

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF LEGAL AFFAIRS

Florida Elections Commission

RULE NO.: 2B-1.002
 RULE TITLE: Definitions

PURPOSE AND EFFECT: The Commission proposes the development of rule amendments to include Chapter 106, F.S., in its definitions.

SUBJECT AREA TO BE ADDRESSED: The inclusion of Chapter 106, F.S., in the definitions rule.

SPECIFIC AUTHORITY: 106.26 FS.

LAW IMPLEMENTED: 106.25(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Barbara Linthicum, Executive Director, Florida Elections Commission, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

2B-1.002 Definitions.

For purposes of imposing a civil penalty for violating Chapter 104 or 106, F.S., the following definitions shall apply:

(1) A person acts “willful” or “willfully” when he or she knew that, or showed reckless disregard for whether his or her conduct was prohibited or required by Chapter 104 or 106, F.S.

(2) “Knew” means that the person was aware of a provision of Chapter 104 or 106, F.S., understood the meaning of the provision, and then performed an act prohibited by the provision or failed to perform an act required by the provision.

(3) “Reckless disregard” means that the person disregarded the requirements of Chapter 104 or 106, F.S., or was plainly indifferent to its requirements, by failing to make any reasonable effort to determine whether his or her acts were prohibited by Chapter 104 or 106, F.S., or whether he or she failed to perform an act required by Chapter 104 or 106, F.S.

Specific Authority 106.26 FS. Law Implemented 106.25(3) FS. History--New 9-11-06, Amended.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09432
 RULE TITLE: Assessment of Limited English Proficient Students

PURPOSE AND EFFECT: The purpose of the rule development is to review the assessment of English language learners to ensure consistency with other rules and governing statutes.

SUBJECT AREA TO BE ADDRESSED: Assessment.

SPECIFIC AUTHORITY: 1003.56 FS.

LAW IMPLEMENTED: 1003.56 FS.

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

DATES AND TIMES: October 24, 2007, 8:30 a.m. – 5:00 p.m.

October 25, 2007, 8:30 a.m. – 5:00 p.m.

October 26, 2007, 8:30 a.m. – 5:00 pm.

PLACES: October 24, 2007

Florida Department of Education, 325 West Gaines Street, Suite 1703/07, Tallahassee, Florida

October 25, 2007

Miami Dade College, Wolfson Campus, 300 N.E. 2nd Avenue, Room 2106, Miami, Florida

October 26, 2007

Orange County Public Schools, Educational Leadership Center, Board Room, 445 West Amelia Street, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lisa C. Saavedra, Bureau of Academic Achievement through Language Acquisition, 325 West Gaines Street, Suite 501C, Tallahassee, Florida; (850)245-5074

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.:	RULE TITLES:
6A-6.0900	Programs for Limited English Proficient Students
6A-6.0901	Definitions Which Apply to Programs for Limited English Proficient Students
6A-6.0902	Requirements for Identification, Assessment and Programmatic Assessment of Limited English Proficient Students
6A-6.0903	Requirement for Classification, Reclassification, and Post Reclassification

- 6A-6.0904 Equal Access to Appropriate Programming for Limited English Proficient Students
- 6A-6.0905 Requirements for the District Limited English Proficient Plan
- 6A-6.0906 Monitoring of Programs for Limited English Proficient Students
- 6A-6.0907 Inservice Requirements for Personnel of Limited English Proficient Students
- 6A-6.0908 Equal Access for Limited English Proficient Students to Programs Other Than ESOL
- 6A-6.0909 Exemptions Provided to Limited English Proficient Students
- 6A-6.09091 Accommodations of the Statewide Assessment Program Instruments and Procedures for Limited English Proficient Students

PURPOSE AND EFFECT: The purpose of the rule development is to incorporate new assessment standards for English language learners as well as review rule and governing statutes to ensure consistency between law and rule.

SUBJECT AREA TO BE ADDRESSED: Identification, assessment, and reclassification of students classified as English language learners.

SPECIFIC AUTHORITY: 1003.56 FS.

LAW IMPLEMENTED: 1003.56 FS.

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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."

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: 19B-4.001

RULE TITLE: Application

PURPOSE AND EFFECT: To amend the advance payment contract enrollment application and application process with updated terminology.

SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan enrollment application.

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: October 15, 2007, 2:00 p.m.
 PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-4.001 Application.

(1) Rule Chapters 19B-4 through 19B-13 and 19B-15, F.A.C., apply to purchasers of advance payment contracts for the prepayment of postsecondary registration, local fees, tuition differential fees and/or dormitory residency fees under the Stanley G. Tate Florida Prepaid College Program, the "Program." The application period shall commence and terminate on dates set annually by the Board and published in the Florida Administrative Weekly. Applications for advance payment contracts purchased through the Board's direct support organization, The Florida Prepaid College Foundation, Inc., for purchasers participating in employer participation programs or by purchasers pursuant to a court order will be accepted by the Board at any time. Other applications for advance payment contracts submitted to the Board outside the annual application period will be processed for data collection and administrative purposes, but will not be accepted by the Board until the beginning of the next succeeding annual application period. The contract prices associated with

applications submitted to the Board outside the annual application period, except for those purchased through the Board's direct support organization. The Florida Prepaid College Foundation, Inc., for purchasers participating in employer participation programs or by purchasers pursuant to a court order, shall be the contract prices applicable to advance payment contracts for the next succeeding annual application period. After acceptance by the Board of the purchaser's application, a participation and payment schedule shall be mailed to the purchaser. The advance payment contract shall be comprised of the application, master covenant, and participation and payment schedule.

(2) No change.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.001, Amended 12-5-93, 5-31-95, 6-20-96, 10-20-96, 12-16-97, 2-18-99, 6-6-99, 2-8-00, 5-21-00, 1-3-01, 10-9-01, 11-27-02, 10-1-03, 1-29-04, 12-28-04, 6-2-05, 12-20-05,_____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: RULE TITLE:
19B-4.002 Contract Prices

PURPOSE AND EFFECT: To amend the advance payment contract prices with updated percentages for the annual increases to fees and updated terminology.

SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan advance payment contract plan prices and the determination of each type of plan's annual increase.

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 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:

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THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-4.002 Contract Prices.

The Board will evaluate the advance payment contract prices for revision annually. All advance payment contract prices will be published annually in the Florida Administrative Weekly. The advance payment cContract prices for tuition plans are based on the actuarial assumption that university tuition will rise at an average of 6.5 percent per annum, community college

tuition will rise at an average of 6 percent per annum and dormitory fees will rise at an average of 6 percent per annum. Local fee plan ~~contract~~ prices are based on the actuarial assumption that university local fees will rise at an average of 5 6 percent per annum and community college local fees will rise at an average of 6 percent per annum. The tuition differential fee plan prices are based on the actuarial assumption that the tuition differential fee will rise an average of 8.5 percent per annum until such time as the tuition differential fee reaches forty percent (40%) of tuition at Funding Level 1 schools and thirty percent (30%) of tuition at Funding Level 2 schools. Once the tuition differential fee reaches the maximum level, the actuarial assumption is that the tuition differential fee will rise an average of 6.5% per annum.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(2) FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.002, Amended 5-31-95, 2-18-99, 2-8-00, 12-28-03, 12-28-04, 12-20-05,_____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: RULE TITLE:
19B-4.005 Maximum Account Balance Limit

PURPOSE AND EFFECT: To amend the maximum account balance limit of a beneficiary's advance payment contract to include the new tuition differential fee plan and to update terminology.

SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan enrollment application and master covenant maximum account balance permitted and the determination of its redemptive value in compliance with s. 529 of the Internal Revenue Code.

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: October 15, 2007, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-4.005 Maximum Account Balance Limit.

(1) No change.

(2) For purposes of the maximum account balance limit, the redemption value of an advance payment contract for:

(a) Tuition, ~~and local fee, and tuition differential fee~~ plans shall be the most expensive lump-sum contract price for the university then-current average amount of tuition, university and local fee and university tuition differential fee plans, as determined annually by the Board's actuary respectively, charged by the state universities or community colleges for the number of semester credit hours reflected in the contract.

(b) Dormitory plans shall be the most expensive lump-sum four (4) year dormitory contract price (8 semesters) as determined annually by the Board's actuary then-current average of the state university dormitory fees for the dormitories specified for inclusion in the Prepaid Program and the number of semesters reflected in the contract.

(3) If the Board receives an application for an advance payment contract or an additional plan as an addendum to an advance payment contract for a beneficiary and the sum of the redemption value of that application's benefit(s) contract, the redemption value of any existing advance payment contract for that beneficiary and the account balance of an Florida College Investment Plan account ~~in the Florida College Investment Plan~~ for that beneficiary exceeds the maximum account balance limit, the Board will notify the purchaser that the Board cannot accept the application.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98, 1009.981 FS. History--New 11-27-02, Amended 12-28-03, _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: RULE TITLE:

19B-5.001 Contract Types

PURPOSE AND EFFECT: To amend the number and types of plans offered through the advance payment contracts and to update the terminology.

SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan advance payment contract plans offered by plan type purchased.

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: October 15, 2007, 2:00 p.m.

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THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-5.001 Contract Types.

The Florida Prepaid College Board's advance payment contracts program offers purchasers four (4) three different plans: types of tuition, and local fees, plan contracts, tuition differential fees and dormitory respectively, with an addendum dormitory plan to the university plan or community college plus university plan. However, a purchaser may purchase a dormitory plan contract for a beneficiary who was adopted from the Department of Children and Family Services after May 5, 1997, without purchasing a tuition plan contract for that beneficiary. All advance payment contracts include a tuition plan, unless the advance payment contract is an exception, pursuant to the Rules of this Chapter 19B, F.A.C. Purchasers may add corresponding local fee, tuition differential fee and/or dormitory plans in conjunction with or as addendums to advance payment contracts. The All types of tuition plans cover the matriculation fee, the building fee, the capital improvement fee and the financial aid fee. Local fee plans contracts cover the activity and service, health, and athletics fees imposed by the state universities and the student activity fee imposed by the community colleges. Local fee plans purchased after July 1, 1999 also cover the technology fee imposed by the community colleges. Tuition differential fee plans cover the supplemental fee charged by public universities in the state pursuant to Section 1009.24(15), F.S. The dormitory plan covers the housing rate specified by the university for inclusion in the plan of a double occupancy, air-conditioned room.

(1) Tuition plans consist of three (3) separate plans:

(a) University Plan – The university plan specifies that 120 credit hours at a state university are purchased for the benefit of the qualified beneficiary.

(b) Community College Plan – The community college plan specifies that 60 credit hours at a state community college are purchased for the benefit of the qualified beneficiary. For community college plans purchased prior to the 1996-97 application period, the number of credit hours purchased through the community college plan shall be the number specified in the advance payment contract.

(c) Community College Plus University Plan – The community college plus university plan specifies that 60 credit hours at a state community college and 60 upper division level credit hours at a state university are purchased for the benefit of the qualified beneficiary. For community college plus university plans purchased prior to the 1996-97 application period, the number of credit hours purchased through the community college plus university plan shall be the number specified in the advance payment contract.

Tuition plans do not cover institutionally-imposed fees such as health, athletic, activity and service, technology, tuition differential or student activity fees.

(2) Local fee plans consist of three (3) separate plans:

(a) University Local Fee Plan – The university local fee plan specifies that local fees for 120 credit hours at a state university are purchased for the benefit of the qualified beneficiary.

(b) Community College Local Fee Plan – The community college plan specifies that local fees for 60 credit hours at a state community college are purchased for the benefit of the qualified beneficiary.

(c) Community College Plus University Local Fee Plan – The community college plus university plan specifies that local fees for 60 credit hours at a state community college and 60 upper division level credit hours at a state university are purchased for the benefit of the qualified beneficiary.

Local fee plans may be purchased only for those contract beneficiaries four (4) or more years away from their anticipated matriculation date at the time that the application is filed. The local fee plan does not cover the tuition differential fee.

(3) Tuition Differential Fee Plans consist of two (2) separate plans: Beneficiaries for whom advance payment contracts were in effect prior to July 1, 2007 and consist of the university tuition plan or the community college plus university tuition plan, are exempt from the tuition differential fee.

(a) University Tuition Differential Fee Plan – The university tuition differential fee plan specifies that 120 credit hours at a state university authorized to assess the tuition differential fee are purchased for the benefit of the qualified beneficiary. The 120 credit hour university tuition differential fee plan may be purchased only in conjunction with a university tuition plan.

(b) Community College Plus University Tuition Differential Fee Plan – The community college plus university tuition differential fee plan specifies that only 60 credit hours at a state university authorized to assess the tuition differential fee are purchased for the benefit of the qualified beneficiary. The 60 credit hour tuition differential fee plan may be purchased only in conjunction with a community college plus university tuition plan.

Tuition differential fee plans may be purchased only for those qualified beneficiaries who are four (4) or more years away from their anticipated matriculation date at the time the application is received by the Board, contract that

~~(4)(3)~~ Dormitory Plan –

(a) The dormitory plan may be purchased only for those contract beneficiaries four (4) or more years away from their anticipated matriculation date at the time the contract application is filed. ~~Effective for enrollment periods beginning after July 1, 1997, the dormitory plan is not available unless the sale of dormitory contracts is specifically authorized by the Board prior to the enrollment period for that year and the sale~~

~~of dormitory plan contracts will not adversely affect the status of the program as a “qualified state tuition program” under Section 529 of the Internal Revenue Code.~~

(b) A dormitory plan purchased in conjunction with or as an addendum to the community college plus university plan is intended for use after the beneficiary is admitted to a state university. A dormitory plan only may be transferred for use at a community college pursuant to Rule 19B-9.004, F.A.C.

(c) A purchaser may purchase a dormitory plan for a beneficiary who was adopted from the Department of Children and Family Services after May 5, 1997, without purchasing a tuition plan contract for that beneficiary.

~~(5)(4)~~ The contracts do not cover fees and costs related to books, meals, transportation, ~~graduate school,~~ and institutionally-imposed fees such as laboratory fees.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(2) FS. History–New 3-29-89, Amended 5-17-92, 8-23-92, Formerly 4G-5.001, Amended 5-31-95, 6-20-96, 10-20-96, 8-18-97, 2-18-99, 2-8-00, 8-27-02, _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: 19B-5.002
 RULE TITLE: Contract Benefits

PURPOSE AND EFFECT: To amend the advance payment contract benefits to include the types of plans and to update the terminology.

SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan advance payment contract benefits offered by plan type purchased.

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: October 15, 2007, 2:00 p.m.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-5.002 Contract Benefits.

(1) A qualified beneficiary may begin to receive benefits during the Summer Semester of the scheduled matriculation year. The benefits of the purchaser’s advance payment fees contracted for the purchaser shall be paid at the time a qualified beneficiary of enrollment of the qualified beneficiary in a state

postsecondary institution except in the event of legislative action pursuant to Section 1009.98(5), F.S. The credit hours purchased may be used during any semester of postsecondary ~~undergraduate~~ enrollment. To receive benefits under this program, a qualified beneficiary whose advance payment contract is in good standing will be issued an identification card prior to each postsecondary Fall enrollment period. No identification card will be issued to a beneficiary unless the beneficiary submits a social security number. Benefits under each advance payment contract are available for use by the specified beneficiary for one (1) matriculation each semester; however, a beneficiary may matriculate more than once a semester if required by law or policy of the postsecondary institution.

(2)(a) To be eligible to receive dormitory plan benefits, qualified beneficiaries must file a complete and timely residence application with the applicable postsecondary institution. Beneficiaries must comply with all housing authority rules and regulations. The housing prepayment fee will be waived for the first housing application. Subsequent applications to alternate housing authorities will require payment by the purchaser of the appropriate prepayment fee. The dormitory residence plan is not available for use during the summer term.

(b) The dormitory plan provides payment for a double-occupancy, air-conditioned room in a dormitory specified by the state university. Where a state university does not offer a double-occupancy, air-conditioned dormitory room, the dormitory plan will pay the university, on behalf of the qualified beneficiary, the average cost of an eligible double-occupancy, air-conditioned dormitory room in the State University System. ~~The provisions of this paragraph do not apply to qualified beneficiaries who began utilization of the benefits of a dormitory contract prior to January 1, 1999, at a state university that has no double occupancy, air-conditioned dormitory rooms.~~

(3) Local fee ~~and tuition differential fee plans are contracts~~ ~~will be~~ tied to tuition contracts for matriculation purposes. Payment for the local and tuition differential fees will be remitted with the tuition payment upon the receipt of a tuition invoice for an beneficiary whose advance payment contract is account composed of these both fee plans contracts. If the state university does not charge a tuition differential fee, payment for only the local fees will be remitted with the tuition payment, upon receipt of a tuition invoice for a beneficiary whose advance payment contract is composed of these fee plans.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-5.002, Amended 5-31-95, 6-20-96, 2-18-99, _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.:

RULE TITLE:

19B-5.003

Contract Requirements

PURPOSE AND EFFECT: To amend the contract requirements of advance payment contracts to include the tuition differential fee, to clarify how disbursements are made to colleges and universities and to update terminology.

SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan's advance payment contract requirements.

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: October 15, 2007, 2:00 p.m.

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THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-5.003 Contract Requirements.

(1) No change.

