the Drawings and Specifications in good condition within fifteen (15) days of the date of receipt of bids.

FULL SETS of Drawings and Specifications can be purchased from the Architect for \$150.00 per set.

CONTRACT AWARD: Contract Award will be on Base Bid items only. The official Notice of Award Recommendation will be by electronic posting on the Department's website at http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu.

Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. If no protest is filed, the contract will be awarded to the qualified, responsible and responsive low bidder in accordance with Chapter 60D-5, F.A.C. by the Owner.

INABILITY TO POST ELECTRONICALLY: If the Department is unable to post (due to technical difficulties) as defined above, the Department will notify all proposers via the Point of Contact and electronic address provided to the Department by the proposer at the Mandatory Pre-Bid meeting. Notice will be posted as defined above once the technical difficulties have been rectified; however, the official posting time will be that time at which the last proposer was electronically notified.

MINORITY PROGRAM: Minority Business Enterprises (MBE) are encouraged to participate in this Invitation to Bid. Utilization of MBE participation is highly encouraged from all Bidders. MBE's must be certified by the Office of Supplier Diversity.

CLARIFICATIONS/REVISIONS: Before award, the Owner reserves the right to seek clarifications or request any information deemed necessary for proper evaluation of submissions from all respondents deemed eligible before Contract award. Failure to provide requested information may result in rejection of the response.

The Department reserves the right to accept or reject any or all proposals received and reserves the right to make an award with or without further discussion of the proposals submitted or accept minor informalities or irregularities in the best interest of the State of Florida, which are considered a matter of form and not substance, and the correction or waiver of which is not prejudicial to other proposers. Minor irregularities

are defined as those that will not have an adverse effect on the Department's interest and will not affect the price of the proposal by giving a proposer an advantage or benefit not enjoyed by all other proposers. It is understood the proposal will become a part of the Department's official file, without obligation to the Department. Proposals may be rejected if found to be irregular or not in conformance with the requirements and instructions contained herein. A proposal may be found to be irregular or non-responsive by reasons that include, but are not limited to failure to utilize or complete in their entirety prescribed forms, conditional proposals, incomplete proposals, ambiguous proposals, and improper, missing and/or undated signatures.

The Non-Technical Specifications Level IV & V are considered to be applicable to this solicitation and award of contract when made and are made a part hereof. The State of Florida, Department of Military Affairs, objects to and shall not consider any additional terms or conditions submitted by a respondent, including any appearing in documents attached as part of a respondent's response. In submitting its response, a respondent agrees that any additional terms or conditions; whether submitted intentionally or inadvertently, shall have no force or effect. Failure to comply with terms and conditions, including those specifying information that must be submitted with a response, shall be grounds for rejecting a response.

Prior to entering into a contract with the State of Florida, Department of Military Affairs, the selected contractor must be registered with the Florida Department of Management Services (DMS) MyFloridaMarketPlace Vendor Registration System. Information about the registration process is available, and registration must be completed at the MyFloridaMarketPlace website (link available under BUSSINESS at www.myflorida.com). Prospective contractors who do not have Internet access may request assistance from the MyFloridaMarketPlace Customer Service at (866)352-3776.

The State of Florida, through the Department of Management Services, has instituted MyFloridaMarketPlace, a statewide e-procurement system. Pursuant to subsection 60A-1.032(1), Florida Administrative Code, this contract shall be exempt from the one percent (1%) transaction fee.

The State of Florida's performance and obligation to pay under this contract is contingent upon availability of funding and an annual appropriation by the Legislature.

For the purposes of this solicitation, the terms proposer, respondent, offerer and contractor/vendor are used interchangeably and mean a person(s) or firm(s) submitting a response to this solicitation, including joint ventures.

NO VERBAL STATEMENTS MADE BY ANY STATE OF FLORIDA EMPLOYEE OR AGENCY REPRESENTATIVE WILL OPERATE TO SUPERSEDE INFORMATION PUBLISHED IN THIS SOLICITATION. ONLY WRITTEN ADDENDUMS ISSUED BY THE DEPARTMENT OF MILITARY AFFAIRS CONSTRUCTION AND FACILITY MANAGEMENT OFFICE OR ITS REPRESENTATIVES WILL OPERATE TO ALTER OR OTHERWISE AMEND THIS SOLICITATION.

FLORIDA SHERIFFS ASSOCIATION

BID ANNOUNCEMENTS

BID NUMBER: 07-07-0828
BID TITLE: FIRE/RESCUE VEHICLES & OTHER FLEET EQUIPMENT
ADVERTISEMENT: JULY 20, 2007 & JULY 27, 2007
PRE-BID CONFERENCE: AUGUST 2, 2007, 1:00 P.M.
PRE-BID CONFERENCE TO BE HELD AT:
 MARION COUNTY SHERIFF'S OFFICE
 CONFERENCE ROOM
 692 N.W. 30TH AVENUE
 OCALA, FL 34475-5608
BID OPENING DATE: AUGUST 28, 2007 at 8:00 A.M.
BID OPENING TO BE HELD AT:
 FLORIDA SHERIFFS ASSOCIATION
 COOPERATIVE BID COORDINATOR'S OFFICE
 2617 MAHAN DR. (32308)
 P. O. BOX 12519
 TALLAHASSEE, FL 32317-2519
BIDS MUST BE CONTAINED IN A SEALED ENVELOPE ADDRESSED TO THE FLORIDA SHERIFFS ASSOCIATION. INDICATE ON THE OUTSIDE OF THE ENVELOPE THE BID NUMBER, TITLE, OPENING DATE AND TIME. ALL VENDORS THAT ARE NOT ATTENDING THE OPENING WILL BE REQUIRED TO HAVE THEIR BIDS TO FSA BY 5:00 P.M. ON MONDAY, AUGUST 27, 2007. VENDORS WHO WILL BE BRINGING THEIR BIDS MUST HAVE THEM SIGNED IN BY 8:00 A.M. ON TUESDAY, AUGUST 28, 2007. THE FSA OFFICE WILL OPEN AT 7:00 A.M. ALL PARTICIPATING VENDORS ARE INVITED AND ENCOURAGED TO ATTEND THE BID OPENING.

ALL QUESTIONS PERTAINING TO THIS BID SHOULD BE DIRECTED TO LYNN MEEK OR PEGGY GOFF WITH THE FLORIDA SHERIFFS ASSOCIATION AT (850)877-2165.