(2) Only one (1) qualified beneficiary is allowed per advance payment contract, and a specific beneficiary can be named in only one (1) advance payment contract, provided however, a second advance payment prepaid contract may be purchased for a beneficiary by the direct support organization or an organization operating a scholarship program pursuant to Rule 19B-5.007, F.A.C. If a second advance payment prepaid contract is purchased for a beneficiary by the direct support organization or an organization operating a scholarship program pursuant to Rule 19B-5.007, F.A.C., the purchaser of the original prepaid contract may receive a refund pursuant to paragraph 19B-11.001(2)-(a), F.A.C. In the event duplicate advance payment contracts for the same beneficiary are processed and the second advance payment prepaid contract was not purchased by the direct support organization or an organization operating a scholarship program pursuant to Rule 19B-5.007, F.A.C., the advance payment contract processed first shall be deemed valid and the remaining advance payment contract shall be deemed terminated.

(3) No change.

(4) The benefits of an advance payment contract may be used within three (3) years in advance of the selected matriculation date indicated in the application with no penalty

or additional cost. However, to utilize the benefits a contract prior to the selected matriculation date, the purchaser must pay the advance payment contract in full before changing such matriculation date.

(5)(a) The benefits of an advance payment contract may be received for up to a ten (10) year period after the matriculation date. This ten (10) year limitation will be extended upon application to the Board. Any time spent by the qualified beneficiary in the military service tolls the time for receiving contract benefits under all contracts plans. The matriculation date is the projected college enrollment year of the qualified beneficiary, based on the information about the qualified beneficiary's age or grade contained in the purchaser's application form, or similar information received subsequently by the Board from the purchaser. The right to use the benefits of an advance payment from a contract shall expire on December 31, ten (10) years after the matriculation date, or any extension thereof.

(b) When the benefits of an advance payment from a contract have not been used on December 31, nine (9) years after the matriculation date or one (1) year prior to the expiration of any extension of the expiration date for the use of the advance payment contract benefits, the Board shall mail a written notice to the purchaser which indicates:

1. The purchaser must request in writing that the Board extend the time period for the use of advance payment contract benefits or to obtain a refund for the contract;

2. That the right to use the advance payment contract benefits will expire on December 31, ten (10) years after the matriculation date or any extension thereof; and

3. That such benefits and refund will escheat to the Florida Prepaid College Trust Fund on that date.

Such notice shall be mailed not later than 180 days prior to the expiration of the advance payment contract benefits. An alphabetical list of the names of purchasers of such advance payment contracts accounts shall be posted on the Board's website on the Internet.

(c) The benefits from and any refund associated with an advance payment contract for which the benefits have not been used by December 31, ten (10) years after the matriculation date, or any extension thereof, shall escheat to the Florida Prepaid College Trust Fund.

(6) Advance payment contracts Accounts that are composed of tuition, and local fee and tuition differential fee plans contracts will only be paid if both the tuition plan, account and local fee plan and tuition differential fee plan account are in good standing. Local fee payments and tuition differential fee payments shall not be remitted to pay tuition for any beneficiary attending a Florida public university or community college. Local fee payments and tuition differential fee payments may be remitted to pay tuition at private and out-of-state colleges for any qualified beneficiary.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(4) FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-5.003, Amended 5-31-95, 6-20-96, 2-18-99, 6-6-99, 11-6-01, 8-27-02, _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: RULE TITLE:

19B-5.006 Limitations on Plan Option Changes

PURPOSE AND EFFECT: To amend the limitations on plan option changes with updated terminology.

SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan payment options and plan options for advance payment contracts.

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: October 15, 2007, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-5.006 Limitations on Plan Option Changes.

(1) A purchaser of an advance payment contract purchaser must notify the Board of a change to the payment option or plan option delineated on such contract before the end of the official contract change period, such dates to be published in the Florida Administrative Weekly. Except as provided in Rule 19B-11.002, F.A.C., no changes in enrollment or payment options will be allowed after this change period.

(2)(a) Advance payment cContract purchasers may make a lump sum prepayment to fully prepay an installment contract with no prepayment penalty.

(b) Advance payment cContract purchasers may make one (1) or more partial prepayments on an installment contract. For purposes of this Rule, a partial prepayment is a payment made on an installment contract which is received by the Board prior to the regularly scheduled time for a payment and which is less than the lump sum amount required to fully prepay the installment contract at the time such payment is received by the Board. An advance payment contract purchaser shall not receive any refund or reduction of the total amount due on an

installment contract, including any amount for implied interest pursuant to subsection 19B-4.003(2), F.A.C., as the result of one (1) or more partial prepayments.

(3) No plan option, including a dormitory, ~~or~~ local fee ~~or~~ tuition differential fee plan, may be added or deleted except during this change period, during an open enrollment period, or by approval of the Board in cases of hardship and pursuant to the special petition procedure outlined in Rule 19B-12.001, F.A.C.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(4) FS. History—New 2-6-90, Formerly 4G-5.006, Amended 6-20-96, 3-20-97, 2-18-99, _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: 19B-6.001
 RULE TITLE: Fee Schedule

PURPOSE AND EFFECT: To amend the fee schedule with updated fee provisions and terminology.

SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan's fee schedule and the process of assessing fees.

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: October 15, 2007, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-6.001 Fee Schedule.

The following fee schedule will apply for all advance payment contract applicants and purchasers:

(1) Application Fee –

(a) A fifty dollar (\$50.00) nonrefundable application fee will be collected at the time an application is submitted ~~to~~ for the ~~Board~~ Program.

(b) If the purchaser named on the application for the advance payment contract ~~Program~~ has a Florida College Investment Plan account and the designated beneficiary of that account is the same as beneficiary named on the application for the advanced payment contract, a thirty dollar (\$30.00) nonrefundable application fee will be collected at the time the application is submitted.

(c) If an application for both the advance payment contract ~~Program~~ and the Florida College Investment Plan is submitted on the same application, an eighty dollar (\$80.00) nonrefundable application fee will be collected at the time the application is submitted.

(d) A fee of ten dollars (\$10.00) will be assessed for any purchaser of a tuition plan who subsequently adds a dormitory plan to the previously purchased tuition plan.

(e) A fee of ten dollars (\$10.00) will be assessed for any purchaser of a tuition plan who subsequently adds the corresponding local fee plan to the previously purchased tuition plan.

(f) A fee of ten dollars (\$10.00) will be assessed for any purchaser of a tuition plan who subsequently adds the corresponding tuition differential fee plan to the previously purchased tuition plan.

(2) Termination Fee – Fifty percent (50%) of the amount paid into the tuition plan up to a cap of fifty dollars (\$50.00) will be assessed upon termination of any tuition plan purchased, unless:

(a) The purchaser or beneficiary dies or is disabled; or
 (b) The beneficiary receives a scholarship which renders the plan unusable; or

(c) The purchaser holds the advance payment contract for a period of at least two (2) years immediately preceding the request for termination and refund.

~~The purchaser shall request a waiver of the termination fee at the time of the refund request. Only one termination fee will be assessed for a single termination request for both the university and dormitory plan. Documentation of one of the above events permitting the fee waiver shall also be submitted with the request.~~

(3) Cancellation Fee – In verifying the residency of a beneficiary, if the Board discovers that a purchaser has committed fraud, a cancellation fee of one hundred percent (100%) of the amount paid into the plan up to a maximum of two hundred fifty dollars (\$250.00) will be assessed, and the remainder of the amount paid into the plan will be automatically refunded to the purchaser.

(4) Late Fee.

(a) A late fee of ten dollars (\$10.00) will be assessed on each monthly payment received twenty (20) days past the due date. This charge shall be separate from and in addition to any termination fee that might be imposed pursuant to subsection (2) of this Rule. If ~~both~~ the tuition, ~~and~~ local fee ~~and~~ tuition differential fee payments are received twenty (20) or more days past the due date, only the tuition plan account will be assessed a ten dollar (\$10.00) late fee. The Board will grant an additional four (4) days' grace period when a federal holiday occurs within the twenty (20) days mentioned above.

(b) When an advance payment contract is terminated, not more than seventy dollars (\$70.00) in outstanding late fees may be deducted from the refund for the advance payment contract.

(c) When an advance payment contract is paid-in-full, the Board will waive:

1. Any outstanding late fees in excess of seventy dollars (\$70.00).

2. The outstanding late fee balance when the outstanding late fee balance is fifty dollars (\$50.00) or less.

(5) Insufficient Funds – Purchasers will automatically be assessed a twenty dollar (\$20.00) fee for all payments returned for insufficient funds.

(6) Outstanding Fees – All outstanding fees must be paid by March 1 of the anticipated enrollment year in order for the qualified beneficiary to receive the advance payment contract benefits. Fees assessed after March 1 of the anticipated enrollment year and remaining unpaid on February 1 of the succeeding year will result in a suspension of the advance payment contract benefits.

(7) Reinstatement Fee – A fifty dollar (\$50.00) fee shall be assessed for the reinstatement of a voluntarily canceled or involuntarily canceled plan account. This fee shall be due on each tuition, local fee, tuition differential fee and dormitory plan account. The fee shall be due from the purchaser at the time the request for reinstatement is made and shall be in addition to all payments and fees required to bring an account plan current.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971(4), 1009.98 FS. History–New 3-29-89, Amended 2-6-90, 3-19-92, 8-23-92, Formerly 4G-6.001, Amended 12-5-93, 6-20-96, 12-16-97, 2-18-99, 2-8-00, 11-6-01, 11-27-02,_____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: 19B-9.001
 RULE TITLE: Flexibility

PURPOSE AND EFFECT: To amend the flexibility with which advance payment contract beneficiaries may use their benefits, to include the restriction on the new tuition differential fee plan and to update terminology.

SUBJECT AREA TO BE ADDRESSED: The flexibility of the Florida Prepaid College Plan’s advance payment contract benefits.

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: October 15, 2007, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-9.001 Flexibility.

The benefits of advance payment contracts are plan is designed to be flexible in order to allow beneficiaries to attend the postsecondary institutions of their choice regardless of the type of plans included in the advance payment contracts purchased.

(1) Plan benefits will be automatically converted upon receipt of a valid postsecondary institution invoice based upon the respective tuition rate at the time of the qualified beneficiaries’ actual matriculation dates. For example, if the community college tuition rate is two-thirds (2/3) of the university rate at the time of matriculation, three community college credit hours will be used to pay for two (2) university credit hours.

(2) A dormitory plan may not be transferred to a community college plan.

(3) A tuition differential fee plan may not be transferred to a community college plan.

(4)(3) For the purchaser to convert plan benefits and receive a refund, pursuant to Rule 19B-11.002, F.A.C., a written conversion/ refund request must be received from the purchaser no earlier than one (1) year and before April 1 of the year of matriculation of the qualified beneficiary.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971, 1009.98(3) FS. History–New 3-29-89, Amended 3-19-92, Formerly 4G-9.001, Amended 6-20-96, 8-18-97,_____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: 19B-9.002
 RULE TITLE: Transfer to In-State Independent College or University

PURPOSE AND EFFECT: To amend the transfer of advance payment contract benefits to in-state independent colleges or universities to include the transfer of the new tuition differential fee and to update terminology.

SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan’s transfer of advance payment contract benefits to in-state independent colleges or universities.

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: October 15, 2007, 2:00 p.m.
PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-9.002 Transfer to In-State Independent College or University.

In the event the beneficiary matriculates in an independent college or university in Florida, the redemption value will be forwarded to the institution. For purposes of such transfers of the tuition, ~~and~~ local fee and tuition differential fee plans, the redemption value shall be the average amount of tuition, ~~and~~ local fees; and tuition differential fees, respectively, charged by the state universities or community colleges at the time of matriculation. For purposes of such transfers of the dormitory plan, the redemption value shall be the average of the state university dormitory fees charged at the time of matriculation for the number of semesters reflected in each purchaser's advance payment contract.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History--New 3-29-89, Formerly 4G-9.002, Amended 2-6-90, 12-5-93, 6-20-96, 10-20-96, 2-18-99, 10-9-01, _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: 19B-9.003
RULE TITLE: Transfer to Out-of-State Schools
PURPOSE AND EFFECT: To amend the transfer of advance payment contract benefits to out-of-state colleges or universities to include the transfer of the new tuition differential fee and to update terminology.
SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan's transfer of advance payment contract benefits to out-of-state colleges or universities.
SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.
LAW IMPLEMENTED: 1009.98 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
DATE AND TIME: October 15, 2007, 2:00 p.m.
PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-9.003 Transfer to Out-of-State Schools.

A qualified beneficiary may transfer the benefits of an advance payment contract to an eligible out-of-state community college, college or university. The amount transferred shall not exceed the redemption value of the advance payment contract. For purposes of such transfers of the tuition, ~~and~~ local and tuition differential fee plans, the redemption value shall be the average amount of tuition, ~~and~~ local and tuition differential fees, respectively, charged by the state universities or community colleges at the time of matriculation. For purposes of such transfers of the dormitory plan, the redemption value shall be the average of the state university dormitory fees charged at the time of matriculation for the number of semesters reflected in each purchaser's advance payment contract.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(3) FS. History--New 3-29-89, Formerly 4G-9.003, Amended 12-5-93, 6-20-96, 2-18-99, 1-3-01, 10-9-01, _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: 19B-9.005
RULE TITLE: Transfer to In-State Vocational-Technical Schools

PURPOSE AND EFFECT: To amend the transfer of advance payment contract benefits to in-state vocational-technical schools to include the transfer of the new tuition differential fee and to update terminology.
SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan's transfer of advance payment contract benefits to in-state vocational-technical schools.
SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.
LAW IMPLEMENTED: 1009.98 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
DATE AND TIME: October 15, 2007, 2:00 p.m.
PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-9.005 Transfer to In-State Vocational-Technical Schools.

A qualified beneficiary of the Florida Prepaid College Program may transfer the benefits of an advance payment contract to an applied technology diploma program or a vocational certificate program conducted by a community college listed in Section 1000.21(3), F.S., or an area technical center operated by a district school board. The amount of such benefits that may be transferred shall not exceed the redemption value. For purposes of a transfer to an applied technology diploma program or vocational certificate program conducted by a community college, the redemption value shall be the amount of tuition, ~~and~~ local fees and tuition differential fees, respectively, charged by the community college at the time of matriculation. For purposes of a transfer to an area technical center operated by a district school board, the redemption value shall be the average amount of tuition, ~~and~~ local fees and tuition differential fees, respectively, charged by the state universities or community colleges at the time of matriculation. If the cost of the fees charged by the community college or area technical center is less than the corresponding fees charged by a state postsecondary education institution, the amount transferred shall not exceed the cost of the fees charged by the community college or area technical center. The amount transferred may only cover the number of semester credit hours stipulated in the original advance payment contract.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(3) FS. History--New 1-3-01, Amended _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: RULE TITLE:

19B-11.001 General

PURPOSE AND EFFECT: To permit beneficiaries who attend state educational institutions which do not charge a tuition differential fee to receive a refund at the current redemptive value of the tuition differential fee plan.

SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan's advance payment contract refund policy and process.

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: October 15, 2007, 2:00 p.m.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-11.001 General.

Except as provided herein, refunds shall not exceed the amount paid for any plan included in the advance payment contract bought by the purchaser, except for conversions pursuant to Rule 19B-11.002, F.A.C., and dormitory ~~residence~~ plan refunds due to insufficient housing pursuant to Rule 19B-11.004, F.A.C. Involuntary and voluntary termination pursuant to Rules 19B-10.001 and 19B-10.002, F.A.C., respectively, shall result in a refund to the purchaser after assessment of appropriate fees. Termination of student status after the official drop/add period eliminates the refund option for that semester. ~~However, refunds may exceed the amount paid into the fund in the following circumstances:~~

(1) For participants in the Florida Prepaid College Board Program's advance payment contracts, a scholarship is defined as:

(a) A financial or in-kind award or grant given to an individual for study, training, or research, and which does not constitute compensation for personal services, or

(b) The refund of a tuition differential fee plan of an advance payment contract if the advance payment contract's designated qualified beneficiary does not attend a state educational institution that meets the criteria for Funding Level 1 or Funding Level 2 pursuant to Section 1004.635(3), F.S.

(2) Refunds may exceed the amount paid for a plan in the following circumstances:

~~(a)(4)~~ If a beneficiary is awarded a scholarship, the terms of which cover the benefits included in the advance payment contracts, moneys paid for the purchase of the advance payment contracts shall be returned to the purchaser in semester installments coinciding with the matriculation by the beneficiary in an amount not to exceed the redemption value of the advance payment contract. Proof of scholarship shall be given to the Board as required by the Master Covenant.

~~(b)(2)~~ In the event of death or total disability of the beneficiary, moneys paid for the purchase of an advance payment contract shall be returned to the purchaser in lump sum in an amount not to exceed the redemption value of the advance payment contract. Proof of death or disability shall be in such form as required by the Board.

(c) If a beneficiary with a tuition differential fee contract attends a state educational institution that does not charge a tuition differential fee, moneys paid for purchase of the tuition

differential fee contract shall be returned to the purchaser in an amount not to exceed the redemption value of the tuition differential fee plan.

(3) For purposes of refunds pursuant to paragraph 19B-11.001(2)(a)(+) or (b)(2), F.A.C., for tuition and local fee plans, the redemption value shall be the average amount of tuition and local fees, respectively, charged by the state universities or community colleges at the time of the refund request. For purposes of refunds pursuant to paragraph 19B-11.001(2)(a)(+) or (b)(2), F.A.C., for the dormitory plan, the redemption value shall be the average of the state university dormitory fees charged at the time of the refund request, for the number of semesters reflected in each purchaser's advance payment contract. For purposes of refunds pursuant to paragraph 19B-11.001(2)(c) F.A.C., for tuition differential fee plans, the redemption value shall be the average amount of tuition differential fees charged by the state educational institution at the time of the refund.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971, 1009.98(5) FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-11.001, Amended 8-18-97, 11-6-01,_____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: 40E-4.091
 RULE TITLE: Publications, Rules and Interagency Agreements Incorporated by Reference

PURPOSE AND EFFECT: To incorporate by reference the delegation agreement between the South Florida Water Management District and Collier County for a portion of the Environmental Resource Permitting Program. The agreement delegates to Collier County the authority to review and issue environmental resource permits in uplands within the designated boundaries of delegation within Collier County. Activities requiring a Joint Coastal Permit, sovereignty submerged lands, mining, electrical distribution lines, natural gas or petroleum distribution lines within the permitting responsibility of the District; mitigation banks, and certain other activities will not be delegated to the County and will remain with the South Florida Water Management District.

SUBJECT AREA TO BE ADDRESSED: The Agreement delegates to Collier County, certain permitting, compliance and enforcement responsibilities within the geographic area of Collier County, under authority in Sections 373.103(8) and 373.441, F.S., associated with implementation of the Environmental Resource Permit (ERP) Program under Part IV, Chapter 373, F.S. This delegation includes responsibilities for the Management and Storage of Surface Waters (MSSW) permit programs under subsection 373.414(11)-(16), F.S. (referred to as surface water management (SWM) permits) and describes the guidance and oversight responsibilities of the District as they relate to the delegated programs. Further, the

Agreement establishes the responsibilities of Collier County regarding maintaining adequate levels of administrative, technical and financial capabilities to implement and enforce the ERP and MSSW programs, and responsibilities for reporting to, and maintaining communication with the District. SPECIFIC AUTHORITY: 373.044, 373.103(8), 373.113, 373.171, 373.413, 373.441, 668.003, 668.004, 668.50, 704.06 FS.

LAW IMPLEMENTED: 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441, 668.003, 668.004, 668.50, 704.06 FS.

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

DATE AND TIME: October 18, 2007, 10:00 a.m.

PLACE: Collier County Government, Building B, Human Resources, Human Resources Training Center, 3301 E. Tamami Trail, Naples, FL 34112

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Clerk of the South Florida Water Management District, (800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 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: Damon Meiers, Deputy Department Director, Environmental Resource Regulation Department, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 6876 or (561)682-6876, email: dmeiers@sfwmd.gov. For procedural questions, contact Jan Sluth, Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

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

(1) “Delegation Agreement between the South Florida Water Management District and Collier County (_____ (date))”.

(2) No change.

Specific Authority 373.044, 373.103(8), 373.113, 373.171, 373.413, 373.441, 668.003, 668.004, 668.50, 704.06 FS. Law Implemented 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441, 668.003, 668.004, 668.50, 704.06 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly

16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-14-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, 6-26-02, 6-26-02, 4-6-03, 4-14-03, 9-16-03, 12-7-04, 2-12-06, 10-1-06, 11-20-06, 1-23-07, 7-1-07, 7-22-07,_____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: 40E-400.315
 RULE TITLE: No Notice General Permit for Activities in Uplands

PURPOSE AND EFFECT: To delete language containing a partial delegation to Collier County as a new delegation will be addressed through the Delegation Agreement between the South Florida Water Management District and Collier County.

SUBJECT AREA TO BE ADDRESSED: Thresholds and additional conditions within Collier County for no notice general permits for activities in uplands.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.171, 403.813, 403.814 FS.

LAW IMPLEMENTED: 373.118, 373.413, 373.416, 373.426 FS.

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

DATE AND TIME: October 18, 2007, 10:00 a.m.
 PLACE: Collier County Government, Building B Human Resources, Human Resources Training Center, 3301 E. Tamami Trail, Naples, FL 34112

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Clerk of the South Florida Water Management District, (800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 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: Damon Meiers, Deputy Department Director, Environmental Resource Regulation Department, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 6876 or (561)682-6876, email: dmeiers@sfwmd.gov. For procedural questions, contact Jan Sluth, Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-400.315 No Notice General Permit for Activities in Uplands.

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

~~(c) Thresholds and Additional Conditions Within Collier County:~~

- ~~1. The project must have less than 40 acres total land area.~~
- ~~2. The project and surface water management system must have been approved by Collier County subsequent to September 17, 1980.~~

Specific Authority 373.044, 373.118, 373.171, 403.813, 403.814 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History–New 10-3-95, Amended 4-14-03,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-5.020
 RULE TITLE: Provider Requirements

PURPOSE AND EFFECT: The purpose of this proposed rule amendment to is to incorporate by reference update January 2008 to the Florida Medicaid Provider General Handbook. The handbook was updated to include the Medicaid Program Integrity policy, procedures, and sampling methodology for Medicaid compliance reviews. The effect of the rule amendment to Rule 59G-5.020, F.A.C., will be to incorporate by reference in rule update January 2008 to the Florida Medicaid Provider General Handbook.

SUBJECT AREA TO BE ADDRESSED: Provider Requirements.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.905, 409.906, 409.907, 409.908, 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: Monday, October 15, 2007, 3:00 p.m.
 PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room B, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen Girard, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)488-9711, girardk@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 59G-5.020 Provider Requirements.
- (1) All Medicaid providers enrolled in the Medicaid program and billing agents who submit claims to Medicaid on behalf of an enrolled Medicaid provider must comply with the

provisions of the Florida Medicaid Provider General Handbook, January 2007, updated July 2007 and January 2008, which is incorporated by reference and available from the fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Handbooks. A paper copy of the handbook may be obtained by calling Provider Enrollment at (800)377-8216.

(2) No change.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.906, 409.907, 409.908, 409.912, 409.913 FS. History--New 9-22-93, Formerly 10P-5.020, Amended 7-8-97, 1-9-00, 4-24-01, 8-6-01, 10-8-03, 1-19-05, 5-24-07, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: 61G19-9.0045
 RULE TITLE: Approval of Proctored Telecourses and Interactive Distance Learning Courses

PURPOSE AND EFFECT: The Board proposes to amend the rule regarding continuing education courses and providers to comply with Section 455.2178, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: One and Two Family Dwelling Inspector Certification.

SPECIFIC AUTHORITY: 468.606 FS.

LAW IMPLEMENTED: 468.609(2),(7) 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: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors 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

Board of Accountancy

RULE NO.: 61H1-28.0052
 RULE TITLE: Number of Sitzings, and Granting of Credit, Release of Grades and Completion of Examination, Transition Rules

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Number of Sitzings, and Granting of Credit, Release of Grades and Completion of Examination, Transition Rules.

SPECIFIC AUTHORITY: 455.217(1), 473.304, 473.306 FS.

LAW IMPLEMENTED: 455.217(7), 473.306 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-33.0032
 RULE TITLE: Board Approval of CPA Ethics Continuing Education by Providers

PURPOSE AND EFFECT: The Board proposes to amend the rule in order to add that the fee is not refundable if an application for Board approval of CPA Ethics continuing education is withdrawn or denied.

SUBJECT AREA TO BE ADDRESSED: Board Approval of CPA Ethics Continuing Education by Providers.

SPECIFIC AUTHORITY: 120.55(1)(a)4., 455.213(6), 455.2178, 455.2179, 473.304, 473.312 FS.

LAW IMPLEMENTED: 455.213(6), 455.2178, 455.2179, 473.312(1)(a), (c) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61H1-33.0032 Board Approval of CPA Ethics Continuing Education by Providers.

(1) through (2) No change.

(3) To allow the Board to evaluate an application for continuing education provider status, the applicant must submit the following:

(a) through (h) No change.

(i) The fee as established in subsection 61H1-31.001(15), F.A.C. If such application is withdrawn or denied, no portion of the fee will be refundable.

(4) through (6) No change.

Specific Authority 120.55(1)(a)4., 455.213(6), 455.2178, 455.2179, 473.304, 473.312 FS. Law Implemented 455.213(6), 455.2178, 455.2179, 473.312(1)(a), (c) FS. History—New 6-30-05, Amended 9-24-07, _____.

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

RULE NOS.:	RULE TITLES:
67-37.002	Definitions
67-37.005	Local Housing Assistance Plans
67-37.006	Review of Local Housing Assistance Plans and Amendments
67-37.007	Uses of and Restrictions Upon SHIP Local Housing Distribution Funds for Local Housing Assistance Plans
67-37.008	Local Housing Assistance Trust Fund
67-37.010	Local Affordable Housing Incentive Strategies
67-37.011	Interlocal Entities

PURPOSE AND EFFECT: This Rule establishes the procedures by which the Florida Housing Finance Corporation shall administer the State Housing Initiatives Partnership (SHIP) Program which provides funds to local governments as an incentive to create partnerships to produce and preserve affordable housing. Revisions to the Rule are required to implement technical and clarifying changes. The adoption of these revisions will increase the efficiency and effectiveness of local program service delivery and will provide greater clarification of the program.

SUBJECT AREA TO BE ADDRESSED: The Rule Development Workshops will be held to receive comments and suggestions from interested persons relative to program requirements as specified in Rule Chapter 67-37, Florida Administrative Code.

SPECIFIC AUTHORITY: 420.907 FS.

LAW IMPLEMENTED: 420.9071, 420.9072, 420.9073, 420.9075, 420.9076, 420.9078, 420.9079 FS.

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

DATE AND TIME: October 16, 2007, 11:00 a.m.

PLACE: Tampa Hyatt (downtown location), 211 North Tampa Street, A/K/A/ Two Tampa City Center, Tampa, Florida 33602 Pursuant to the provisions of 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: Darlene Raker 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 PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robert Dearduff, SHIP Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE ON FLORIDA HOUSING FINANCE CORPORATION'S WEB SITE: www.floridahousing.org.

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Accounting and Auditing

RULE NOS.:	RULE TITLES:
69I-72.001	Definitions
69I-72.002	Threshold for Recording Tangible Personal Property for Inventory Purposes
69I-72.003	Recording of Property
69I-72.004	Marking of Property
69I-72.005	Disposition of Property
69I-72.006	Inventory of Property
69I-72.007	Capitalization of Property

PURPOSE AND EFFECT: The purpose of the proposed rules is to implement: (1) Section 273.02, F.S., which requires the Chief Financial Officer to adopt rules regarding the requirements for recording of state-owned tangible personal property in the state's financial system and for the periodic review of such property for inventory purposes; and (2) Section 273.055, F.S., which requires custodians to maintain records to identify property items for disposition in accordance with rules issued by the Chief Financial Officer. The Auditor General's Office had been responsible for issuing such rules; however, Chapter 2006-122, Laws of Florida, transferred those responsibilities to the Chief Financial Officer. Chapter 2006-122, Laws of Florida, also created Section 273.025, F.S., which requires the Chief Financial Officer to adopt rules regarding the requirements for the capitalization of property that has been recorded in the state's financial system.

SUBJECT AREA TO BE ADDRESSED: Recording and inventory requirements for state-owned tangible personal property. Capitalization requirements for state-owned tangible personal property.

SPECIFIC AUTHORITY: 273.02, 273.025, 273.055 FS.

LAW IMPLEMENTED: 273.01, 273.02, 273.025, 273.03, 273.04, 273.05, 273.055 FS.

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

DATE AND TIME: October 16, 2007, 2:00 p.m.

PLACE: Room 430, Fletcher 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: Molly Merry, (850)413-3097 or molly.merry@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 IS: Molly Merry, Chief, Bureau of Accounting, 200 East Gaines Street, Tallahassee, Florida 32399-0354 (850)413-3097 or molly.merry@fldfs.com.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69I-72.001 Definitions.

(1) “Capital Asset” means real or personal property that has a cost equal to or greater than an established capitalization threshold and has a useful life extending beyond one year. Capital assets are reported in the statement of net assets in financial reporting.

(2) “Class Code” means a classification number used to commonly identify similar items of property which is established by the State’s Chief Financial Officer in the State’s financial system.

(3) “Control Accounts” means summary accounts designed to control accountability for individual property records. Unlike individual property records which establish accountability for particular items of property, control accounts accumulate the total cost or value of the custodian’s property and through entries to the control accounts documenting acquisitions, transfers and dispositions, provide evidence of the change in that total cost or value over periods of time as well as the total cost or value at any point in time.

(4) “Cost” means acquisition or procurement cost (i.e., invoice price plus freight and installation charges less discounts). In determining cost, the value of property

exchanged by a custodian in satisfaction of a portion of the purchase price of new property shall not be deducted from the full purchase price regardless of any property “traded in” on the new property.

(5) “Custodian” means, without limitation, any elected or appointed State officer, board, commission or authority, or any other entity or agency entitled to lawful custody of property owned by the State.

(6) “Custodian’s Delegate” means a person acting under the supervision of the custodian to whom the custody of property has been delegated by the custodian and from whom the custodian receives custody receipts.

(7) “Depreciated Cost” means acquisition cost less accumulated depreciation.

(8) “Depreciation” is the systematic and rational allocation of the acquisition cost of an asset over the expected useful life of the asset.

(9) “Financial System” means the Florida Accounting Information Resource (FLAIR) or its successor.

(10) “Fiscal Year” means the State’s fiscal year established in Section 215.01, F.S., to begin on the first day of July and to end on the following thirtieth day of June, both dates inclusive, in each and every year; or the fiscal year established by other law applicable to a particular custodian.

(11) “Identification Number” means a unique number assigned and affixed to each item of property to identify it as property held by the custodian and for the purpose of differentiating one item of property from another.

(12) “Property” has the meaning set forth in Section 273.02, F.S.

(13) “Unaccounted for Property” means property held by a custodian subject to the accountability provisions of Rule 69I-72.002, F.A.C., which cannot be physically located by the custodian or custodian’s delegate which property has not been otherwise lawfully disposed of.

(14) “Value” means the worth or fair market value at the date of acquisition for donated property.

Specific Authority 273.02, 273.025 FS. Law Implemented 273.01, 273.02, 273.025, 273.03, 273.04, 273.05, 273.055 FS. History—New _____.

69I-72.002 Threshold for Recording Tangible Personal Property for Inventory Purposes.

All tangible personal property with a value or cost of \$1,000 or more and having a projected useful life of one year or more shall be recorded in the state’s financial system as property for inventory purposes. Any hardback book with a value or cost of \$25 or more and having a useful life of one year or more that is circulated to students or the general public, and any hardback book with a value or cost of \$250 or more that is not circulated shall be recorded in the state’s financial system as property for inventory purposes. For the purpose of this rule chapter, “cost” is used if the property is purchased and represents the purchase

price of the property item; “value” is used if the property is donated and represents the fair market value of the property item at the date of donation.

Specific Authority 273.02, 273.025 FS. Law Implemented 273.01, 273.02, 273.025 FS. History–New _____.

69I-72.003 Recording of Property.

(1) Maintenance of Property Records – Custodians shall maintain adequate records of property in their custody. The records shall contain at a minimum, the information required by these rules.

(2) Individual Records Required for Each Property Item – Each item of property shall be accounted for in a separate property record. Related individual items which constitute a single functional system may be designated as a property group item. A property group item may be accounted for in one record if the component items are separately identified within the record. Examples of property items subject to group accountability include, but are not limited to: modular furniture, computer components, book sets and similar associations of items. All property group items, the total value or cost which is equal to or greater than \$1,000, shall be inventoried under these rules.

(3) Content of Individual Property Records – Each property record shall include the following information:

(a) Identification number.

(b) Description of item or items.

(c) Physical location (the city, county, address or building name and room number therein).

(d) Name of custodian or custodian’s delegate with assigned responsibility for the item.

(e) Class Code.

(f) In the case of a property group, the number and description of the component items comprising the group.

(g) Name, make or manufacturer, if applicable.

(h) Year and/or model(s), if applicable.

(i) Manufacturer’s serial number(s), if any, and if an automobile, vehicle identification number (VIN) and title certificate number, if applicable.

(j) Date acquired.

(k) Cost or value at the date of acquisition for the item or the identified component parts thereof. When the historical cost of the purchased property is not practicably determinable, the estimated historical cost of the item shall be determined by appropriate methods and recorded. Estimated historical costs shall be so identified in the record and the basis of determination established in the custodian’s public records. The basis of valuation for property items constructed by custodian personnel shall be the costs of material, direct labor and overhead costs identifiable to the project. Donated items, including federal surplus tangible personal property, shall be valued at fair market value at the date of acquisition. Regardless of acquisition method, the cost or value of a

property item shall include ancillary charges necessary to place the asset into its intended location and condition for use. Ancillary charges include expenditures that are directly attributable to asset acquisition and placing the asset in service, such as freight and transportation charges, site preparation costs, and professional fees.

(l) Method of acquisition and, for purchased items, the statewide document (voucher) number obtained from the State’s financial system.

(m) Date the item was last physically inventoried and the condition of the item at that date.

(n) If certified as surplus, the information prescribed in Section 273.05(5), F.S.

(o) If disposed of, the information prescribed in Rule 69I-72.005, F.A.C.

(p) Any other information on the individual property record that the custodian may care to include.

(4) Control Accounts – A custodian-wide control account showing the total cost or value of the custodian’s property shall be maintained. A custodian may keep additional control accounts for property to the extent deemed necessary for different funds and sub-funds. Control totals may not be established by periodically summarizing the costs or values recorded on the individual property records. Rather, entries to control accounts shall be derived from documents evidencing transactions resulting from the acquisition, transfer, or disposition of property items and shall be posted contemporaneously with entries to the individual property records.