BID ANNOUNCEMENT

BID NUMBER: 07-15-0827
 BID TITLE: PURSUIT, ADMINISTRATIVE
 NON-PURSUIT, UTILITY
 VEHICLES, TRUCKS & VANS,
 & OTHER FLEET EQUIPMENT

ADVERTISEMENT DATES: JULY 20, 2007 & JULY 27, 2007
 PRE-BID CONFERENCE: AUGUST 2, 2007, 8:30 A.M.
 PRE-BID CONFERENCE TO BE HELD AT:
 MARION COUNTY SHERIFF'S
 OFFICE
 CONFERENCE ROOM
 692 N. W. 30TH AVENUE
 OCALA, FL 34475-5608
 REPLIES DUE: AUGUST 27, 2007, 12:00 NOON
 BID OPENING TO BE HELD AT:
 FLORIDA SHERIFFS
 ASSOCIATION
 COOPERATIVE BID
 COORDINATOR'S OFFICE
 2617 MAHAN DR. (32308)
 P. O. BOX 12519
 TALLAHASSEE, FL 32317-2519

BIDS MUST BE SUBMITTED ELECTRONICALLY THROUGH THE FLORIDA SHERIFFS ASSOCIATION'S VEHICLE BID AWARD SYSTEM. SOLICITATION DOCUMENTS AND SPECIFICATIONS CAN BE ACCESSED THROUGH <http://veba.flsheriffs.org>. VENDORS WHO WISH TO PARTICIPATE IN THIS INVITATION TO BID MUST CONTACT LYNN MEEK WITH THE FLORIDA SHERIFFS ASSOCIATION AT lmeek@flsheriffs.org OR (850)877-2165. YOU WILL BE REQUIRED TO HAVE A USER NAME AND GENERIC PASSWORD BEFORE YOU CAN LOG ON TO THE VEBA SITE.

**Section XII
 Miscellaneous**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Division of Community Planning, Department of Community Affairs, received the following petitions for binding letters of

Development of Regional Impact, Vested Rights and Modification Determinations, pursuant to Section 380.06(4)(a), Florida Statutes.

FILE NO.: BLID-11-2007-008
 DATE RECEIVED: July 12, 2007
 DEVELOPMENT NAME: 3760 BIRD ROAD
 DEVELOPER/AGENT: Bird Road Holdings, Inc./
 Paul D'Arelli
 DEVELOPMENT TYPE: 28-24.020, 28-24.31, F.A.C.
 LOCAL GOVERNMENT: Miami City

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point
 Franchise Motor Vehicle Dealer in a County of More
 than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that JMSTAR Powersports, Inc., intends to allow the establishment of American Car Outlet, LLC, as a dealership for the sale of Zhejiang Xingyue Vehicle Co. Ltd. (ZXYV) motorcycles at 19001 Northwest 2nd Avenue A, Miami Gardens (Dade County), Florida 33169, on or after July 10, 2007.

The name and address of the dealer operator(s) and principal investor(s) of American Car Outlet, LLC are dealer operator(s): Alejandro Sanchez, 19001 Northwest 2nd Avenue A, Miami Gardens, Florida 33169; principal investor(s): Alejandro Sanchez, 19001 Northwest 2nd Avenue A, Miami Gardens, Florida 33169.

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: Yenong Xie, President, JMSTAR Powersports, Inc., 400 Northwest 141 Avenue #207, Pembroke Pines, Florida 33028.

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 Mercedes-Benz USA, LLC, intends to allow the establishment of AN Luxury Imports of Palm Beach, Inc. d/b/a Mercedes-Benz of Delray, as a dealership for the sale of Mercedes-Benz (MERZ) vehicles at 1001 Linton Boulevard, Delray Beach (Palm Beach County), Florida 33444, on or after August 6, 2007.

The name and address of the dealer operator(s) and principal investor(s) of AN Luxury Imports of Palm Beach d/b/a Mercedes-Benz of Delray are dealer operator(s): Jeff R. Bender, 1001 Linton Boulevard, Delray Beach, Florida 33444; principal investor(s): Autohaus Holdings, Inc., 110 Southeast 6th Street, Fort Lauderdale, Florida 33301.

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: Allen Price, Regional Sales Development Manager, 8813 Western Way, Jacksonville, Florida 32256-0367.

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 United Motors of America, intends to allow the establishment of Ashley Marcum, Inc., as a dealership for the sale of motorcycles manufactured by Jiangsu Sacin Motor

Company Ltd. (SKTM) and Zhejian Taizhou Wangye Power Co. Ltd. (ZHEJ) at 625 South Highway 19, Palatka (Putnam County), Florida 32177, on or after July 14, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Ashley Marcum, Inc. are dealer operator(s): Terry Marcum, Post Office Box 458, Orange Springs, Florida 32182; principal investor(s): Terry Marcum, Post Office Box 458, Orange Springs, Florida 32182.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Alexander Sabbagh, United Motors of America, 8801 Northwest 23rd Street, Miami, Florida 33172.

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 United Motors of America, intends to allow the establishment of Barry Motorsports, LLC, as a dealership for the sale of motorcycles manufactured by Jiangsu Sacin Motor Co. Ltd. (SKTM) and Zhejian Taizhou Wangye Power Co. Ltd. (ZHEJ) at 2316 West Hillsborough Avenue, Tampa (Hillsborough County), Florida 33603, on or after July 14, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Barry Motorsports, LLC are dealer operator(s): Scott Schaffer, 2003 High Glenn Court North, Lakeland, Florida 33813; principal investor(s): Scott Schaffer, 2003 High Glenn Court North, Lakeland, Florida 33813.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Alexander Sabbagh, United Motors of America, 8801 Northwest 23rd Street, Miami Florida 33172.

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 Mercedes-Benz USA, LLC, intends to allow the establishment of Bill Ussery Motors of Cutler Bay, LLC d/b/a Mercedes-Benz of Cutler Bay, as a dealership for the sale of Mercedes-Benz (MERZ) vehicles at 10701 Southwest 211th Street, Cutler Bay (Dade County), Florida 33189, on or after August 6, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Bill Ussery Motors of Cutler Bay, LLC d/b/a Mercedes-Benz of Cutler Bay are dealer operator(s): Robert Brockway, 1524 Zoreta Avenue, Coral Gables, Florida 33146; principal investor(s): Silver Arrow Group, LLC, 300 Almeria Avenue, Coral Gables, Florida 33134 and The Robert Brockway Trust, 300 Almeria Avenue, Coral Gables, Florida 33134.

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: Allen Price, Regional Sales Development Manager, 8813 Western Way, Jacksonville, Florida 32256-0367.

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 Mod Cycles, Corp., intends to allow the establishment of Cycle Ivans, Inc., as a dealership for the sale of motorcycles manufactured by Qingqi Group Ningbo Cycles (NING), Zhejiang Taizhou Wangye Power Co. Ltd. (ZHEJ) and Zongshen Industrial Group (ZONG) at 2831 Forest Hill Boulevard, West Palm Beach (Palm Beach County), Florida 33406, on or after July 16, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Cycle Ivans, Inc. are dealer operator(s): Ivan Saberal, 2831 Forest Hill Boulevard, West Palm Beach, Florida 33406; principal investor(s): Ivan Saberal, 2831 Forest Hill Boulevard, West Palm Beach, Florida 33406.