(5) Depreciation shall be recorded to meet financial reporting requirements relating to depreciation accounting. However, depreciation shall not be recorded on the individual property records or in control accounts in such a manner as to reduce the recorded acquisition cost or value (i.e., depreciation shall be recorded as an item separate from the acquisition cost).

Specific Authority 273.02, 273.025, 273.055 FS. Law Implemented 273.02, 273.025, 273.04, 273.055 FS. History–New _____.

69I-72.004 Marking of Property.

(1) Marking of Property – Each property item shall be permanently marked with the identification number assigned to that item to establish its identity and ownership by the custodian holding title to the item. The marking shall visually display the property identification number of the item and may include an electronic scanning code (“barcode”) to facilitate electronic inventory procedures.

(2) Exemptions for Marking Property – Any item of property whose value or utility would be significantly impaired by the attachment or inscription of the property identification number is exempt from the requirement for physical marking. However, the custodian’s property records shall contain sufficient descriptive data to permit positive identification of such items.

(3) Location of Marking – Items with the same class code shall be marked in a similar manner to facilitate identification. In determining a marking location, careful consideration shall be given to the intended use of the items; the probability that the marking could be obliterated by wear, vandalism or routine maintenance functions; and, the appropriateness of the marking method chosen. Additionally, the location of the marking and the marking method chosen shall not mar the appearance of the item. When utilizing an electronic scanning format system, electronic codes shall be placed on property in the same manner as other markings specified in this section.

Specific Authority 273.02 FS. Law Implemented 273.02 FS. History–New _____.

69I-72.005 Disposition of Property.

(1) Methods of Disposition – Property within the meaning of these rules may be lawfully disposed of as provided in Sections 273.04, 273.05 and 273.055, F.S. Property assigned to a custodian or a custodian’s delegate which is not accounted for during regular or special inventories shall be subject to the rules regarding unaccounted for property (See subsection 69I-72.006(7), F.A.C.).

(2) Required Information – The following information shall be recorded on the individual property record for each item lawfully disposed of pursuant to Section 273.04, 273.05 or 273.055, F.S.:

- (a) Date of disposition.
- (b) Authority of disposition (custodian certification as surplus property, agency resolution, etc., as appropriate).
- (c) Manner of disposition (sold, donated, transferred, cannibalized, scrapped, destroyed, traded).
- (d) Identity of the employee(s) witnessing the disposition, if cannibalized, scrapped or destroyed.
- (e) For items disposed of, a notation identifying any related transactions (such as receipt for sale of the item, insurance recovery, trade-in).
- (f) For property certified as surplus, reference to documentation evidencing that such property was disposed of in the manner prescribed by Section 273.055(3), F.S.

(3) Transfer of Property Records – The individual property record for each item lawfully disposed of as described in this rule shall be, upon disposition of the item, transferred to a disposed property file. Destruction of such records shall be governed by the provisions of Chapter 119, F.S.

(4) Control Account – The cost or value of items lawfully disposed of shall be removed from the control account at the time of disposition.

Specific Authority 273.02, 273.025, 273.055 FS. Law Implemented 273.02, 273.025, 273.04, 273.05, 273.055 FS. History–New _____.

69I-72.006 Inventory of Property.

(1) Physical Inventory Required – Each custodian shall ensure that a complete physical inventory of all property is taken at least once each fiscal year. Each custodian shall ensure that a complete physical inventory of all property under the control of the custodian or custodian’s delegate is taken whenever there is a change of custodian or custodian’s delegate.

(2) Inventory Forms – The form used to record the physical inventory shall be at the discretion of the custodian. However, the form shall display, at a minimum, for each property item the following information:

- (a) Date of the current inventory.
- (b) Name and signature of the person who conducted the current inventory.
- (c) Identification number.
- (d) Existence of item (or indication that the item was not located).
- (e) Description of the item or items.
- (f) Present condition of the item or items.
- (g) Physical location (the city, county, address or building name and room number therein).
- (h) The name of the custodian or the custodian’s delegate with assigned responsibility for the item.
- (i) State standard class code.
- (j) In the case of a property group, the number and description of the component items comprising the group.
- (k) Name, make or manufacturer, if applicable.
- (l) Year and/or model(s), if applicable.
- (m) Manufacturer’s serial number(s), if any, and if an automobile, vehicle identification number (VIN) and title certificate number, if applicable.
- (n) Date acquired.

(3) Unrecorded Property – Any property item found during the conduct of an inventory which meets the requirements for accounting and control as defined in Rule 69I-72.002, F.A.C., and which item is not included on the inventory forms described above, shall have an inventory form created for the item when located. After appropriate investigation to establish the ownership of the item, it shall be added to the custodian’s property records or, if ownership cannot be reasonably established, the item may be disposed of as surplus property pursuant to Section 273.05, F.S.

(4) Custodian’s Delegate Shall Not Inventory Certain Items – The custodian’s delegate shall not personally inventory items for which they are responsible.

(5) Property Assigned to Other Custodians – In some instances, it may not be cost effective to make a physical inventory of property that has been temporarily assigned to another custodian at an off-site location. In such instances, the

custodian's delegate may, in lieu of a physical inventory, obtain a certified statement from the other custodian's delegate attesting to the existence and condition of the property.

(6) Reconciliation of Inventory to Property Records – Upon completion of a physical inventory:

(a) The data listed on the inventory forms shall be compared with the individual property records. Noted differences such as location, condition, and custodian's delegate shall be investigated and corrected as appropriate or, alternatively, the item shall be relocated to its assigned location and custodian or custodian's delegate shown in the individual property record.

(b) Items not located during the inventory process shall be promptly reported to the custodian or the custodian's designee (who shall be an individual other than the custodian's delegate responsible for the unaccounted for property) and the custodian shall cause a thorough investigation to be made. If the investigation determines that the item was stolen, the individual property record shall be so noted and a report filed with the appropriate law enforcement agency describing the missing item and the circumstances surrounding its disappearance.

(7) Unaccounted for Property – For items identified as unaccounted for, recording the items as dispositions or otherwise removing the items from the property records shall be subject to approval of the State's Chief Financial Officer as provided in Section 17.04, F.S., and Rule 69I-21.002, F.A.C.

Specific Authority 273.02 FS. Law Implemented 273.02 FS. History–New _____.

69I-72.007 Capitalization of Property.

For statewide financial reporting purposes, all tangible personal property with a value or cost of \$1,000 or more and having a projected useful life of one year or more must be capitalized. Any hardback book with a value or cost of \$25 or more and having a useful life of one year or more that is circulated to students or the general public, and any hardback book with a value or cost of \$250 or more that is not circulated must be capitalized.

Specific Authority 273.025 FS. Law Implemented 273.025 FS. History–New _____.

Section II Proposed Rules

DEPARTMENT OF TRANSPORTATION

RULE NOS.:	RULE TITLES:
14-28.0011	Definitions
14-28.0012	Forms
14-28.002	Public Use of Rest Areas and Welcome Centers
14-28.003	Procedures for Use of Rest Areas and Wayside Parks for Non-Profit Organizations to Assemble for Safety Purposes
14-28.005	Solicitation Within Rest Areas and Welcome Centers
14-28.006	Notification
14-28.007	Solicitation Restrictions
14-28.008	Suspension or Revocation of a Solicitation Permit

PURPOSE AND EFFECT: This rule chapter is being amended and restructured, including repealing six of the existing rules. The repeal of rules is part of the Department's overall goal to review existing rules and to repeal any rules that are considered to be obsolete or unnecessary. The remaining two rules are simplified. The rule chapter title also is amended.

SUMMARY: Six of the existing rules are being repealed and the remaining two rules are simplified. The rule chapter title also is amended.

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

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

SPECIFIC AUTHORITY: 334.044(2), 337.405, 337.406, 496.425 FS.

LAW IMPLEMENTED: 316.130, 334.044(13), (28), 335.02(1), 337.405, 337.406, 496.425 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

REST AREAS AND WELCOME CENTERS
PUBLIC USE OF REST AREAS, WAYSIDE
PARKS, AND SOLICITATION
ON STATE HIGHWAY FACILITIES

14-28.0011 Definitions.

Specific Authority 334.044(2) FS. Law Implemented 316.130, 335.02(1), 337.406(1), 496.404 FS. History—New 10-25-89, Amended 7-6-93, Repealed.

14-28.0012 Forms.

Specific Authority 120.53(1)(b), 120.60, 334.044(2) FS. Law Implemented 120.53(1)(b), 120.60, 334.044(2), 335.02(1), 337.406(1), 496.425 FS. History—New 10-25-89, Amended 7-6-93, Repealed.

14-28.002 Public Use of Rest Areas and Welcome Centers/Wayside Park Regulations.

Rest areas and welcome centers wayside parks are provided as safety rest stops for travelers to use on a first come, first served basis. Persons using rest areas and welcome centers wayside parks shall comply with the following requirements:

- (1) Group functions are prohibited.
- (2) Camping is prohibited.
- (3) The use of alcoholic beverages and drugs is prohibited.
- (4) Parking for periods greater than three hours is prohibited. This does not apply to solicitations participants permitted under Rules 14-28.003 and 14-28.005, F.A.C.

(5) All vehicles must be parked in the proper manner at locations designated by the Florida Department of Transportation (Department).

(6) Animals must be kept on leash or in other appropriate restraining devices, e.g. cages, and shall not be taken into any shelters or other buildings. This provision is not applicable to animals used by the blind or other handicapped persons with disabilities.

(7) No person shall disturb or injure birds, nests, eggs, squirrels, or any other animals within the area.

(8) No person shall pick any flowers, foliage, fruit; or cut, break, dig up, or in any way mutilate or injure any tree, shrub, plant, grass turf, railing seat, fence, structure or anything within the area; or cut, carve, write, paint or paste on any tree, stone, fence, wall, building, monument or other object therein, any bill, advertisement or inscription whatsoever.

(9) No person shall dig up or remove any dirt, stones, rocks or other objects; make any excavation, quarry any stones or lay or set off any blast or cause or assist in doing any of these activities within the area.

(10) Fires shall be made only in fire places or grills provided for this purpose and any person building a fire will be responsible for completely extinguishing the fire before leaving the area.

(11) No article or object shall be offered for sale within the area, except as authorized by law.

(12) Bottles, broken glass, ashes, waste paper or other rubbish shall be left only at such places provided for disposal by the Department.

(13) ~~No person, except permitted non-profit organizations, shall hook up his or her vehicle to Department electrical and water outlets. All costs of making these hook ups shall be at the permittee's expense. The permittee will be responsible for the safety of all connections, hoses, wires, etc. Hazardous situations may be identified by the Department and must be corrected by the permittee immediately. Failure to do so shall result in revocation of the permit. The permittee will be responsible for obtaining all local government permits and health department approvals, which will be posted where they can be seen easily. All damages to Department property shall be repaired at the permittee's expense.~~

Specific Authority 334.044(2), 337.405, 337.406 FS. Law Implemented 334.044(13), 335.02(1), 337.405, 337.406(4) FS. History—New 9-2-82, Formerly 14-28.02, Amended 10-25-89, 8-28-91, 7-6-93, _____.

14-28.003 Procedures for Use of Rest Areas and Wayside Parks for Non-Profit Organizations to Assemble for Safety Purposes.

Specific Authority 334.044(2), 335.16(1) FS. Law Implemented 334.044 (28), 335.16(1), 337.406(1) FS. History—New 9-2-82, Formerly 14-28.03, Amended 10-25-89, 8-28-91, 7-6-93, Repealed.

14-28.005 Solicitation Within Rest Areas and Welcome Centers Permits.

(1) Only ~~non-profit~~ organizations registered with the Department of Agriculture and Consumer Services, pursuant to Chapter 496, F.S., and holding a valid consumer certificate of exemption issued by the Department of Revenue may apply for a solicitation permit to solicit funds which have secured may solicit within approved rest areas and welcome centers the Department public access facilities. Permits for solicitation within the Department public access facilities are issued by the Department and permits for solicitation on state roads are issued by the appropriate Local Governmental Entity.

(2) ~~Non-profit organizations which have secured a solicitation permit, Form Number 850-040-70, 01/93, from the Department may solicit at approved interstate rest areas, Welcome Center rest areas, turnpike service plazas, and other approved Department public access facilities.~~

(a) ~~A non-profit~~ The organization must obtain a separate solicitation permit from each Department District within the whose boundaries of the intended solicitation it will solicit or from the Maintenance Office of Florida's Turnpike for solicitation on Florida's Turnpike System.

(3) ~~(b)~~ Permit Applications for Solicitation at a Department Rest Area or Welcome Center, Form Number 850-040-70, 06-07 01/93, and Indemnification Agreement, Form 850-040-72, 06/07, incorporated herein, may be obtained

from any of the Department's District or Area Maintenance Offices(s) or the Maintenance Office of Florida's Turnpike. ~~A~~ The completed application ~~shall~~ may then be submitted by the permittee to the appropriate District or Area Maintenance Office(s). ~~The District Maintenance Engineer or designee will be responsible for approval or denial of the permit.~~

~~(4)(e)~~ The permit application shall include:

~~1. The name, mailing address, and telephone number of the organization applying for the permit.~~

~~2. A description of the proposed activities.~~

~~(a)3.~~ A copy of the Consumer's Certificate of Exemption issued to the applicant by the Florida Department of Revenue.

~~4. An indemnification agreement, Form Number 850-040-72, 01/93, stating that in consideration of receiving a permit, the applicant agrees to indemnify, defend, save, and hold harmless the Department from all claims, demands, liabilities, and suits of any nature arising out of or because of any activities or actions taken by the permittee.~~

~~(b)5.~~ Proof of registration with ~~A copy of the letter of compliance or exemption issued by the Florida Department of Agriculture, Division of Consumer Services. This will apply to all non-profit organizations except religious or educational institutions, state agencies, or other government entities and political contributions solicited in accordance with the election laws of this state.~~

~~(c) An executed Indemnification Agreement, Form 850-040-72.~~

~~(d) Within 15 days of any change in the information submitted in the permit application, the applicant shall provide the Department with the corrected information.~~

~~(e) A solicitation permit shall be valid only in the Department District in which it is issued for one year from the date of its issuance, and a copy of the approved permit shall be kept on file in the District Maintenance Office for this period of time.~~

~~(f) Time frames associated with the approval, denial, suspension, or revocation of a solicitation permit shall be in accordance with Chapter 120, F.S.~~

~~(3) Non-profit organizations, which have secured approval of the appropriate local government authority may solicit at the approved location on the state road. Permits for solicitation on state roads located within city limits should be obtained from and issued by the city. Permits for solicitation on state roads located outside city limits should be obtained from and issued by the county in which the state road is located. Permits for solicitation on expressways should be obtained from and issued by the expressway authority and any local governmental entity with jurisdiction.~~

(5) The Maintenance Engineer or designee having jurisdiction over the facility will designate an area within the premises for the permittee's use, and specify any other

restrictions in the permit, such as the number of persons and the hours permitted, according to the available space, hours of operation, and security of the location.

(6) In the event more than one organization wishes to solicit during the same period at the same site, the first complete application received by the Department will be the first considered for approval.

(7) The permittee shall comply with the provisions of Section 496.425, F.S., and the restrictions specified in the permit.

(8) All permittees shall also comply with the following:

(a) Solicitation shall not be conducted on any area paved for vehicular travel or within any area of construction.

(b) Solicitation shall not be conducted in or around any area reserved for a particular use, such as a parking area, restroom facility, sidewalk, dining area, vending machine area, stairwells, doors of public circulation, and foyers.

(c) No advertising of the organization will be allowed on the roadway. Only one sign, no larger than 3' x 5', displaying the organization's name and the permit will be allowed in the designated area. The sign shall clearly contain the following language: "Those soliciting are not employed or endorsed by the State of Florida."

(d) No solicitor may be under the age of 18 years.

(e) Solicitors shall comply with all applicable laws and no organization or solicitor may:

1. Knowingly solicit from on duty state employees, on duty employees of a state contractor, or employees of authorized business on the premises.

2. Harass any person, including demanding, threatening, or intimidating conduct, or persist after solicitation has been declined.

3. Hamper or impede the conduct of any authorized business.

4. Request a minimum contribution or specify an amount of contribution.

5. Offer food or drink at a site where food or drinks are made available under the auspices of the State.

6. Obstruct, delay, or interfere with or distract from the free movement of either pedestrians or vehicular traffic, or

7. Create a safety or operation problem for the Department, or a danger to the public health, safety, and welfare.

(9) The permittee shall submit a Notification and Request for Facility Use, Form Number 850-040-71, 06/07, incorporated herein, to the appropriate District or Area Maintenance Office at least three days prior to undertaking any solicitation and no more than 60 days prior to an event. Each event may not exceed one week. A copy of Form 850-040-71 may be obtained from any of the Department's District or Area Maintenance Office(s).

(10) The permittee shall maintain its registration pursuant to Chapter 496, F.S., and the exemption by the Department of Revenue during the permit period, and shall immediately inform the Department of any change in status. The permit becomes invalid at the time the permittee is no longer a qualified entity under Section 496.425, F.S. The Department has the authority to suspend or revoke a permit for any violation of this rule chapter in accordance with Section 496.425, F.S.

Specific Authority ~~120.53(1)(a),(b), 120.60, 334.044(2), 337.406, 496.425~~ FS. Law Implemented 316.130, 334.044(13), (28), 335.02(4), 337.406(4), 496.425 FS. History--New 10-25-89, Amended 7-6-93, _____.

14-28.006 Notification.

Specific Authority 120.53(1)(a), 334.044(2) FS. Law Implemented 316.130, 334.044(28), 335.02(1), 337.406(1), 496.425 FS. History--New 10-25-89, Amended 5-23-90, 7-6-93, Repealed _____.

14-28.007 Solicitation Restrictions.

Specific Authority 334.044(2) FS. Law Implemented 316.130, 335.02(1), 337.406(1), 496.425 FS. History--New 10-25-89, Amended 7-6-93, Repealed _____.

14-28.008 Suspension or Revocation of a Solicitation Permit.

Specific Authority 120.60, 334.044(2) FS. Law Implemented 120.60, 316.130, 335.02(1), 337.406(1), 496.415, 496.416, 496.417, 496.425 FS. History--New 10-25-89, Amended 7-6-93, 1-17-99, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dale Cook, Traffic Services Manager, State Maintenance Office

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kevin Thibault, Assistant Secretary for Engineering and Operations, for Stephanie C. Kopelousos, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 12, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 24, 2007

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
14-63	Building Moving Permit Regulations
RULE NOS.:	RULE TITLES:
14-63.001	Scope
14-63.0011	Definitions
14-63.002	General Requirements for Building Movement Permit Issuance
14-63.0021	Single Move Permits
14-63.003	Single Move Permit Size Limitations

14-63.004	Movement Restrictions for All Permits
14-63.005	Special Permits
14-63.0051	Annual Permits for Factory-Built School Buildings
14-63.006	Fees
14-63.007	Bond Requirements
14-63.008	Traffic Control
14-63.0091	Application Procedure and Notice to Others
14-63.0101	Liability and Insurance
14-63.011	Non-Compliance

PURPOSE AND EFFECT: This is an amendment to Rule Chapter 14-63, F.A.C., including repeal of nine rules and other amendments to clarify the rules. The repeal of rules is part of the Department's overall goal to review existing rules and to repeal any rules that are considered to be obsolete or unnecessary. A revised Permit to Move Building Over State Roads, Form 850-040-90, is incorporated by reference.

SUMMARY: Rule Chapter 14-63, F.A.C., is being amended to clarify the regulations relating to building moving permits and to repeal rules within the chapter. A revised Permit to Move Building Over State Roads, Form 850-040-90, is incorporated by reference.

SPECIFIC AUTHORITY: 316.550 FS.

LAW IMPLEMENTED: 334.03, 316.550 FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost has been prepared.

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

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

14-63.001 Scope.

Specific Authority 334.044(2), 316.550 FS. Law Implemented 316.550 FS. History--New 9-1-71, Amended 7-9-75, Formerly 14-63.01, Amended 1-3-90, Repealed _____.

14-63.0011 Definitions.

Specific Authority ~~334.044(2),~~ 316.550 FS. Law Implemented 316.550 FS. History--New 1-3-90, Amended 7-1-92, Repealed _____.

14-63.002 General Requirements Authorization for Building Movement Permit Issuance.

(1) Each The Department District Maintenance Office is authorized to issue building movement permits for allowing the movement of houses and other similar buildings traveling upon state roads, other than limited access facilities, highways. These permits are issued only under certain conditions which are intended to ensure safety and reduce to a minimum any inconvenience to the highway user. The approval of all building movement permits is the responsibility of the District Office in its the dDistrict in which the movement occurs. For purposes of this rule, "building" means a fixed structure normally attached to a foundation with walls and roof, and does not include mobile homes, modular buildings, and manufactured housing. If the proposed housemoving route involves occurs in more than one district, then each affected Ddistrict Maintenance Ooffice will be responsible to review and issue a permit for the portion of the route that lies within its their boundaries. If the proposed move involves only crossing a state road highway, a permit will not be required, but the-The mover is required to notify the District Area Maintenance Office, within whose boundaries the crossing takes place, at least 24 hours in advance of the proposed move.

(2) Building Movement Restrictions.

(a) Movement is prohibited under the following conditions:

1. During periods of heavy traffic, normally "rush hour" traffic, between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m., Monday through Friday.

2. During weekends and nighttime, unless approved by the appropriate law enforcement agencies, local government, and the Department. Nighttime means that period of time which begins one hour before sunset and ends one hour after sunrise.

(b) Building movement is prohibited on any portion of limited access facilities. Building movement is permitted on roads passing over or under limited access facilities.

(c) Building movements are subject to additional restrictions, for reasons of public health, safety, and welfare.

(3) Fees. Payment of the permit fee shall be required at the time of the building movement permit application. An application submitted without payment of the permit fee will be deemed incomplete and returned to the applicant. The following fee charges apply to all permits:

(a) A fee of \$25.00 will be charged for issuance of each single move permit.

(b) A fee of \$50.00 will be charged for issuance of each special permit.

(c) Fees will not be charged for factory-built school buildings and other public buildings when moved by a governmental entity or its contracted mover.

(4) Security Instrument. A permittee moving a building in excess of 14 feet wide shall be required to provide a security instrument in the amount of \$10,000.00 to cover repair damage

to state facilities resulting from the move. The security instrument may be a letter of credit or bond as described in Section 334.187, F.S., and must be submitted to the affected District Maintenance Office. All bonds shall be made payable to the Department and shall be submitted to the Department prior to approval of the permit.

(5) Liability and Insurance. The permittee is required to name the Department as an additional insured and submit a certificate of insurance, with the permit application, in the amount of not less than \$100,000 bodily injury or death per person for any number of persons in any one occurrence, \$300,000 for property damage or a combined coverage of not less than \$300,000. The certificate of insurance shall be submitted to and kept on file in the appropriate District Maintenance Office(s).

(6) Traffic Control. All building movements must be accompanied by escort vehicles in the front and rear. The escort vehicles must comply with the requirements specified in Rule 14-26.012, F.A.C.

(a) The building movement must pull over to the side at turnouts or median crossovers to allow traffic to pass as directed by law enforcement to facilitate public safety.

(b) During building movement, a minimum of three adult personnel (including the driver and escort personnel) shall be in attendance at all times.

(c) Clean, high visibility, red/orange warning flags at least 18 inches square shall be displayed on the corners and at all protrusions of the building movement at all times.

(d) Enroute, during any delays, breakdowns, accidents, or other times when the building is immobile, the building shall be identified with warning lights as described above. A minimum of one light for each 15 feet of perimeter is required.

(7) Application Procedure and Notice. Applicants shall obtain a Permit to Move Building Over State Roads, Form 850-040-90, Rev. 06/07, incorporated herein by reference, from any District Maintenance Office or area maintenance office. If the proposed route occurs in more than one district, then the applicant will need to mail or hand deliver a completed form to each affected District Maintenance Office. Applicants shall complete all appropriate sections of the form and obtain review and approval by the nearest Florida Highway Patrol Office with route and escort recommendations.

(a) Applicants shall contact all utilities (e.g., traffic signals, electric power lines, sewer, gas, communication lines, cable television), railroad companies, and all local governments whose facilities will be affected by the move, and address any concerns. In addition, it is the responsibility of the permittee to notify these utilities at least 24 hours in advance of the proposed move. The permittee shall notify the railroad companies at least 24 hours in advance of any move over at-grade rail crossings.

(b) The Application will be reviewed for completeness, accuracy, and compliance with these rules prior to approval.

(c) All Applications for special permits and routes crossing bridges will be reviewed by the Departmental District Structures and Facilities Engineer prior to approval.

(d) Requests for time extension must be made by the permittee through the issuing office. The request must be made not less than 48 hours prior to the expiration date of the original permit. Not more than three time extensions will be granted for each permit.

Specific Authority ~~334.044(2)~~, 316.550 FS. Law Implemented 316.550 FS. History--New 9-1-71, Formerly 14-63.02, Amended 1-3-90, 7-1-92, _____.

14-63.0021 Single Move Permits.

~~The Department will review Each Application will be reviewed~~ regarding the proposed route, as indicated on a map provided by the applicant, and the building moving arrangements. The following factors shall be considered ~~when reviewing the application:~~

(1) Bridge or roadway structure widths, clearances, condition of roadway and bridges and their load carrying capacity.

(2) ~~The applicant's load plan, including spacing and size of beams, and spacing and size of wheels and tires will be considered.~~ The load, in pounds, must be shown on each set of wheels in the load plan. Load plan means a sketch or drawing showing details and dimensions of the building to be moved, including the means of movement. Overall dimensions and weight distribution must be included in the plan. ~~A load plan is required if any of the following conditions are exceeded:~~

(a) ~~The weight shall not exceed on any four tire axle exceeds 22,000 pounds or 605 pounds per inch of tire tread width on two tires.~~

(b) Maximum overall building width shall not exceed 30 feet, six inches, excluding the building movement unit, eaves, and beams.

(c) Maximum overall building length shall not exceed 65 feet, excluding the building movement unit, eaves, and beams.

(d) When loaded, buildings shall be no more than 25 feet in height, as measured from ground level to the highest point of the load.

(e) Dimensions in excess of paragraph (b), (c), or (d) above shall require special permits.

(b) ~~The gross weight of tractor trailer, hauling unit and house exceeds:~~

1. ~~*122,000 pounds on seven axles;~~
2. ~~*132,000 pounds on eight axles;~~
3. ~~*142,000 pounds on nine axles;~~
4. ~~*172,000 pounds on ten axles;~~
5. ~~*192,000 pounds on thirteen axles with 38 feet minimum longitudinal distance required from center of fifth axle to center of sixth axle.~~

~~*A minimum of 51 feet longitudinal distance is required from center of the steering axle on the tractor to center of the external rear axle on the hauling unit. Axles that are located across the bridge deck transverse to the longitude line will be considered as separate groupings. Maximum weight per axle is 22,000 pounds. Maximum weight per three axle group is 60,000 pounds. Maximum weight per four axle group is 66,000 pounds.~~

(3) Sufficiency of Adequate shoulder widths and conditions to handle the route traffic.

(4) Sufficiency of parking areas to allow accumulated traffic to pass.

(5) The potential disruption to traffic and traffic conditions during the time of the move.

(6) The history of other moves on the route.

~~(7) Safety considerations:~~

~~(7)(8) Any Other~~ factors relevant to public safety or the protection of public transportation facilities related to the specific request.

Specific Authority 316.550, ~~334.044(2)~~ FS. Law Implemented 316.550 FS. History--New 1-3-90, Amended 7-1-92, _____.

14-63.003 Single Move Permit Size Limitations.

Specific Authority 334.044(2), 316.550 FS. Law Implemented 316.550 FS. History--New 9-1-71, Formerly 14-63.03, Amended 1-3-90, 7-1-92, Repealed _____.

14-63.004 Movement Restrictions for All Permits.

Specific Authority ~~334.044(2)~~, 316.550 FS. Law Implemented 316.550 FS. History--New 9-1-71, Formerly 14-63.04, Amended 1-3-90, 7-1-92, Repealed _____.

14-63.005 Special Permits.

(1) Special permits are required ~~used~~ for buildings movements exceeding the dimension requirements of single move permits Rule 14-63.003. Special permits will be granted on a case-by-case basis by the Department.

(2) The following criteria will be used in evaluating a request for a special permit:

(a) Applicants will furnish written explanation as to why the building move cannot conform to the criteria for a single move permit.

(b) Applicants will state what specific steps have been taken to comply with the size limitations.

(c) The route of the building movement will accommodate the move without risk of damage or compromise of safety.

(d) ~~Applicants will furnish a~~ load plan showing all axle spacing, wheels, dimensions, and weights ~~shall be furnished when the requirements of Rule Section 14-63.0021(2) are exceeded.~~

(e) Applicants will furnish dDocumentation ~~shall be required~~ showing concurrence with the move by the affected local government ~~counties, municipalities, and utilities.~~

Specific Authority ~~334.044(2)~~, 316.550 FS. Law Implemented 316.550 FS. History--New 9-1-71, Formerly 14-63.05, Amended 1-3-90, 7-1-92, _____.

14-63.0051 Annual Permits for Factory-Built School Portable Classroom Buildings.

(1) Annual ~~P~~ermits may be issued at any time for the transport of a factory-built school portable classroom buildings as defined in Section 553.415, F.S. meeting the size limitations of a single building move permit ~~14-63.003(1), (2), and (3)~~, owned by a ~~c~~County ~~s~~School ~~b~~Board when a building movement is made from a construction site to a school site or from one school site ~~to another with school board equipment and forces or by a housemover subcontracted~~ by a county school board or its contracted mover.

(2) Annual Permit holders must notify all affected ~~a~~Area ~~m~~Maintenance ~~o~~ffices of the origin, route, and destination of movement not less than 24 hours in advance of each move. The Department must approve the date and time of the building movement or the move ~~it~~ must be rescheduled.

Specific Authority 316.550, ~~334.044(2)~~ FS. Law Implemented 316.550 FS. History--New 1-3-90, Amended 7-1-92, _____.

14-63.006 Fees.

Specific Authority ~~334.044(2)~~, 316.550 FS. Law Implemented 316.550 FS. History--New 9-1-71, Formerly 14-63.06, Amended 1-3-90, 7-1-92, Repealed.

14-63.007 Bond Requirements.

Specific Authority 334.044(2), 316.550 FS. Law Implemented 316.550, 316.560 FS. History--New 9-1-71, Formerly 14-63.07, Amended 1-3-90, 7-1-92, Repealed.

14-63.008 Traffic Control.

Specific Authority 334.044(2), 316.550 FS. Law Implemented 316.550 FS. History--New 9-1-71, Formerly 14-63.08, Amended 1-3-90, 7-1-92, Repealed.

14-63.0091 Application Procedure and Notice to Others.

Specific Authority 316.550, 334.044(2) FS. Law Implemented 316.550 FS. History--New 1-3-90, Amended 7-1-92, 7-19-94, Repealed.

14-63.0101 Liability and Insurance.

Specific Authority 316.550, 334.044(2) FS. Law Implemented 316.550, 316.560 FS. History--New 1-3-90, Amended 7-1-92, Repealed.

14-63.011 Non-Compliance.

(1) Suspension, revocation, or denial of permit. The Department District Secretary, or designee, for good cause, will deny, revoke, or suspend any permit for a specified period of time up to 12 months. Good cause includes, ~~but is not limited to:~~

(a) Failure by the permittee or its ~~his~~ agents to comply with the requirements ~~regulations~~ of this rule chapter or the requirements of Chapter 316, F.S.

(b) A determination ~~by the Department~~ that the permittee has submitted a misleading permit application or information.

(c) Failure by the permittee or its ~~his~~ agents to comply with the terms of the permit.

(d) Travel by the permittee on other than approved routes.

(e) Instances in which the permittee or its agent has previously undertaken a move without obtaining the necessary permit.

(f) Other reasons of health, safety, or welfare.

(2) Penalties.

(a) In addition to a suspension, revocation, or denial of a current permit for cause as set forth in Subsection (1), in any 12 month period, the Department, for good cause, as defined in Subsection (1), will deny issuance of future permits for periods of time as follows:

<u>VIOLATION OF PRIOR PERMIT</u>	<u>PERMIT DENIAL PERIOD</u>
<u>First</u>	<u>30 Days</u>
<u>Second</u>	<u>180 Days</u>
<u>Third</u>	<u>12 Months</u>

<u>VIOLATION OF PRIOR PERMIT</u>	<u>PERMIT DENIAL PERIOD</u>
<u>First</u>	<u>30 Days</u>
<u>Second</u>	<u>180 Days</u>
<u>Third</u>	<u>12 Months</u>

However, the Department will ~~may~~ not refuse to issue a permit because of an alleged violation~~(s)~~ until a final order is entered or the permittee does not request an administrative hearing ~~the Department's action has become final pursuant to subsection (3)~~.

(b) Any person who fails to obtain a permit or violates the provisions of a permit issued under this rule chapter shall pay a penalty. ~~All penalties collected under this rule chapter shall be credited to the State Transportation Fund. Under the provisions of Rule Chapter 14A-1, F.A.C., any person aggrieved by the imposition of a civil penalty pursuant to this rule chapter may appeal to the Commercial Motor Vehicle Review Board. The Commercial Motor Vehicle Review Board may modify, cancel, revoke, or sustain such penalty.~~

(e) Penalties shall be imposed on overdimensional loads or vehicles building movements as follows:

<u>TYPE OF VIOLATION</u>	<u>PENALTY</u>
<u>Operating without a permit.</u>	<u>Ten times the cost of the permit not to exceed \$500</u>
<u>Violating the terms or conditions of a current permit.</u>	<u>\$250 per violation, up to a maximum of \$1,000</u>
<u>Modifying the terms or conditions of a current permit.</u>	<u>Ten times the cost of the permit not to exceed \$500.</u>

TYPE OF VIOLATION	PENALTY
1. Operating without a permit.	Ten times the cost of the permit not to exceed \$500.00.
2. Violating the terms or conditions of a current permit.	\$250.00.
3. Modifying the terms or conditions of a current permit.	Ten times the cost of the permit not to exceed \$500.00.