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: Javier Opoczynski, General Manager, Mod Cycles, Corp., 7547 Northwest 52 Street, Miami, Florida 33166.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving 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 JMSTAR Powersports, Inc., intends to allow the establishment of Grandpa's Cycle Center, Inc., as a dealership for the sale of Xingyue (ZXYV), Kaitong (KAIT) and Shanghai JMSTAR (JMST) motorcycles at 3596 Fowler Street, Fort Myers (Lee County), Florida 33901, on or after July 10, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Grandpa's Cycle Center, Inc. are dealer operator(s): Marion and Lynda Stewart, 3596 Fowler Street, Fort Myers, Florida 33901; principal investor(s): Marion and Lynda Stewart, 3596 Fowler Street, Fort Myers, Florida 33901.

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: Yenong Xie, President, JMSTAR Powersports, Inc., 400 Northwest 141 Avenue, #207, Pembroke Pines, Florida 33028.

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 United Motors of America, intends to allow the establishment of JP Cycles, Inc. d/b/a Seminole Powersports, as a dealership for the sale of motorcycles manufactured by Jiangsu Sacin Motor Co. Ltd. (SKTM) and Zhejiang Taizhou Wange Power Co. Ltd. (ZHEJ) at 1200 Rinehart Road, Sanford (Seminole County), Florida 32771, on or after July 14, 2007.

The name and address of the dealer operator(s) and principal investor(s) of JP Cycles, Inc. d/b/a Seminole Powersports are dealer operator(s): Kirby Mullins, 521 Lanyard Lane, Debary, Florida 32713; principal investor(s): Kirby Mullins, 521 Lanyard Lane, Debary, Florida 32713.

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: Alexander Sabbagh, United Motors of America, 8801 Northwest 23rd Street, Miami, Florida 33172.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Zongshen, Inc., intends to allow the establishment of Mega Powersports, Corp., as a dealership for the sale of Zongshen motorcycles (ZONG) at 390 North Beach Street, Daytona Beach (Volusia County), Florida 32114, on or after July 2, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Mega Powersports, Corp. are dealer operator(s): David Levison, 390 North Beach Street, Daytona Beach, Florida 32114; principal investor(s): David Levison, 390 North Beach Street, Daytona Beach, Florida 32114.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be

submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Jieming Qiu, General Manager, Zongshen, Inc., 3511 Northwest 113 Court, Miami, Florida 33178.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Mercedes-Benz USA, LLC, intends to allow the establishment of New Country Motor Cars of Palm Beach d/b/a Mercedes-Benz of North Palm Beach, as a dealership for the sale of Mercedes-Benz (MERZ) vehicles at 9275 Alternate Route A1A, North Palm Beach (Palm Beach County), Florida 33408, on or after August 6, 2007.

The name and address of the dealer operator(s) and principal investor(s) of New Country Motor Cars of Palm Beach d/b/a Mercedes-Benz of North Palm Beach are dealer operator(s): Michael J. Cantanucci, 39 Brayton Lane, Lake George, New York 12845; principal investor(s): Michael J. Cantanucci, 39 Brayton Lane, Lake George, New York 12845.

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: Allen Price, Regional Sales Development Manager, Mercedes-Benz USA, LLC, 8813 Western Way, Jacksonville, Florida 32256-0367.

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 Piaggio Group Americas, Inc., intends to allow the establishment of Potamkin Motor Bikes, Inc., as a dealership for the sale of Vespa (VESP), Piaggio (PIAG), Aprilia (APRI) and Moto Guzzi (MOGU) motorcycles at 500 South Wickham Road, Melbourne (Brevard County), Florida 32904, on or after July 11, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Potamkin Motor Bikes, Inc. are dealer operator(s): Robert Potamkin, 500 South Wickham Road, Melbourne, Florida 32904, Alan Potamkin, 500 South Wickham Road, Melbourne, Florida 32904 and John Bruno, 500 South Wickham Road, Melbourne, Florida 32904; principal investor(s): Robert Potamkin, 500 South Wickham Road, Melbourne, Florida 32904, Alan Potamkin, 500 South Wickham Road, Melbourne, Florida 32904 and John Bruno, 500 South Wickham Road, Melbourne, Florida 32904.

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: Angellina Fraser-Lubin, Piaggio Group Americas, Inc., 140 East 45th Street, 17th Floor, New York, New York 10017.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Mapes Motorcycle Co. d/b/a Ironworks Motorcycle Co., intends to allow the establishment of Rossiters Harley-Davidson, Inc. d/b/a Rossiters Harley-Davidson and Rossiters Buell, as a dealership for the sale of Ironworks motorcycles (IRMC) at 330 Cattleman Road, Sarasota (Sarasota County), Florida 34232, on or after June 8, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Rossiters Harley-Davidson, Inc. d/b/a Rossiters Harley Davidson and Rossiters Buell are dealer operator(s): Erik Rossiter, 1150 Bern Creek Loop, Sarasota, Florida 34240; principal investor(s): Erik Rossiter, 1150 Bern Creek Loop, Sarasota, Florida 34240.

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: Reed W. Mapes, President, Mapes Motorcycle Co. d/b/a Ironworks Motorcycle Co., 535 8th Street West, Bradenton, Florida 34205.

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 United Motors of America, intends to allow the establishment of S & T Motors, Inc. d/b/a Citrus Cycle Center, as a dealership for the sale of motorcycles manufactured by Jiangsu Sacin Motor Co. Ltd. (SKTM) and Zhejiang Taizhou Wangye Power Co. Ltd. (ZHEJ) at 1581 West Gulf to Lake Highway, Lecanto, (Citrus County), Florida 34461, on or after July 14, 2007.

The name and address of the dealer operator(s) and principal investor(s) of S & T Motors, Inc. d/b/a Citrus Cycle Center are dealer operator(s): Timothy Banden, 4732 North Celosia Terrace, Beverly Hills, Florida 34465; principal investor(s): Timothy Banden, 4732 North Celosia Terrace, Beverly Hills, Florida 34465.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Alexander Sabbagh, United Motors of America, 8801 Northwest 23rd Street, Miami, Florida 33172.

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 JMSTAR Powersports, Inc., intends to allow the establishment of Scooters Zoom, Corp., as a dealership for the sale of Xingyue (ZXYV) motorcycles at Unit 1-2, 9605 Northwest 79th Avenue, Hialeah (Dade County), Florida 33016, on or after July 10, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Scooters Zoom, Corp. are dealer operator(s): Eduardo Cabrera, 2503 Sheridan Street, Hollywood, Florida 33020; principal investor(s): Eduardo Cabrera, 2503 Sheridan Street, Hollywood, Florida 33020.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312 MS65, 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: Yenong Xie, President, JMSTAR Powersports, Inc., 400 Northwest 141 Avenue, #207, Pembroke Pines, Florida 33028.