~~(3) Notice of the Department's intended action will be provided in accordance with Rule 28-106.111, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rules 28-106.104, 28-106.201, and 28-106.301, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule 28-106.111, F.A.C.~~

Specific Authority 316.550, ~~334.044(2)~~ FS. Law Implemented ~~120.569, 120.57, 120.60,~~ 316.550 FS. History—New 9-1-71, Formerly 14-63.11, Amended 1-3-90, 7-1-92, 6-24-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Cook, Traffic Services Manager, State Maintenance Office

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kevin Thibault, Assistant Secretary for Engineering and Operations, for Stephanie C. Kopelousos, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 12, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 24, 2007

DEPARTMENT OF TRANSPORTATION

RULE NOS.:	RULE TITLES:
14-88.001	Purpose
14-88.002	Definitions
14-88.003	Toll Facilities Revolving Trust Fund Application Requirements
14-88.0041	Submission and Award
14-88.005	Administration of Trust Funds and Applicant Projects

PURPOSE AND EFFECT: Four of the five existing rules are being repealed and the one remaining rule is being amended. Repeal of these rules is part of the Department's overall goal to review existing rules and to repeal any rules that are considered to be obsolete or unnecessary. The remaining rule is simplified. SUMMARY: The rule chapter is being simplified by repealing four of the five existing rules.

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

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

SPECIFIC AUTHORITY: 338.251 FS.

LAW IMPLEMENTED: 334.30, 343.82, 348.0004, 338.251 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

14-88.001 Purpose.

Specific Authority 20.23, 334.044(2), 338.251(11) FS. Law Implemented 338.251 FS. History—New 1-8-86, Amended 9-22-92, Repealed _____.

14-88.002 Definitions.

Specific Authority 20.23, 334.044(2), 338.251(11) FS. Law Implemented 338.251 FS. History—New 1-8-86, Amended 9-22-92, Repealed _____.

14-88.003 Toll Facilities Revolving Trust Fund Application Requirements of Applicant Applications.

~~(1) A county, a municipality, an expressway or a bridge authority pursuant to Chapter 348, F.S., a private entity pursuant to Section 334.30(7), F.S., and the Turnpike Enterprise, may apply for loans from the Toll Facilities Revolving Trust Fund for a revenue producing road project such as a toll road, bridge facility, or related toll facility work. Section 338.251(2), Florida Statutes, requires that needed material and information shall be "documented to the Department of Transportation" before trust fund monies can be advanced/awarded to implement an applicant project. When required documentation is provided in an application, the Department will consider the application for an award of trust fund monies. However, this does not obligate the Department of Transportation to advance/award trust funds to any local governmental entity.~~

~~(2) A complete An applicant application shall include the following information:~~

~~(a) Entity Applicant name, mailing address, and street address.~~

~~(b) Contact person, title, phone number, and e-mail address.~~

~~(c)(b)~~ Project Application title and type(s) of activity(ies) proposed as defined in this Rule Chapter.

~~(d)(e)~~ A ~~s~~Statement of needs(s) that ~~shall~~ includes a clear presentation ~~and~~ of documentation of the conditions and problems that exist, ~~and~~ which the proposed applicant project activities will help to resolve. This information ~~that should~~ demonstrates ~~how that requested applicant~~ project activities will help resolve the ~~directly affect~~ documented problems.

~~(e)(d)~~ Project objective(s) that specifies the detailed results required for the type(s) of activity(ies), ~~defined in Rule 14-88.001, F.A.C.~~ A clear, concise and complete enumeration of expected results/products to be delivered ~~by the applicant project~~ is required.

~~(f)(e)~~ A ~~d~~Detailed project budget and commitment schedule ~~composed of a two year budget proposal that contains detailed lists (by fiscal quarter) of proposed trust funded activity and sub-activity expenditures that are consistent with the project schedule.~~ For allowable activities, ~~C~~ontingency costs ~~may be allowable but shall be itemized and~~ presented for consideration ~~must be itemized.~~

~~(g)(f)~~ A ~~d~~Detailed project schedule consistent with the project objective(s) and budget. ~~The project schedule is a procedural plan, a detailed program of actions, that specifies what will be done by whom, when, and where for each activity requested (by fiscal quarter) for the life of the project.~~

~~(h)(g)~~ A ~~c~~Certification letter from the applicable Metropolitan Planning Organization's (MPO) chairperson ~~stating MPO supporting for the candidate project, and indicating that the a candidate project is consistent ("compatible with" and "furthers" as defined in this Rule Chapter) with its the adopted MPO comprehensive transportation plan.~~

~~(i)(h)~~ Documentation indicating how the ~~candidate~~ project is consistent ~~(as defined in this Rule Chapter) with the adopted Florida Transportation Plan (FTP).~~

~~(2)(i)~~ Applications for engineering design activities below the 60% completion stage, final environmental impact studies/~~actions~~, financial advisory services, or advanced right of way activities (excluding purchase) shall ~~also include provide the information specified in paragraphs 14-88.003(2)(a) through (h), F.A.C. and the following:~~

~~(a)1-~~ Final preliminary engineering studies and reports as defined by this Rule Chapter or a status report on the studies progress.

~~(b)2-~~ Final traffic and revenue ~~study providing projected traffic levels and needed toll revenues studies as defined by this Rule Chapter~~ or a status report on the ~~study's studies~~ progress ~~by traffic and revenue forecasting consultants who have at least five years of professional experience analyzing revenue producing projects that leads to successfule issue of bonds.~~

~~(c)3-~~ An approved "environmental class of action determination" ~~as specified in the FDOT "Project Development and Environment Manual: Part I" or d~~Documentation (specified in the manual) shall be required that indicates the "class of action determination" process has been followed and is complete.

~~(d)4-~~ A multi-year ~~d~~Development schedule ~~listing of all source and use of funds for all project phases with projected costs for each phase by fiscal year, listing separately for the applicant and candidate projects. This should include all fund contributions in cash or in kind for projected project costs. The schedule shall depict the financing sources, projected fund amounts in each for all project phases (each listed separately) and the projected dates (fiscal year) the expenditures will would be made. Pledges and donations of land shall be included and shown as in kind contributions, and pledges of local funds to pay for debt service shall be clearly specified.~~

~~(e)5-~~ A schedule of all (100%) engineering design activities with the estimated time frames for each activity to be accomplished.

~~(3)(f)~~ Applicant Applications for final engineering design activities beyond the 60% completion stage of all engineering design plans shall ~~also include provide the information required in paragraphs 14-88.003(2)(a) through (i), F.A.C., and the following:~~

~~(a)1-~~ A schedule of remaining engineering design activities with the estimated time frames for each to be accomplished.

~~(b)2-~~ A ~~An acceptable plan to the Department to finance total candidate project costs to include the reimbursement of outstanding Trust Fund advances, and a current and complete source and use of funds schedule.~~

~~(c)3-~~ Documentation that the project is financially feasible in that "pledged revenues will support debt service."

~~(d)4-~~ "Letters of intent" from applicable county(ies) or municipality(ies) where the ~~candidate~~ project ~~will would~~ be constructed expressing the extent to which they are willing to pledge financial support for the ~~candidate~~ project and the source of the financial backing.

~~(4)(k)~~ Applications for the purchase of advance right of way property shall also provide the following:

~~(a)1-~~ Documentation that required right of way map(s) ~~as defined in this Rule Chapter~~ have been completed;

~~(b)2-~~ An approved final environmental impact document, or documentation from the appropriate ~~Florida Department of Transportation District Environmental Office~~ indicating that "all" ~~required~~ actions ~~required in the FDOT "Project Development and Environment Manual"~~ have been taken and are complete;

~~(c)3-~~ Substantive documentation from an appraiser ~~who is~~ qualified to perform appraisals for ~~the Department FDOT (as provided in Rule 14-95.003, F.A.C.)~~ that the ~~value of the~~ property ~~will shall~~ substantially appreciate prior to

construction of the candidate project and that savings will likely ~~shall~~ result from the advance purchase of the property. The term "substantive" is intended to elicit information from qualified appraisers that will explain and support reasons for judging that a property will appreciate and savings will result. Statements without supporting information shall not be acceptable. Acceptance of the documentation by the appropriate ~~D~~istrict Office of Right of Way shall be required ~~for acceptance~~;

~~(d)4.~~ Negotiated contract(s) for the purchase of the right of way shall ~~that~~ includes the stipulation "the contract is subject to funding by the Department of Transportation or Legislature of Florida," ~~or P~~roperty appraisals of the right of way ~~(as defined in paragraph 14-95.002(2)(b), F.A.C.)~~ shall be performed by an appraiser who is qualified to perform appraisals for the ~~Department~~ FDOT ~~(as provided in Rule 14-95.003, F.A.C.)~~. Acceptance by the appropriate ~~D~~istrict Office of Right of Way shall be required for ~~acceptance of the~~ negotiated contract(s) and ~~or of the~~ property appraisals;

~~(5)(3) To be considered for funding under the provisions of this Rule Chapter,~~ Applications must be submitted to:

~~Office of Financial Development Secretary of Transportation~~

Florida Department of Transportation

605 Suwannee Street, MS 7

Tallahassee, Florida 32399-0450

~~Attention: Office of Management and Budget~~

Applications may be submitted at any time during a fiscal year. However, applications shall be submitted at least 90 days prior to the end of the fiscal year to be considered from available fiscal year funds.

(6) A written agreement must be executed by the Department and the borrower when fund advances are awarded. The agreement shall contain uniform standard conditions and special conditions that include programmatic or financial requirements which must be satisfied by a borrower before an advance of funds can be executed. Standard conditions shall also contain the following:

(a) Trust fund dollar amounts to be advanced;

(b) Procedures for transfer of funds to the borrower;

(c) Consultant selection and management requirements;

(d) Fund expenditure and restriction requirements;

(e) Programmatic and financial reporting and audit requirements;

(f) Fund repayment requirements; and

(g) Draw-down amounts based on projected financial needs specified in approved project budget.

(7) At the time of initial bond issuance the borrower shall provide written notice to the Office of Financial Development whether the borrower elects to repay advances from initial bond proceeds or on the basis of repayment schedules. When a repayment schedule option is selected a schedule, in the form

of a resolution from the borrower, shall accompany the notification. When repayment is to be made of the initial bond issue proceeds, provision shall be made for such repayment in the bond resolution and shall be repayable in full upon sale of the bonds. When bonds are not issued, repayment shall remain a requirement. In such cases, a repayment schedule in the form of a resolution from the borrower shall be furnished to the Department no later than 90 days prior to the end of the sixth year from the date of the agreement.

(8) District Secretaries of applicable districts shall actively participate in the approval of scope of work proposals and products by consultants.

(9) The borrower shall be authorized to obligate and expend trust funds and interest earnings on the basis of approved project budgets but are not authorized to use funds for administrative, audit, legal, and contingency costs, or for those items prohibited by Rule 69I-40.103, F.A.C., except that legal costs may be advanced for the right of way acquisition process. No authority is granted to obligate or expend funds, or initiate or conduct activities, that would result in the obligation of trust funds for items or activities that have not been authorized in approved project budgets, schedules or objectives. Any unauthorized expenditure of funds plus interest shall be immediately paid to the Department in accordance with a schedule approved by the Department. Amended project budgets, schedules and objectives can be requested by the borrower at any time after the execution of an agreement but approval shall be limited to achieving the objectives and activities first approved in the affected agreements.

(10) The borrower shall structure and manage consultant contracts in phases to provide for the termination and payment for work to date if a project is determined non-feasible.

(11) Upon termination of projects, unspent trust fund advances including interest earned shall be immediately remitted to the Department by the borrower. The returned proceeds shall be counted toward the repayment of the loan.

(12) The borrower shall immediately remit to the Office of Financial Development all remaining trust funds and interest earned upon completion of work approved in the agreement.

(13) Any funds including interest not committed after one year from the date of an award shall be remitted to the Office of Financial Development. A balance of proceeds can be retained sufficient to liquidate executed contracts financed by funds approved in the agreement.

(14) If a project is determined to be financially non-feasible by the Department or a borrower, further obligation of awarded project funds shall be terminated by the borrower until it is documented to and approved by the Department that it is in the best interest of the Department and the State of Florida to continue with the project.

(15) The Department is the trustee of the fund. As such, it is responsible for and shall safeguard advances from improper use or fiscal irresponsibility, and enforce the repayment of advances with interests using all legal means appropriate. In this regard, the following shall be implemented.

(a) The borrower shall provide to the Office of Financial Development progress reports on program and financial activities that occur each quarter following the execution of the agreement. Examples of program information include: program accomplishments (specific actions taken to implement approved objectives/activities and percent of accomplishments for each -0 to 100%-), problems delaying implementation, and revised project schedules if activities are not conforming to approved project schedules. Examples of financial information include: beginning fund balances, list and purpose of expenditures for each approved activity, ending fund balances for each approved activity, interest earned to date, the interest percentage rate being earned, and the amount and percent of funds being contributed to the applicant project from other sources.

(b) Program records and financial records of projects shall be maintained by the borrower separate and apart from other projects and non-project records and accounts to prevent commingling and assure a clear audit trail of all activities.

Specific Authority ~~20.23, 334.044(2), 338.251(4)~~ FS. Law Implemented ~~334.30, 343.82, 348.0004, 338.251~~ FS. History–New 1-8-86, Amended 9-22-92, .

14-88.0041 Submission and Award.

Specific Authority 20.23, 334.044(2), 338.251(11) FS. Law Implemented 338.251 FS. History–New 9-22-92, Repealed .

14-88.005 Administration of Trust Funds and Applicant Projects.

Specific Authority 20.23, 334.044(2), 338.251(11) FS. Law Implemented 338.251 FS. History–New 1-8-86, Amended 9-22-92, Repealed .

NAME OF PERSON ORIGINATING PROPOSED RULE: Amy Causseaux, Toll Finance Manager, Office of Financial Development

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kevin Thibault, Assistant Secretary for Engineering and Operations, for Stephanie C. Kopelousos, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 5, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 24, 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.”

STATE BOARD OF ADMINISTRATION

RULE NO.:	RULE TITLE:
19-15.001	Insurance Capital Build-Up Incentive Program

PURPOSE AND EFFECT: This rule is promulgated to implement Section 215.5595, Florida Statutes.

SUMMARY: The Rule is amended to reflect a new revision date for Form SBA 15-3, Quarterly Net Written Premium Report, which is incorporated into Rule 19-15.001, F.A.C., Insurance Capital Build-Up Incentive Program. The amendment to the form requests participants to provide an explanation with their quarterly filing when surplus falls below the surplus required by Section 215.5595, F.S. This addition to the Quarterly Net Written Premium Report streamlines the processes involved in administering the program and is beneficial both to the participant and to the administrator.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The regulatory costs minimal.

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: 215.5595(6) FS.

LAW IMPLEMENTED: 215.5595(2), (3), (4), (5), (6), (7) FS. IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Donna Sirmons, (850)413-1349. If you are 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: Jack E. Nicholson, Senior FHCF Officer of the Florida Hurricane Catastrophe Fund, (850)413-1340

THE FULL TEXT OF THE PROPOSED RULE IS:

19-15.001 Insurance Capital Build-Up Incentive Program.
(1) through (5)(h) No change.

(i) The Insurer must commit to meeting the Minimum Writing Ratio of Net Written Premium for the term of the Surplus Note and must submit quarterly filings to the Office and the Board. The quarterly filings shall be on Form SBA 15-3, rev. 10/07 ~~09/07~~, which is hereby adopted and incorporated by reference into this rule. This Form is available on the Board's website, www.sbafla.com, under "Insurance Capital Build-Up Incentive Program".

(j) through (9)(a)1. No change.

2. Failure to submit quarterly filings of Form SBA 15-3, rev. 10/07 ~~09/07~~, to the Office.

3. through (c) No change.

Specific Authority 215.5595 FS. Law Implemented 215.5595(2), (2)(c), (d), (e), (g) FS. History--New 2-22-07, Amended 6-3-07, 8-13-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jack E. Nicholson, Senior FHCF Officer, Florida Hurricane Catastrophe Fund, State Board of Administration of Florida

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: The Trustees of the State Board of Administration of Florida

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 19, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 7, 2007, Vol. 33, No. 36

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: 19B-4.001
RULE TITLE: Application

PURPOSE AND EFFECT: To update the Florida Prepaid College Plan and Florida College Investment Plan New Account Application form and the Master Covenant form by reference.

SUMMARY: This rule change is being made to update the Florida Prepaid College Plan and Florida College Investment Plan New Account application form and Master Covenant form.

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: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: October 15, 2007, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-4.001 Application.

(1) No change.

(2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB 2007~~6~~-10, is hereby incorporated by reference and may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1). The Florida Prepaid College Plan Program Master Covenant, Form No. FPCB 2007~~6~~-02, is hereby incorporated by reference and may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1).

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.001, Amended 12-5-93, 5-31-95, 6-20-96, 10-20-96, 12-16-97, 2-18-99, 6-6-99, 2-8-00, 5-21-00, 1-3-01, 10-9-01, 11-27-02, 10-1-03, 1-29-04, 12-28-04, 6-2-05, 12-20-05, 1-1-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 13, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 10, 2007

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: 19B-16.002
RULE TITLE: Application for Participation in the Program

PURPOSE AND EFFECT: To update the New Account Application effective date and form number.

SUMMARY: This rule change is being made to update the Florida College Savings Program application.

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

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

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.981 FS.

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

DATE AND TIME: October 15, 2007, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.002 Application for Participation in the Program.

(1) No change.

(2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB 2007-10, is hereby incorporated by reference. The form may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1).

(3) No change.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981 FS. History—New 11-27-02, Amended 1-29-04, 12-28-04, 6-2-05, 12-20-05, 1-1-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 13, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 24, 2007

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-1.6105	Limiting Conditions
40D-1.659	Forms and Instructions

PURPOSE AND EFFECT: The amendments incorporate application forms to be used in applying for a water use permit for water withdrawals within the Southern Water Use Caution Area (“SWUCA”). Permitting requirements within the Southern Water Use Caution Area are supplemental to the District-wide water use permitting requirements and require different information at the application stage. The proposed forms facilitate applicants in providing the information required by the SWUCA rules. The amendments also correct form names and punctuation and changes the name of the form used to transfer water use permits.