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 JMSTAR Powersports, Inc., intends to allow the establishment of Southtrust Motors, Inc., as a dealership for the sale of Kaitong (KAIT), Xingyue (ZXYV) and Shanghai JMSTAR (JMST) motorcycles at 9605 Northwest 79th Avenue, Hialeah (Dade County), Florida 33016, on or after July 10, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Southtrust Motors, Inc. are dealer operator(s): Rolando Romo, 9605 Northwest 79th Avenue, Hialeah, Florida 33016; principal investor(s): Rolando Romo, 9605 Northwest 79th Avenue, Hialeah, Florida 33016.

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: Yenong Xie, 400 Northwest 141 Avenue, #207, Pembroke Pines, Florida 33028.

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 JMSTAR Powersports, Inc., intends to allow the establishment of Veruccino Motors, Inc., as a dealership for the sale of Zhejiang Xingyue Vehicle Co. Ltd. (ZXYV) motorcycles at 2801 North State Road 7, Hollywood (Broward County), Florida 33021, on or after July 10, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Veruccino Motors, Inc. are dealer operator(s): Lianis B. Martinez, 2801 North State Road 7, Hollywood, Florida 33021 and Isidro Ley Acosta, 2801 North State Road 7, Hollywood, Florida 33021; principal investor(s): Isidro Ley Acosta, 2801 North State Road 7, Hollywood, Florida 33021.

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: Yenong Xie, President, JMSTAR Powersports, Inc., 400 Northwest 141 Avenue, #207, Pembroke Pines, Florida 33028.

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 JMSTAR Powersports, Inc., intends to allow the establishment of Victory of South Florida, Inc., as a dealership for the sale of Xingyue (ZXYV), Kaitong (KAIT) and

Shanghai JMSTAR (JMST) motorcycles at 840 South Andrews Avenue, Pompano Beach (Broward County), Florida 33069, on or after July 10, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Victory of South Florida, Inc. are dealer operator(s): Walt Jakobowski, 840 South Andrews Avenue, Pompano Beach, Florida 33069; principal investor(s): Alejandro Sanchez, 840 South Andrews Avenue, Pompano Beach, Florida 33069.

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: Yenong Xie, President, JMSTAR Powersports, Inc., 400 Northwest 141 Avenue, #207, Pembroke Pines, Florida 33028.

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."

AGENCY FOR HEALTHCARE ADMINISTRATION

The Agency for Healthcare Administration has received an application for service exemption from St. Mary's Medical Center in West Palm Beach pursuant to Section 395.1041(3), F.S. and Rule 59A-3.255, F.A.C. The service category requested is Hyperbaric Services. Comments received within 15 days of publication will be considered by the Agency prior to making a determination of exemption status.

Additional information may be obtained by writing to: Agency for Health Care Administration, Attention: Teresa Wooten, 2727 Mahan Drive, MS #31, Tallahassee, Florida 32308, by phone at (850)487-2717 or by e-mail at wootent@ahca.myflorida.com.

NOTICE OF HOSPITAL FIXED NEED POOLS FOR PSYCHIATRIC AND SUBSTANCE ABUSE BEDS

The Agency for Health Care Administration has projected fixed bed need pools for adult and children and adolescent psychiatric and adult substance abuse beds for January 2013 pursuant to the provisions of Rules 59C-1.008, 59C-1.040, and 59C-1.041, F.A.C. Net bed need projections for adult and children and adolescent psychiatric and adult substance abuse hospital beds have been adjusted according to occupancy rate thresholds as prescribed by the above-mentioned rules. A fixed need pool projection for children and adolescent substance abuse beds is not made because the administrative rule governing this service does not include a mathematical formula for the calculation of need. An applicant seeking approval for these types of beds must establish need in its application. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, Building 1, Room 220, MS 28, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., August 13, 2007.

Any person who identifies any error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the agency concurs with the error, the fixed need pool number will be adjusted and republished in the first available edition of the Florida Administrative Weekly. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the fixed need pool number for this cycle and a waiver of the person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, Florida Statutes, your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the agency clerk at 2727 Mahan Drive, Building 3, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 21 days of this publication or the right to a hearing is waived.

Psychiatric and Substance Abuse Net Bed Need

	Adult Psychiatric Beds Net Adjusted Bed Need	Children & Adolescent Psychiatric Beds Net Adjusted Bed Need	Adult Substance Abuse Beds Net Adjusted Bed Need
District 1	0	0	0
District 2	0	0	0
District 3	0	0	4
District 4	0	0	0
District 5	0	0	0
District 6	0	10	0
District 7	0	0	0
District 8	0	0	0
District 9	0	0	0
District 10	0	0	0
District 11	0	0	0
Total Statewide	0	10	4

NOTICE OF HOSPITAL FIXED NEED POOLS FOR COMPREHENSIVE MEDICAL REHABILITATION BEDS

The Agency for Health Care Administration has projected a fixed bed need pool for comprehensive medical rehabilitation hospital beds for January 2013 pursuant to the provisions of Rules 59C-1.008 and 59C-1.039, F.A.C. Net bed need projections for comprehensive medical rehabilitation hospital beds have been adjusted according to occupancy rate thresholds as prescribed by the above-mentioned rules. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, Building 1, Room 220 MS 28, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., August 13, 2007.

Any person who identifies any error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the agency concurs with the error, the fixed need pool number will be adjusted and republished in the first available edition of the Florida Administrative Weekly. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the fixed need pool number for this cycle and a waiver of the person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, Florida Statutes, your

request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the: Agency Clerk, 2727 Mahan Drive, Building 3, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 21 days of this publication or the right to a hearing is waived.

Comprehensive Medical Rehabilitation Bed Need

	Net Adjusted Bed Need
District 1	0
District 2	0
District 3	0
District 4	0
District 5	0
District 6	0
District 7	0
District 8	0
District 9	0
District 10	0
District 11	0
Total Statewide	0

NOTICE OF FIXED NEED POOL FOR NEONATAL INTENSIVE CARE SERVICES FOR LEVEL II AND LEVEL III BEDS

The Agency for Health Care Administration has projected a fixed need pool for Level II and Level III neonatal intensive care unit services for January 2010, pursuant to the provisions of Rules 59C-1.008 and 59C-1.042, F.A.C. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, Building 1, Room 220 MS 28, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., August 13, 2007.

Any person who identifies any error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the agency concurs with the error, the fixed need pool number will be adjusted and republished in the first available edition of the F.A.W. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the fixed need pool number for this cycle and a waiver of the person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, Florida Statutes, your

request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the agency clerk at 2727 Mahan Drive, Building 3, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 21 days of this publication or the right to a hearing is waived.

Fixed Need Pool Projections
Neonatal Intensive Care Level II & Level III Services

	Level II Net Need	Level III Net Need
District 1	0	0
District 2	0	1
District 3	1	3
District 4	0	8
District 5	0	0
District 6	0	8
District 7	0	0
District 8	1	0
District 9	0	0
District 10	0	0
District 11	0	0
Statewide Total	2	20

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 INTENT TO GRANT VARIANCE

The Department of Environmental Protection gives notice of its intent to grant a variance under Section 403.201, F.S., from the provisions of paragraph 62-4.244(5)(c), F.A.C., to Gulf County, 1000 Cecil G. Costin Sr. Blvd., Port St. Joe, FL 32456, (File No.0266819-002-EV) to allow a 1,000 meter mixing zone downcurrent from the dredge site and 200 meters offshore of the beach disposal site and 1,500 meters downcurrent from the beach disposal site during dredging and disposal operations associated with the beach restoration project. The requested mixing zone variance is to be authorized for activities occurring within the St. Joseph Peninsula Aquatic Preserve for the disposal area and Borrow Area C and the Gulf of Mexico for Borrow Area A. The Department's file on this matter is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, 5050 W. Tennessee St., Bldg. B, Tallahassee, FL 32304, Telephone: (850)414-7798, Stephanie Gudeman.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Mediation under Section 120.573 of the F.S., is not available.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the agency action or even a denial of the application. If a sufficient petition for an administrative hearing or request for an extension of time to file a petition is timely filed, this agency action automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Accordingly, the applicant is advised not to commence construction or other activities in accordance with this variance until the deadlines noted below for filing a petition for an administrative hearing, or request for an extension of time has expired.

Under subsections 28-106.111(3) and 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with subsection 28-106.111(2) and subparagraph 62-110.106(3)(a)4., F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first.

Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department.

This variance constitutes an order of the Department. The applicant has the right to seek judicial review of the order under Section 120.68, Florida Statutes, by the filing of a notice of appeal under Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000; and by filing a

copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

FLORIDA STATE CLEARINGHOUSE

This 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://appprod.dep.state.fl.us/clearinghouse/>.

For information, call (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

DEPARTMENT OF HEALTH

Request for Public Comments on Florida's WIC Program
The WIC Program (the Special Supplemental Nutrition Program for Women, Infants, and Children) is soliciting comments and suggestions about its program and how service delivery can be improved to better meet the clients' needs. WIC is federally funded by the United States Department of Agriculture, and serves low- and moderate-income pregnant, breastfeeding, and postpartum women; infants; and children up to age 5. The program provides a combination of nutritious foods, nutrition education, breastfeeding support, and referrals for health care. WIC is available in all 67 counties in Florida. If you have any comments or suggestions, please direct them to Cheryl Miller, Department of Health, WIC and Nutrition Services, BIN #A-16, 4052 Bald Cypress Way, Tallahassee, FL 32399-1726, or by Fax (850)922-3936. Your feedback is essential and is appreciated before August 15, 2007. In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call 1(800)795-3272 (Voice) or (202)720-6382 (TTY). USDA is an equal opportunity provider and employer.

On July 16, 2007, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Marsha L. Hoffman-Vaile, M.D., license number ME 49025. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On July 3, 2007, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Kevin Lee McVay, L.P.N., license number PN 1086451. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On July 5, 2007, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Edward J. Muller, C.N.A., license number CNA 21128. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On July 16, 2007, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Mona Meus, R.N., license number RN 9229483. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

FISH AND WILDLIFE CONSERVATION COMMISSION

AVAILABILITY OF GRANT FUNDS FOR LOCAL GOVERNMENTS

The Florida Fish and Wildlife Conservation Commission is accepting applications for grant funding through the Boating Infrastructure Grant Program for fiscal year 2007-08. The deadline for receiving applications is 5:00 p.m., October 5, 2007. Applications received after the deadline will be ineligible for consideration.

A copy of the application and procedure guide may be downloaded from the web site: <http://myfwc.com/boating/grants/bigp.htm>. For more information, send email to bigp@myfwc.com or phone (850)488-5600.

DEPARTMENT OF FINANCIAL SERVICES

DEPARTMENT OF INSURANCE
OFFICE OF THE TREASURER
BUREAU OF COLLATERAL SECURITIES
PUBLIC DEPOSITS SECTION

THE FOLLOWING QUALIFIED PUBLIC DEPOSITORIES ARE AUTHORIZED TO HOLD PUBLIC DEPOSITS. THEY ARE LISTED UNDER THE STATE OF HOME OFFICE LOCATION. ONLY FLORIDA BRANCHES OF THESE INSTITUTIONS ARE ALLOWED TO HOLD PUBLIC DEPOSIT ACCOUNTS. **INSTITUTIONS MARKED WITH AN ASTERISK HAVE LIMITED THE AMOUNT OF PUBLIC DEPOSITS THEY WILL ADMINISTER AND ARE NOT ACCEPTING NEW PUBLIC DEPOSIT ACCOUNTS.** INSTITUTIONS THAT ARE WITHDRAWING FROM THE PROGRAM ARE NOT ALLOWED TO OPEN ANY NEW PUBLIC DEPOSIT ACCOUNTS. THE DATE OF WITHDRAWAL IS LISTED BESIDE THE INSTITUTION.

ALABAMA

BIRMINGHAM

AMSOUTH BANK
SOUTHTRUST BANK, N.A.