SUMMARY: The proposed amendments incorporate into the District’s rules new forms to be used by applicants for water use permits in the Southern Water Use Caution Area. These forms are the Supplemental Form – Southern Water Use Caution Area, Form No. LEG-R.007.00 (09/07), the Alternative Water Supply Supplemental Form – Southern Water Use Caution Area, Form No. LEG-R.009.00 (09/07), the Net Benefit Supplemental Form – Southern Water Use Caution Area, Form No. LEG-R.010.00 (09/07), the Southern Water Use Caution Area Ground Water Replacement Credit Application, Form No. LEG-R.011.00 (09/07) and the Public Supply Supplemental Form – Southern Water Use Caution Area, Form No. LEG-R.012.00 (09/07). The proposed amendments also incorporate revisions to the form used to transfer water use permits and correct typographical errors in the titles of previously adopted forms.

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, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.219, 373.413, 373.416 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Karen A. Lloyd, Assistant Deputy Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-1.6105 Limiting Conditions.

(1) No change.

(2) A permit may be assigned to a subsequent owner subject to all terms and conditions contained in such permit upon notification in writing to the Board of such assignment, provided ownership, lease, or other control of all such lands is conveyed to the assignee and further provided that the assignee, by accepting such assignment, does assume responsibility for complying with all such terms and conditions. To assign a permit, a subsequent owner must submit a Notification and Request for Transfer of Environmental Resource Permit, Form No. 04-10R-022 (7/01) or an Application to a Notification and Request for Transfer of a Water Use Permit, Form No. LEG-R002.032 (____~~10/05~~), as appropriate, that includes the signature of the permittee(s) or a copy of the legally recorded deed(s) to all of the land covered by the permit. Copies of these forms may be obtained from the District.

(3) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.219, 373.413, 373.416 FS. History-Readopted 10-5-74, Formerly 16J-0.12, Amended 2-10-03, Formerly 40D-0.381, Amended 12-16-97, 8-25-02, 10-19-05,_____.

40D-1.659 Forms and Instructions.

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

GROUND WATER

(1) APPLICATION FOR WATER WELL CONTRACTOR'S LICENSE, FORM NO. LEG-R003.00 (10/05).

(2) APPLICATION FOR RENEWAL OF A WATER WELL CONTRACTOR'S LICENSE, FORM NO. LEG-R004.01 (___).

(3) PROPOSED WELL CONSTRUCTION LOCATION AND DESIGN FORM, FORM NO. LEG-R.006.00 (2/07).

(4) STATE OF FLORIDA PERMIT APPLICATION TO CONSTRUCT, REPAIR, MODIFY OR ABANDON A WELL, FORM NO. 41.10-410(1) REV. 9/04.

(5) WELL COMPLETION REPORT, FORM NO. LEG-R005.00 (10/05).

(6) WELL GROUTING/ABANDONMENT FORM, FORM NO. 41.10-410 (6/01).

(7) WELL VERIFICATION FOR ALL NON-DOMESTIC WELLS LOCATED IN THE MOST IMPACTED AREA OF THE EASTERN TAMPA BAY WATER USE CAUTION AREA, FORM NO. 42.10-005 (10/95).

(8) GENERAL WATER USE PERMIT APPLICATION USE FOR QUANTITIES LESS THAN 100,000 GALLONS PER DAY, FORM NO. WUP-1 FORM 46.20-001 (12/98).

(9) GENERAL WATER USE PERMIT APPLICATION USE FOR QUANTITIES OF 100,000 TO 499,999 GALLONS PER DAY, FORM NO. WUP-2 FORM 46.20-002 (12/98).

(10) INDIVIDUAL WATER USE PERMIT APPLICATION USE FOR QUANTITIES OF 500,000 GALLONS PER DAY OR GREATER, FORM NO. WUP-3 FORM 46.20-003 (12/98).

(11) WATER USE PERMIT APPLICATION SUPPLEMENTAL FORM – AGRICULTURE, FORM NO. WUP-4 FORM 46.20-004 (09/07+2/98).

(12) WATER USE PERMIT APPLICATION SUPPLEMENTAL FORM – INDUSTRIAL OR COMMERCIAL, FORM NO. WUP-5 FORM 46.20-005 (12/98).

(13) WATER USE PERMIT APPLICATION SUPPLEMENTAL FORM – MINING AND DEWATERING, FORM NO. WUP-6 FORM 46.20-006 (12/98).

(14) WATER USE PERMIT APPLICATION SUPPLEMENTAL FORM – PUBLIC SUPPLY, FORM NO. WUP-7 FORM 46.20-007 (12/98)

(15) WATER USE PERMIT APPLICATION SUPPLEMENTAL FORM – RECREATION OR AESTHETIC, FORM NO. WUP-8 FORM 46.20-008 (12/98).

(16) MODIFICATION SHORT FORM, FORM NO. 42.00-034 (3/00).

(17) AGRICULTURAL WATER USE FORM – SEASONAL REPORT, FORM NO. WUP-14.1 (1/93).

(18) AGRICULTURAL WATER USE FORM – ANNUAL REPORT, FORM NO. WUP-15 (1/93).

(19) AGRICULTURAL WATER ALLOTMENT FORM, FORM NO. WUP-16 (8/90).

(20) APPLICATION TO NOTIFICATION AND REQUEST FOR TRANSFER OF A WATER USE PERMIT, FORM NO. LEG-R002.032 (09/07 +0/05).

(21) SUPPLEMENTAL FORM – SOUTHERN WATER USE CAUTION AREA, FORM NO. LEG-R.007.00 (09/07).

(22) ALTERNATIVE WATER SUPPLY SUPPLEMENTAL FORM – SOUTHERN WATER USE CAUTION AREA, FORM NO. LEG-R.009.00 (09/07).

(23) NET BENEFIT SUPPLEMENTAL FORM – SOUTHERN WATER USE CAUTION AREA, FORM NO. LEG-R.010.00 (09/07).

(24) SOUTHERN WATER USE CAUTION AREA GROUND WATER REPLACEMENT CREDIT APPLICATION, FORM NO. LEG-R.011.00 (09/07).

(25) PUBLIC SUPPLY SUPPLEMENTAL FORM – SOUTHERN WATER USE CAUTION AREA, FORM NO. LEG-R.012.00 (09/07).

SURFACE WATER

(1) through (14) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen A. Lloyd, Assistant Deputy Counsel, 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: September 21, 2007

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-2.091	Publications Incorporated by Reference
40D-2.101	Content of Application
40D-2.351	Transfer of Permits

PURPOSE AND EFFECT: The amendments delete a form no longer needed and change the name of the form used to request a transfer of a water use permit. The amendments also add a reference to the District rule where water use permit application forms can be found and explain which application and supplemental form to use when applying for a water use permit for water withdrawals within the Southern Water Use Caution Area (“SWUCA”).

SUMMARY: The proposed amendments remove from Chapter 40D-2, F.A.C., the incorporation and listing of forms to be used by water use permit applicants and directs them to Rule 40D-1.659, F.A.C., for the listing, which simultaneously with this rulemaking is being amended to incorporate new forms for use by applicants in the Southern Water Use Caution Area. The amendments add explanation for applicants within the Southern Water Use Caution Area as to which application forms to use of those listed in Rule 40D-1.659, F.A.C. The amendments also delete the Alternative Source Form 48.10.009 (10/01) WUP 9 because it is a form no longer used by the District and changes the name of the form used to transfer water use permits.

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

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

SPECIFIC AUTHORITY: 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.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Karen A. Lloyd, Assistant Deputy Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-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) Part B, “Basis of Review for Water Use Permit Applications” (~~_____ 8/07~~) and Part D, “Requirements for the Estimation of Permanent and Temporal Service Area populations in the Southern Water Use Caution Area (1/07), of the Water Use Permitting Manual;

~~(2) “Standby Alternative Source” Form 48.10.009 (10/01) WUP 9;~~

(3) through (6) renumbered (2) through (5) No change.

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, 8-23-07, _____.

40D-2.101 Content of Application.

In order to obtain a Water Use Permit, an applicant shall file with the District the appropriate form entitled “Water Use Permit Application” including the appropriate supplemental forms. The Application shall include the following information:

(1) No change.

(2) Information required on the appropriate Water Use Permit Application and supplemental forms listed in Rule 40D-1.659, F.A.C., GROUND WATER (8)-(15), (21)-(25) numbered WUP-1 through WUP-16.

(3) through (7) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.216, 373.229 FS. History–Readopted 10-5-74, Amended 10-24-76, 1-6-82, 2-14-82, 10-1-89, 10-23-89, 2-10-93, 1-1-03. Formerly 16J-2.06, Amended 10-1-89, 10-23-89, 2-10-93, 7-15-99, 1-1-03, 1-1-07, _____.

40D-2.351 Transfer of Permits.

(1) Notwithstanding the provisions of Rule 40D-1.6105, F.A.C., persons who wish to continue an existing, permitted water use and who have acquired ownership or legal control of permitted water withdrawal facilities or the land on which the facilities are located must apply to transfer the permit to themselves within 45 days of acquiring ownership or legal control of such water withdrawal facilities or such land. The applicant shall request such transfer using the “Application to a Notification and Request for Transfer of a Water Use Permit”, Form No. LEG-R002.032 (09/07 ~~10/05~~). The District will transfer the permit provided all aspects of the permit except for ownership remain the same. All terms and conditions of the permit shall become binding on the transferee.

(2) through (4) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.219 FS. History—New 10-1-89, Amended 2-10-93, 3-30-93, 2-1-05, 10-19-05, _____.

The following provisions are incorporated into District rules by reference in 40D-2.091, F.A.C.:

**BASIS OF REVIEW FOR WATER USE PERMIT APPLICATIONS
CHAPTER 1**

1.4 APPLICATION FORMS

Permit Applicants ~~shall~~ ~~should~~ submit the Water Use Individual Permit Application Form appropriate to the annual average quantities requested, as provided in subsections 40D-1.659(8), (9), and (10), F.A.C. Applicants for 100,000 gpd or more annual average quantities shall also submit and the Water Use Permit Application Information Supplemental Form applicable to their water use type, as provided in subsections 40D-1.659(11) through (15), F.A.C., or the General Permit Application Applicants for a Letter Modification to their water use permit shall submit or the Mmodification Sshort Fform, referenced in subsection 40D-1.659(16), F.A.C., as appropriate. Information supplements include the following:

- ~~1. Agriculture, Form WUP-4~~
- ~~2. Industrial or Commercial, Form WUP-5~~
- ~~3. Mining or Dewatering, Form WUP-6~~
- ~~4. Public Supply, Form WUP-7~~
- ~~5. Recreation or Aesthetic, Form WUP-8~~
- ~~6. Standby Alternative Source, Form 48.10.009 Form WUP-9, (10/01)~~
- ~~7. Irrigation Water Use Form — Annual Crops Form 46.20.010 WUP-10 (10/01),~~
- ~~8. Irrigation Water Use _____ Annual Recreational/Aesthetic/Golf Form 46.20.009 WUP-11 (10/01),~~
- ~~9. Irrigation Water Use — Summer & Fall Seasonal, 46.20.011 WUP-13 (10/01), and~~
- ~~10. Irrigation Water Use — Winter & Spring Seasonal, 46.20.012 Form WUP-12 (10/01)~~

These forms may be obtained from any District Service Office, or from the District website.

~~No.'s 6-10: New 1-1-03, Amended _____.~~

1.4.1 SWUCA APPLICATION FORMS

All Permit Applicants in the SWUCA shall submit the “Supplemental Form – Southern Water Use Caution Area”, Form No. LEG-R.007.00 (09/07), in addition to the appropriate application and supplemental form(s) described in section 1.4, above. Applicants for public supply quantities of 100,000 gallons per day or more, including water imported wholesale, shall submit the “Public Supply Supplemental Form – Southern Water Use Caution Area”, Form No. LEG-R.012.00 (09/07). Permit Applicants in the SWUCA shall also submit the following application and supplemental forms as

appropriate for their situation and intended water use type as described in Chapters 3 and 4 of Part B of this Basis of Review for Water Use Permit Applications” (_____), of the Water Use Permitting Manual:

1. “Alternative Water Supply Supplemental Form – Southern Water Use Caution Area”, Form No. LEG-R.009.00 (09/07);
2. “Net Benefit Supplemental Form – Southern Water Use Caution Area”, Form No. LEG-R.010.00 (09/07); and
3. “Southern Water Use Caution Area Ground Water Replacement Credit Application”, Form No. LEG-R.011.00 (09/07).

New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Karen A. Lloyd, Assistant Deputy Counsel, 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: September 21, 2007

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-2.302
RULE TITLE: Reservations from Use

PURPOSE AND EFFECT: The amendment will establish a reservation of water from the Morris Bridge Sink in Hillsborough County, Florida to be used to as necessary to contribute to achieving or maintaining the minimum flows for the Lower Hillsborough River.

SUMMARY: The amendments establish a reservation of water from the Morris Bridge Sink not to exceed 3.9 million gallons of water on any given day to be used to contribute to achieving or maintaining the Minimum Flows for the Lower Hillsborough River.

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: 373.0421, 373.223(4) 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: Karen A. Lloyd, Assistant Deputy Counsel, 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-2.302 Reservations from Use.

(1) All available water from the Morris Bridge Sink but not greater than 3.9 million gallons of water on any given day is reserved to be used to contribute to achieving or maintaining the Minimum Flows for the Lower Hillsborough River set forth in Rule 40D-8.041, F.A.C. The Morris Bridge Sink is located in Section 5, Township 28S, Range 20E, approximately 0.6 miles south of the Hillsborough River and 0.5 miles north of Cow House Creek in Hillsborough County, Florida.

(2) The Governing Board anticipates reserving from use water necessary to recover to, and protect, the Minimum Flows and Levels established for the Southern Water Use Caution Area as set forth in Chapter 40D-8, F.A.C. These reservations will be adopted through future rulemaking on a case-by-case basis, to address water that is developed through water resource development projects designed to achieve and maintain Minimum Flows and Levels. Adopted reservations will be incorporated into this Rule 40D-2.302, F.A.C.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.0421, 373.223(4) FS. History--New 1-1-07, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen A. Lloyd, Assistant Deputy Counsel, 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: August 28, 2007

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

PURPOSE AND EFFECT: The amendments establish minimum flows pursuant to Section 373.042, F.S., for the Lower Hillsborough River, Sulphur Springs and the Tampa Bypass Canal, all located in Hillsborough County, Florida. These water bodies are listed on the District's minimum flow and levels priority list for establishment of minimum flows. These minimum flows will be used in the District's permitting and resource management and development programs.

SUMMARY: The amendments establish minimum flows for the Lower Hillsborough River ranging from 20-24 cubic feet per second depending on the time of year and climatic conditions. The amendments establish minimum flows for Sulphur Springs ranging from 10-18 cubic feet per second depending on the time of year, water level elevations in the Hillsborough River Reservoir and tide stages. The amendments also establish a minimum flow of 0 cubic feet per second for the Tampa Bypass Canal at Structure 160.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421 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: Karen A. Lloyd, Assistant Deputy Counsel, 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-8.041 Minimum Flows.

(1) Minimum Flows for the Lower Hillsborough River.

(a) No change.

(b) The Minimum Flows for the Lower Hillsborough River are based on extending a salinity range less than 5 ppt from the Hillsborough River Dam toward Sulphur Springs. The Minimum Flows for the Lower Hillsborough River are 20 cubic feet per second ("cfs") freshwater equivalent from July 1 through March 31 and 24 cfs fresh water equivalent from April 1 through June 30 at the base of the dam as adjusted based on a proportionate amount that flow at the United States Geological Survey Gauge No. 01203000 near Zephyrhills, Florida ("Gauge") is below 58 cfs. The adjustment is that for each one cfs that Hillsborough River flow at the Gauge is below 58 cfs, when 20 cfs freshwater equivalent is otherwise required, the Minimum Flow is adjusted by reducing it by 0.35 cfs; when 24 cfs freshwater equivalent is otherwise required, the Minimum Flow is adjusted by reducing it by 0.40 cfs. For purposes of this paragraph 40D-8.041(1)(b), F.A.C., freshwater equivalent means water that has a salinity concentration of 0.0 ppt for modeling purposes. Effective August 7, 2000 the Minimum Flow for the Lower Hillsborough River shall be at the rate of flow of ten cubic feet per second (cfs) at the base of the dam as measured at the Rowlett Park Drive bridge gauging station.

~~Through December 31, 2007, the City shall be required to supply this Minimum Flow from the Reservoir when the surface water elevation is above 22.5 feet NGVD at USGS Gauge 02304500. Because the storage of water within the Reservoir is critical to the public health, safety, and welfare of those dependent on the City potable water supply, this flow requirement may be met by diverting flow from sources other than the City's Reservoir. The City shall provide this flow from sources other than the City's Reservoir, when the surface water elevation is below 22.5 feet NGVD at USGS Gauge 02304500 and it is feasible to provide the flow without compromising public health, safety or welfare. This Minimum Flow has been determined based on the loss of historical hydrologic functions, the existing changes and structural alterations in and along the river and its watershed pursuant to subsection 373.0421(1), F.S., and the dependence of viable ecological communities downstream of the dam on flows from the Hillsborough River and Sulphur Springs. Following completion of the District and City study described in paragraph 40D-80.073(4)(d), F.A.C., the Minimum Flow shall be re-established, as necessary, based on the results of the study.~~

(2) Minimum Flow for Sulphur Springs – The Minimum Flow for Sulphur Springs is based on minimization of salinity incursions into the Upper Sulphur Springs Run (“Upper Run”) from the Lower Hillsborough River (“LHR”) and to moderate temperature levels within the manatee protection zone of the LHR.