MONTGOMERY

COLONIAL BANK

FLORIDA

ALACHUA

FIRST NATIONAL BANK OF ALACHUA
SOUTHEASTERN BANK OF FLORIDA

APALACHICOLA

APALACHICOLA STATE BANK

ARCADIA

FIRST STATE BANK OF ARCADIA

AVENTURA

TURNBERRY BANK

BARTOW

CITRUS & CHEMICAL BANK
COMMUNITY NATIONAL BANK AT BARTOW

BELLE GLADE

BANK OF BELLE GLADE

BLOUNTSTOWN

C & L BANK OF BLOUNTSTOWN

BOCA RATON

COMERICA BANK & TRUST, F.S.B.
EUROBANK
FIRST UNITED BANK
TRANSFLORIDA BANK

BONIFAY

BANK OF BONIFAY

BONITA SPRINGS

FIRST NATIONAL BANK OF FLORIDA AT BONITA
SPRINGS

BRADENTON

AMERICAN BANK OF BRADENTON
FIRST NATIONAL BANK OF MANATEE
LIBERTY NATIONAL BANK OF BRADENTON

BRANFORD

BRANFORD STATE BANK

BRISTOL

C & L BANK OF BRISTOL

BROOKSVILLE

HERNANDO COUNTY BANK
SUNTRUST BANK, NATURE COAST

CAPE CORAL

CAPE CORAL NATIONAL BANK

CARRABELLE

GULF STATE BANK

CHATTAHOOCHEE

GADSDEN STATE BANK

CHIEFLAND

DRUMMOND COMMUNITY BANK
LEVY COUNTY STATE BANK

CLEARWATER

CITIZENS BANK & TRUST
INTERVEST BANK

CLEWISTON

CLEWISTON NATIONAL BANK
FIRST BANK OF CLEWISTON
FIRST FEDERAL SAVINGS BANK OF THE GLADES

COOPER CITY

FIRST WESTERN BANK

CORAL GABLES

BANKERS SAVINGS BANK AUGUST 25, 1997
BANKUNITED SAVINGS BANK
METRO BANK OF DADE COUNTY
UNIBANK

CRAWFORDVILLE

CITIZENS BANK OF WAKULLA
WAKULLA BANK

CRESCENT CITY

CITIZENS FIRST NATIONAL BANK

CRESTVIEW

FIRST NATIONAL BANK OF CRESTVIEW

CRYSTAL RIVER

CRYSTAL RIVER BANK

DADE CITY

FIRST NATIONAL BANK OF PASCO

DAVIE

REGENT BANK

DAYTONA BEACH

SUNTRUST BANK, EAST CENTRAL FLORIDA

DESTIN

DESTIN BANK

DUNNELLON

DUNNELLON STATE BANK

ENGLEWOOD

ENGLEWOOD BANK
PENINSULA STATE BANK

EUSTIS

BANKFIRST

FERNANDINA BEACH

FIRST COAST COMMUNITY BANK

FORT LAUDERDALE

BANKATLANTIC, F.S.B.
GATEWAY AMERICAN BANK OF FLORIDA
SUNNILAND BANK
SUNTRUST BANK, SOUTH FLORIDA, N.A.

FORT MYERS

SOUTH FLORIDA BANK
SUNTRUST BANK, SOUTHWEST FLORIDA

FORT PIERCE

HARBOR FEDERAL SAVINGS BANK
RIVERSIDE NATIONAL BANK OF FLORIDA

FORT WALTON BEACH

FIRST CITY BANK OF FORT WALTON
FIRST NATIONAL BANK & TRUST
FIRST NORTHWEST FLORIDA BANK
READY BANK OF WEST FLORIDA

FROSTPROOF

CITIZENS BANK OF FROSTPROOF

GAINESVILLE

GAINESVILLE STATE BANK
MERCHANTS & SOUTHERN BANK

GRACEVILLE

BANK OF JACKSON COUNTY
PEOPLES BANK OF GRACEVILLE

GROVELAND

PEOPLES STATE BANK OF GROVELAND

HAINES CITY

FIRST NATIONAL BANK OF POLK COUNTY

HALLANDALE

DESJARDINS FEDERAL SAVINGS BANK

HIALEAH

READY STATE BANK

HOLLYWOOD

AMERICAN BANK OF HOLLYWOOD

HOMESTEAD

COMMUNITY BANK OF HOMESTEAD
FIRST NATIONAL BANK OF HOMESTEAD

HOMOSASSA SPRINGS

HOMOSASSA SPRINGS BANK

IMMOKALEE

FLORIDA COMMUNITY BANK

INDIANTOWN

FIRST BANK OF INDIANTOWN

INVERNESS

BANK OF INVERNESS

JACKSONVILLE

AMERICAN NATIONAL BANK OF FLORIDA
BARNETT BANK, N.A.
COMPASS BANK
SUNTRUST BANK, NORTH FLORIDA, N.A.

KEY LARGO

TIB BANK OF THE KEYS

KEY WEST

FIRST STATE BANK OF THE FLORIDA KEYS

KISSIMMEE

CITRUS BANK
FIRST NATIONAL BANK OF OSCEOLA COUNTY

LA BELLE

HENDRY COUNTY BANK

LADY LAKE

FIRST BANK OF THE VILLAGES

LAKE CITY

CNB NATIONAL BANK
COLUMBIA COUNTY BANK

LAKELAND

FIRST FEDERAL S&L ASSOCIATION OF FLORIDA

LAKE WALES

AMERICAN BANK & TRUST OF POLK COUNTY

LARGO

INDIAN ROCKS STATE BANK

LAUDERHILL

UNION BANK OF FLORIDA

LEESBURG

FIRST FEDERAL SAVINGS BANK OF LAKE COUNTY

LIVE OAK

FIRST FEDERAL SAVINGS BANK OF FLORIDA

LONGWOOD

LIBERTY NATIONAL BANK

REGIONS BANK, N.A.

MAITLAND

HUNTINGTON NATIONAL BANK OF FLORIDA

MALONE

FARMERS BANK OF MALONE

MARATHON

FIRST NATIONAL BANK OF THE FLORIDA KEYS

MARINE BANK OF THE FLORIDA KEYS

MARCO ISLAND

CITIZENS COMMUNITY BANK OF FLORIDA

MARIANNA

CITIZENS BANK OF MARIANNA

MAYO

LAFAYETTE COUNTY STATE BANK

MIAMI

CAPITAL BANK

CENTRAL BANK

CITIBANK, F.S.B.

CITY NATIONAL BANK OF FLORIDA

COCONUT GROVE BANK

COMMERCIAL BANK OF FLORIDA

*CONTINENTAL NATIONAL BANK OF MIAMI

EAGLE NATIONAL BANK OF MIAMI

EASTERN NATIONAL BANK

ESPIRITO SANTO BANK OF FLORIDA

EXECUTIVE NATIONAL BANK

GULF BANK

HAMILTON BANK, N.A.

HEMISPHERE NATIONAL BANK

INTERAMERICAN BANK, F.S.B.

INTERCREDIT BANK, N.A.

INTERNATIONAL BANK OF MIAMI, N.A.

NORTHERN TRUST BANK OF FLORIDA, N.A.

OCEAN BANK

PANAMERICAN BANK **DECEMBER 15, 1997**

*PEOPLES NATIONAL BANK OF COMMERCE

REPUBLIC NATIONAL BANK OF MIAMI

SUNTRUST BANK, MIAMI, N.A.

TRANSATLANTIC BANK

UNITED NATIONAL BANK

MILTON

FIRST NATIONAL BANK OF FLORIDA

MONTICELLO

FARMERS & MERCHANTS BANK OF MONTICELLO

MOUNT DORA

FIRST NATIONAL BANK OF MOUNT DORA

MURDOCK

*MURDOCK FLORIDA BANK

NAPLES

COMMUNITY BANK OF NAPLES, N.A.

FIFTH THIRD BANK OF FLORIDA

FIRST NATIONAL BANK OF NAPLES

GULF COAST NATIONAL BANK

NEWBERRY

NEWBERRY BANK

NICEVILLE

PEOPLES NATIONAL BANK OF NICEVILLE

NORTH LAUDERDALE

SECURITY BANK, N.A.

NORTH MIAMI

KISLAK NATIONAL BANK

NORTH MIAMI BEACH

COUNTY NATIONAL BANK OF SOUTH FLORIDA

EQUITABLE BANK

SKYLAKE STATE BANK

NORTH PALM BEACH

COMMUNITY SAVINGS, F.A.

PALM BEACH NATIONAL BANK & TRUST COMPANY

OAKLAND PARK

AMERICAN NATIONAL BANK

OCALA

SUNTRUST BANK, NORTH CENTRAL FLORIDA

OKEECHOBEE

BIG LAKE NATIONAL BANK
INTER SAVINGS BANK, F.S.B.

ORANGE CITY

FIRST COMMUNITY BANK

ORANGE PARK

CLAY COUNTY BANK

ORLANDO

BANK OF CENTRAL FLORIDA
SUNTRUST BANK, CENTRAL FLORIDA, N.A.
UNITED AMERICAN BANK OF CENTRAL FLORIDA

OVIEDO

CITIZENS BANK OF OVIEDO

PAHOKEE

FIRST COMMUNITY BANK OF PALM BEACH COUNTY

PALATKA

FIRST FEDERAL S&L ASSOCIATION OF PUTNAM
COUNTY
PUTNAM STATE BANK

PANAMA CITY

BAY BANK & TRUST COMPANY
FIRST NATIONAL BANK NORTHWEST FLORIDA
PEOPLES FIRST COMMUNITY BANK

PANAMA CITY BEACH

EMERALD COAST BANK

PEMBROKE PINES

POINTE BANK

PENSACOLA

BANK OF PENSACOLA
BANK OF THE SOUTH
FIRST AMERICAN BANK OF PENSACOLA, N.A.
HORIZON BANK OF FLORIDA

REGIONS BANK OF FLORIDA

SUNTRUST BANK, WEST FLORIDA
WHITNEY NATIONAL BANK OF FLORIDA

PERRINE

FLORIDA INTERNATIONAL BANK

PERRY

CITIZENS BANK OF PERRY

PORT CHARLOTTE

CHARLOTTE STATE BANK

PORT RICHEY

CITIZENS NATIONAL BANK & TRUST COMPANY

PORT SAINT JOE

CITIZENS FEDERAL SAVINGS BANK OF PORT ST. JOE

QUINCY

QUINCY STATE BANK

SAINT AUGUSTINE

PROSPERITY BANK

SAINT CLOUD

PUBLIC BANK

SAINT PETERSBURG

FIRST CENTRAL BANK
MARINE BANK
MERCANTILE BANK
REPUBLIC BANK
UNITED BANK & TRUST COMPANY

SANFORD

BANCO POPULAR, N.A.

SANIBEL

COMMUNITY BANK OF THE ISLANDS

SANTA ROSA BEACH

FIRST AMERICAN BANK OF WALTON COUNTY

SARASOTA

ENTERPRISE NATIONAL BANK OF SARASOTA
SUNTRUST BANK, GULF COAST
WEST COAST BANK

SEBRING

HIGHLANDS INDEPENDENT BANK

SOUTH MIAMI

FIRST NATIONAL BANK OF SOUTH MIAMI

STARKE

COMMUNITY STATE BANK OF STARKE

STUART

FIRST NATIONAL BANK & TRUST OF THE TREASURE COAST

TALLAHASSEE

CAPITAL CITY BANK
FIRST BANK
SUNTRUST BANK, TALLAHASSEE, N.A.
TALLAHASSEE STATE BANK

TAMPA

BENEFICIAL SAVINGS BANK, F.S.B.
CITY FIRST BANK
COLUMBIA BANK
FIRST NATIONAL BANK OF TAMPA
FIRST OF AMERICA BANK-FLORIDA, F.S.B.
NORTHSIDE BANK OF TAMPA
SOUTHERN EXCHANGE BANK
SUNTRUST BANK, TAMPA BAY
VILLAGE BANK OF FLORIDA

TRENTON

FARMERS & MERCHANTS BANK OF TRENTON
TRI-COUNTY BANK

UMATILLA

UNITED SOUTHERN BANK

VALPARAISO

VANGUARD BANK & TRUST COMPANY

VENICE

GUARANTY BANK & TRUST COMPANY

VERO BEACH

*CITRUS BANK, N.A.
FIRST AMERICAN BANK OF INDIAN RIVER COUNTY
INDIAN RIVER NATIONAL BANK

WAUCHULA

FIRST NATIONAL BANK OF WAUCHULA
WAUCHULA STATE BANK

WEST PALM BEACH

FIRST BANK OF FLORIDA
REPUBLIC SECURITY BANK

WEWAHITCHKA

WEWAHITCHKA STATE BANK

WILLISTON

PERKINS STATE BANK

WINTER HAVEN

SUNTRUST BANK, MID-FLORIDA, N.A.

WINTER PARK

BANK OF WINTER PARK
NATIONAL BANK OF COMMERCE

ZEPHYRHILLS

COMMUNITY NATIONAL BANK OF PASCO COUNTY

NORTH CAROLINA

CHARLOTTE

FIRST UNION NATIONAL BANK
NATIONSBANK, N.A.

THE FOLLOWING IS A LIST OF INSTITUTIONS THAT
HAD A CHANGE DURING THE PAST QUARTER.

AMSOUTH BANK OF FLORIDA

TAMPA
MERGED INTO AMSOUTH BANK (BIRMINGHAM, ALABAMA). IN FUTURE PUBLICATIONS THIS INSTITUTION WILL BE FOUND UNDER BIRMINGHAM.

COLONIAL BANK

ORLANDO
MERGED INTO COLONIAL BANK (MONTGOMERY, ALABAMA). IN FUTURE PUBLICATIONS THIS INSTITUTION WILL BE FOUND UNDER MONTGOMERY.

FAMILY BANK

HALLANDALE
ACQUIRED BY REPUBLIC SECURITY BANK (WEST PALM BEACH).

FIRST COMMERCE BANK

WINTER HAVEN
MERGED WITH COLONIAL BANK (MONTGOMERY, ALABAMA).

FIRST MERCANTILE NATIONAL BANK

LONGWOOD
NAME CHANGED TO REGIONS BANK, N.A.

FIRST UNION NATIONAL BANK OF FLORIDA

JACKSONVILLE
MERGED INTO FIRST UNION NATIONAL BANK (CHARLOTTE, NORTH CAROLINA). IN FUTURE PUBLICATIONS THIS INSTITUTION WILL BE FOUND UNDER CHARLOTTE.

FLORIDA FIRSTBANK

PANAMA CITY
BASED ON INFORMATION PROVIDED BY INSTITUTIONS INVOLVED, FLORIDA FIRSTBANK WILL BE MERGED INTO REGIONS BANK OF FLORIDA (PENSACOLA) EFFECTIVE JULY 25, 1997.

GREAT SOUTHERN BANK

WEST PALM BEACH
ACQUIRED BY COLONIAL BANK (MONTGOMERY, ALABAMA).

NATIONSBANK, N.A. (SOUTH)

TAMPA
MERGED INTO NATIONSBANK, N.A. (CHARLOTTE, NORTH CAROLINA). IN FUTURE PUBLICATIONS THIS INSTITUTION WILL BE FOUND UNDER CHARLOTTE.

PINEBANK

MIAMI
WITHDRAWING FROM PROGRAM EFFECTIVE AUGUST 25, 1997.

PORT ST. LUCIE NATIONAL BANK

PORT SAINT LUCIE
MERGED INTO FIRST NATIONAL BANK & TRUST OF THE TREASURE COAST (STUART).

READY BANK OF FORT WALTON BEACH

FORT WALTON BEACH
NAME CHANGED TO READY BANK OF WEST FLORIDA.

SEMINOLE NATIONAL BANK

SANFORD
NAME CHANGED TO BANCO POPULAR, N.A.

SOUTHTRUST BANK OF NORTHWEST FLORIDA

MARIANNA
MERGED INTO SOUTHTRUST BANK, N.A. (BIRMINGHAM, ALABAMA). IN FUTURE PUBLICATIONS THIS INSTITUTION WILL BE FOUND UNDER BIRMINGHAM.

SOUTHTRUST BANK OF FLORIDA, N.A.

SAINT PETERSBURG
MERGED INTO SOUTHTRUST BANK, N.A. (BIRMINGHAM, ALABAMA). IN FUTURE PUBLICATIONS THIS INSTITUTION WILL BE FOUND UNDER BIRMINGHAM.

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 Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105,

Florida Administrative Code, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0379. The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., August 17, 2007):

APPLICATION FOR A NEW FINANCIAL INSTITUTION

Applicant and Proposed Location: Professional Bank, 6705 South Red Road, South Miami, Miami-Dade County, Florida 33143

Correspondent: Gregory K. Bader, Gunster, Yoakley & Stewart, P.A., 450 East Las Olas Boulevard, Suite 1400, Fort Lauderdale, Florida 33301

Received: July 13, 2007

EXPANDED FIELD OF MEMBERSHIP

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received a request by

a credit union to expand its field of membership. Specific information regarding the expansion can be found at <http://www.fldfs.com/ofr/banking/cufm.asp>.

Name and Address of Applicant: City County Credit Union of Fort Lauderdale, 1982 North State Road 7, Margate, Florida 33063

Expansion Includes: Geographic area

Received: July 3, 2007

Name and Address of Applicant: Central Florida Postal Credit Union, Post Office Box 568765, Orlando, Florida 32856-8765

Expansion Includes: Geographic area

Received: July 9, 2007

Name and Address of Applicant: Gulf States Credit Union, Post Office Box 945110, Maitland, Florida 32751

Expansion Includes: Select employee group

Received: July 10, 2007

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN July 9, 2007
 and July 13, 2007

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

5F-11.002	7/13/2007	8/2/2007	33/18	
5F-11.027	7/13/2007	8/2/2007	33/18	
5F-11.050	7/13/2007	8/2/2007	33/18	

Division of Agricultural Water Policy

5M-6.001	7/13/2007	8/2/2007	33/22	
5M-6.002	7/13/2007	8/2/2007	33/22	
5M-6.003	7/13/2007	8/2/2007	33/22	
5M-6.004	7/13/2007	8/2/2007	33/22	
5M-6.005	7/13/2007	8/2/2007	33/22	
5M-6.006	7/13/2007	8/2/2007	33/22	

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

40B-8.021	7/9/2007	7/29/2007	33/21	
40B-8.051	7/9/2007	7/29/2007	33/21	

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

61-20.002	7/13/2007	8/2/2007	33/10	33/28
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Board of Architecture and Interior Design

61G1-22.003	7/10/2007	7/30/3007	33/23	
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DEPARTMENT OF HEALTH

Board of Chiropractic

64B2-12.009	7/11/2007	7/31/2007	33/23	
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Board of Osteopathic Medicine

64B15-19.009	7/11/2007	7/31/2007	33/14	33/24
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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Council of Medical Physicists

64B23-7.006	7/9/2007	7/29/2007	33/16	33/29
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(Proposed as 64B23-7.001)

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

68A-15.004	7/9/2007	7/29/2007	33/19	
68A-17.004	7/9/2007	7/29/2007	33/19	
68A-20.004	7/9/2007	7/29/2007	33/19	

Marine Fisheries

68B-45.007	7/11/2007	7/31/2007	33/19	33/27
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DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

69A-38.019	7/10/2007	7/30/2007	33/02	
69A-38.020	7/10/2007	7/30/2007	33/02	
69A-38.021	7/10/2007	7/30/2007	33/02	
69A-38.024	7/10/2007	7/30/2007	33/02	
69A-38.026	7/10/2007	7/30/2007	33/02	
69A-38.028	7/10/2007	7/30/2007	33/02	
69A-38.029	7/10/2007	7/30/2007	33/02	
69A-38.030	7/10/2007	7/30/2007	33/02	
69A-38.032	7/10/2007	7/30/2007	33/02	33/21
69A-38.033	7/10/2007	7/30/2007	33/02	
69A-38.034	7/10/2007	7/30/2007	33/02	
69A-38.035	7/10/2007	7/30/2007	33/02	33/21
69A-38.036	7/10/2007	7/30/2007	33/02	
69A-38.037	7/10/2007	7/30/2007	33/02	
69A-38.038	7/10/2007	7/30/2007	33/02	33/21

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

69O-157.1100	7/12/2007	8/1/2007	33/15	
69O-157.1155	7/12/2007	8/1/2007	33/15	
69O-157.201	7/12/2007	8/1/2007	33/15	

NOTICE OF CORRECTION

THE RULES FILED LIST WAS INCORRECTLY PRINTED IN THE JULY 6, 2007 FLORIDA ADMINISTRATIVE WEEKLY.

RULES FILED BETWEEN July 2, 2007 and July 6, 2007

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF EDUCATION
State Board of Education**

6A-1.09401	7/5/2007	7/25/2007	33/21	
6A-1.099823	7/5/2007	7/25/2007	33/20	
6A-6.0783	7/5/2007	7/25/2007	33/20	33/23

Commission for Independent Education

6E-1.003	7/3/2007	7/23/2007	33/19	33/23
6E-1.0032	7/3/2007	7/23/2007	33/19	33/23
6E-2.004	7/3/2007	7/23/2007	33/20	33/23
6E-2.0041	7/3/2007	7/23/2007	33/20	33/23

**WATER MANAGEMENT DISTRICTS
South Florida Water Management District**

40E-4.041	7/2/2007	7/22/2007	33/21	
40E-4.042	7/2/2007	7/22/2007	33/21	

40E-4.091	7/2/2007	7/22/2007	33/21	
40E-4.301	7/2/2007	7/22/2007	33/21	
40E-4.302	7/2/2007	7/22/2007	33/21	
40E-4.361	7/2/2007	7/22/2007	33/21	
40E-4.381	7/2/2007	7/22/2007	33/21	

**AGENCY FOR HEALTH CARE ADMINISTRATION
Medicaid**

59G-4.002	7/5/2007	7/25/2007	33/17	
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**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Board of Pilot Commissioners

61G14-11.007	7/2/2007	7/22/2007	33/22	
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**DEPARTMENT OF HEALTH
Board of Medicine**

64B8-31.0051	7/5/2007	7/25/2007	33/22	
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Board of Osteopathic Medicine

64B15-7.013	7/5/2007	7/25/2007	33/22	
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