(a) As of October 1, 2012, the City of Tampa shall maintain a Minimum Flow for Sulphur Springs of:

1. 18 cfs, as measured at the United States Geological Survey Sulphur Springs Gauge No. 02306000 at Sulphur Springs, Florida, or;

2. 13 cfs when water levels in the Hillsborough River reservoir fall below 19 feet NGVD; and

3. 10 cfs during low tide stages in the LHR, provided that salinity incursions from the LHR into the upper spring run do not occur. Salinity incursions shall be defined as when salinity values in the upper spring run as measured at the United States Geological Survey Gauge Sulphur Springs Run at Sulphur Springs, Florida (#023060003) are greater than 1 ppt than the concurrent salinity value in the spring pool as measured at the United States Geological Survey Gauge Sulphur Springs Run at Sulphur Springs, Florida (#023060000) for a period of greater than 1 hour.

(b) Notwithstanding paragraph 40D-8.041(2)(a), F.A.C., above, and beginning the effective date of this rule, when spring flow is available, a Minimum Flow of 18 cfs shall be required if the temperature of either surface or bottom waters in the LHR near the Spring Run's outlet is below 15°C.

(c) The City of Tampa may propose to the District modifications to the weirs and gates located within the upper and lower spring run that affect the flow rates and salinity

levels in the Upper Run and the LHR. The District shall evaluate the modifications to determine whether the flow resulting from the operating capabilities of the modifications and modeling simulations of the resulting salinity incursions into the Upper Spring Run achieve the salinity goal of the Minimum Flow for Sulphur Springs. If the District determines that flows different from the Minimum Flows (“Different Flows”) will achieve the salinity goal and otherwise protect the resources of the Upper Spring Run, the District, upon request by the City, will recommend to the Governing Board revision of the Minimum Flow to reflect the Different Flow.

~~Pursuant to the District priority schedule for establishment of minimum flows and levels required by Section 373.042, F.S., the District will establish a Minimum Flow for Sulphur Springs by December 31, 2001.~~

(3) The Minimum Flow for the Tampa Bypass Canal at structure 160 shall be 0 cfs.

(3) through (5) renumbered (4) through (6) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.0361, ~~373.0395~~, 373.042, 373.0421 FS. History–Readopted 10-5-74, Amended 12-31-74, Formerly 16J-0.15, 40D-1.601, Amended 10-1-84, 8-7-00, 2-6-06, 1-1-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Karen A. Lloyd, Assistant Deputy Counsel, 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: August 28, 2007

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.:
40D-80.073

RULE TITLE:
Regulatory Portion of Recovery Strategy for Pasco, Northern Hillsborough and Pinellas Counties

PURPOSE AND EFFECT: The amendments will establish a recovery strategy to achieve the minimum flows for the Lower Hillsborough River. The minimum flows for the Lower Hillsborough River are proposed to be adopted simultaneously with this rulemaking. The existing flows of Lower Hillsborough River are below the proposed minimum flows. Pursuant to subsection 373.0421(2), F.S., the District must implement a recovery strategy for a water body that is below the applicable minimum flow. The amendments outline the timetable and projects to be implemented by the City of Tampa to achieve the minimum flows by October 1, 2017.

SUMMARY: The amendments provide that the minimum flows established for the Lower Hillsborough River in Chapter 40D-8, F.A.C., simultaneously with this rulemaking, will be achieved by October 1, 2017 through various recovery projects undertaken by the City of Tampa and the District. The projects will augment the flows at the base of the Hillsborough River dam. The projects include using water from Sulphur Springs, Blue Sink, the Tampa Bypass Canal and Morris Bridge Sink. Projects are subject to feasibility analyses and, if implemented, monitoring to determine the effects on the river and river flow. The Governing Board will receive 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: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.171, 373.0421 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: Karen A. Lloyd, Assistant Deputy Counsel, 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-80.073 Regulatory Portion of Recovery Strategy for Pasco, Northern Hillsborough and Pinellas Counties.

(1) through (3) No change.

(4) Hillsborough River Strategy.

~~(a) Beginning [effective date of rule] August 3, 2000, the Minimum Flow for the Lower Hillsborough River shall be as provided in subsection 40D-8.041(1), F.A.C., to be achieved on the time schedule as set forth below at the rate of flow of 10 cubic feet per second (cfs). The District and the City of Tampa (City) shall provide measurement of the delivery of water to the base of the dam relative to their respective elements as described below. The City shall report this information to the District monthly on the 15th day of the following month. In addition, the City shall submit a quarterly written report of all activities and all progress towards timely completion of its elements of the recovery strategy. Such reports will be submitted to the District within 15 calendar days after each calendar year quarter. The Minimum Flow shall be measured at the net downstream flow at the Rowlett Park Drive bridge gauging station.~~

(a) The District and the City have entered into the Joint Funding Agreement Between The Southwest Florida Water Management District and The City of Tampa For Implementation of Recovery Projects To Meet Minimum Flows of the Lower Hillsborough River (the "Agreement"). The Agreement and subsection 40D-80.073(4), F.A.C., constitutes the District's recovery strategy for the Lower Hillsborough River required by Section 373.0421(2), F.S., and shall not compromise public health, safety and welfare.

(b) The schedule to achieve the Minimum Flows for the Lower Hillsborough River is as follows:

1. Sulphur Springs – Beginning on [effective date of rule] ~~Through December 31, 2007,~~ the City shall be required to provide 10 cubic feet per second (cfs) of water to the base of the City's dam 6.5 million gallons each day provided such use will not compromise public health, safety and welfare 40 cfs. Minimum Flow from the Reservoir when the surface water elevation is above 22.5 ft. NGVD at USGS Gauge 02304500. The City shall provide this flow from sources other than the City's Reservoir when the surface water elevation is below 22.5 ft. NGVD at USGS Gauge 02304500 and it is feasible to provide the flow without compromising the public health, safety and welfare of the City. Once the City has determined that flow from another source or sources is feasible pursuant to paragraph 40D-80.073(4)(b), F.A.C., below and the evaluation of the source(s) pursuant to paragraph 40D-80.073(4)(c), F.A.C., is complete, such flow shall be supplied when necessary to maintain the Minimum Flow.

2. Tampa Bypass Canal Diversions – By January 1, 2008, provided that any permit that may be required is approved, the District shall divert up to 7.1 million gallons of water on any given day from the District's Tampa Bypass Canal ("TBC") to the Hillsborough River at the District's Structure 161. The District shall then deliver water from the Hillsborough River immediately above the City's dam to the base of the City's dam to help meet the minimum flow requirements of the Lower Hillsborough River. Such diversions shall not occur if public health, safety and welfare will be compromised.

a. The District shall complete a comprehensive analysis of these diversions within 90 days of the first year of operation to identify and subsequently make any mechanical or efficiency adjustments that may be necessary. The District shall use its best efforts to expedite obtaining any permit that may be needed to undertake these actions.

b. By October 1, 2013, provided that the transmission pipeline has been constructed and is operational, all of the water diverted from the TBC middle pool under this provision to help meet the minimum flow shall be provided to the Lower Hillsborough River per provision subparagraph 40D-80.073(4)(b)7., F.A.C.

c. These diversions shall be prioritized as follows:

(i) Priority Source One – Diversions From the TBC Middle Pool When the TBC Middle Pool is Above 12.0 feet NGVD (1929 or its 1988 equivalent), and There is Flow of at Least 11 cfs Over the District’s Structure 162 – On days when the TBC middle pool is above 12.0 feet NGVD (1929 or its 1988 equivalent), as measured by the downstream gauge at the District’s Structure 161, and there is flow of at least 11 cfs over the District’s Structure 162, the District shall divert water from the TBC middle pool to the Hillsborough River.

A. The District shall then deliver 75 percent of any water diverted from the TBC to the Hillsborough River under this provision to the Lower Hillsborough River. Delivery of 75 percent of the water diverted from the TBC addresses concerns about potential losses due to subsurface leakage, evaporation and transpiration. This delivery shall be from the Hillsborough River just above the City’s dam to the base of the City’s dam, and shall supplement diversions from Sulphur Springs, Blue Sink and Morris Bridge Sink, as they are implemented, and as described in subparagraphs 40D-80.073(4)(b)1., 3., 6. and 8., F.A.C.

B. The TBC middle pool diversions will be limited to the quantity needed to achieve the minimum flow requirements of the Lower Hillsborough River set forth in subsection 40D-8.041(1), F.A.C., but will not exceed 7.1 million gallons on any given day.

C. Such diversions shall cease from the TBC middle pool if the elevation difference between the TBC middle and lower pools exceeds 7.0 feet.

D. On days when flow over the Hillsborough River Dam naturally exceeds 20 cfs during the months of July through March or 24 cfs during the months of April through June and when diversions from the TBC middle pool are not needed to replenish the supply from Storage Projects described in paragraphs 40D-80.073(4)(c) and (d), F.A.C., diversions from the TBC middle pool shall not occur, and any flows in the TBC lower pool above elevation 9.0 feet NGVD (1929 or its 1988 equivalent), shall be available for water supply.

E. Prior to October 1, 2013, and during the months of March through June, on days when some water is needed from the TBC middle pool to help meet the minimum flow for the Lower Hillsborough River, all available water from the TBC middle pool not needed to be diverted in accordance with SWFWMD Water Use Permit No. 20006675 but not exceeding 7.1 million gallons on any given day will be diverted to the Hillsborough River. Water delivered to the Hillsborough River in excess of that needed to help meet the minimum flow of the Lower Hillsborough River shall remain in the Hillsborough River above the dam. Keeping this water in the Hillsborough River above the dam will reduce the time and quantities of supplemental flow needed to help meet the minimum flow requirements.

F. During the months of July through February, on days when water is needed from the TBC middle pool to help meet the minimum flow of the Lower Hillsborough River, only that amount of water needed to help meet the minimum flow but not in excess of 7.1 million gallons on any given day shall be diverted from the TBC middle pool to the Hillsborough River, and any water in the TBC middle and lower pools above elevations 12.0 and 9.0 feet NGVD (1929 or its 1988 equivalent), respectively, shall be available for water supply.

(ii) Priority Source Two – Diversions When the TBC Middle Pool is above 12.0 feet NGVD (1929 or its 1988 equivalent), and the Flow Over the District’s Structure 162 is Less Than 11 cfs – On days when the TBC middle pool is above 12.0 feet NGVD (1929 or its 1988 equivalent), as measured by the downstream gauge at the District’s Structure 161, and the flow over the District’s Structure 162 is less than 11 cfs, the District shall divert water from the TBC middle pool to the Hillsborough River.

A. The District shall then deliver 75 percent of any water diverted from the TBC middle pool to the Hillsborough River under this provision to the Lower Hillsborough River. Delivery of 75 percent of the water diverted from the TBC addresses concerns about potential losses due to subsurface leakage, evaporation and transpiration. This delivery shall be from the Hillsborough River just above the City’s dam to immediately below the City’s dam, and shall supplement diversions from Sulphur Springs, Blue Sink and Morris Bridge Sink, as they are implemented, and as described in subparagraphs 40D-80.073(4)(b)1., 3., 6. and 8., F.A.C.

B. The TBC middle pool diversions will be limited to the quantity needed to achieve the minimum flow requirements of the Lower Hillsborough River, but will not exceed 7.1 million gallons on any given day.

I. On days such diversions occur, the District will divert from the TBC lower pool to the TBC middle pool quantity equivalent to that diverted by the District from the TBC middle pool to the Hillsborough River.

II. Such diversions shall cease from both the TBC middle and lower pool when the stage of the TBC lower pool reaches 6.0 feet NGVD (1929 or its 1988 equivalent), as measured by the gauge at the District’s Structure 160, or the elevation difference between the TBC middle and lower pools exceeds 7.0 feet.

C. Once the stage in the TBC lower pool is below 8.7 feet NGVD (1929 or its 1988 equivalent), withdrawals from this priority source to help meet the minimum flow for the lower Hillsborough River are considered withdrawals from the storage of the TBC lower pool. When the stage in the TBC lower pool is below 8.7 feet NGVD (1929 or its 1988 equivalent), the following restrictions apply:

I. At no time shall withdrawals from the lower pool to help meet the minimum flow for the lower Hillsborough River cause the stage in the lower pool to go below 6.0 feet NGVD

(1929 or its 1988 equivalent), or cause the elevation difference between the TBC middle and lower pools to exceed 7.0 feet, as measured on either side of the District's Structure 162.

II. If supplemental flows are required to help meet the lower Hillsborough River minimum flow from this Priority Source, once withdrawals begin from storage they will continue until the TBC lower pool reaches an elevation of 6.0 feet NGVD (1929 or its 1988 equivalent). At such time as either of the conditions set forth in sub-sub-sub-subparagraphs 40D-80.073(4)(b)2.(ii)C.I., F.A.C., above, are met, the District shall cease withdrawals from the TBC lower pool. The District shall only reinitiate withdrawals from the TBC lower pool when its elevation equals or exceeds 9.0 feet NGVD (1929 or its 1988 equivalent), for 20 consecutive days, which is defined as the TBC lower pool replenishment.

III. The total withdrawn from storage on any one day shall not exceed 7.1 million gallons on any given day.

IV. Withdrawals from storage will be limited to the quantity needed to help achieve the minimum flow requirements of the Lower Hillsborough River after utilizing the quantity diverted from all other sources, as they are implemented, and as described in paragraphs 40D-80.073(4)(b), (c) and (d), F.A.C.

(iii) Priority Source Three – Diversions When TBC Middle Pool Elevations are Between 10.0 and 12.0 Feet NGVD (1929 or its 1988 equivalent) – The District will make all reasonable efforts to obtain authorization from the United States Army Corps of Engineers to allow the withdrawals of up to 7.1 million gallons on any given day from the TBC middle pool to aid in the Lower Hillsborough River minimum flow requirements when the TBC middle pool is below 12.0 feet and above 10.0 feet NGVD (1929 or its 1988 equivalent).

A. These diversions will only occur when the stage of the TBC lower pool has reached 6.0 feet NGVD (1929 or its 1988 equivalent), or the TBC lower pool is in a state of replenishment as described in sub-sub-sub-subparagraphs 40D-80.073(4)(b)2.(ii)C.II., F.A.C. These diversions will be limited to the quantity needed to help achieve the minimum flow requirements of the Lower Hillsborough River after utilizing the quantity diverted from all other sources, as they are implemented, and as described in paragraphs 40D-80.073(4)(b), (c) and (d), F.A.C., but will not exceed 7.1 million gallons on any given day.

B. These diversions shall cease if the elevation difference between the Hillsborough River and TBC middle pool exceeds 9.5 feet, if approved by the United States Army Corps of Engineers, as measured on either side of the District's Structure 161, or if the elevation difference between the TBC middle and lower pools exceeds 7.0 feet, as measured on either side of the District's Structure 162.

C. Diversions associated with this provision will not occur until the water transmission pipeline as set forth in subparagraph 40D-80.073(4)(b)7., F.A.C., is completed or by

October 1, 2013, whichever is sooner. Once the stage in the TBC middle pool is below 12.0 feet NGVD (1929 or its 1988 equivalent), withdrawals to help meet the minimum flow for the Lower Hillsborough River are considered withdrawals from the storage of the TBC middle pool. When the stage is below 12.0 feet NGVD (1929 or its 1988 equivalent), the following restrictions apply:

I. At no time shall withdrawals from the TBC middle pool to help meet the minimum flow for the Lower Hillsborough River cause the stage in the middle pool to go below 10.0 feet NGVD (1929 or 1988 equivalent), or cause the elevation difference between the TBC middle pool and Hillsborough River to exceed 9.5 feet, as measured on either side of the District's Structure 161, or cause the elevation difference between the TBC middle and lower pools to exceed 7.0 feet, as measured on either side of the District's Structure 162.

II. If supplemental flows are required to help meet the Lower Hillsborough River minimum flow from this Priority Source, once withdrawals begin from storage they will continue until the TBC middle pool reaches an elevation of 10.0 feet NGVD (1929 or its 1988 equivalent). At such time as either of the conditions set forth in sub-sub-sub-subparagraphs 40D-80.073(4)(b)2.(iii)C.I., F.A.C., above, are met, the District shall cease withdrawals from the TBC middle pool. The District shall only reinitiate withdrawals from the TBC middle pool when its elevation equals or exceeds 12.0 feet NGVD (1929 or its 1988 equivalent), for 20 consecutive days, which is defined as the TBC Pool Replenishment, and there is less than 11 cfs of flow over the District's Structure 162.

III. The total withdrawn from storage on any one day shall not exceed 7.1 million gallons.

IV. Withdrawals from storage will be limited to the quantity needed to help achieve the minimum flow requirements of the Lower Hillsborough River after utilizing the quantity diverted from all other sources, as they are implemented, and as described in paragraphs 40D-80.073(4)(b), (c) and (d), F.A.C.

3. Sulphur Springs Project.

a. By October 1, 2009, and as specified in the Agreement, the City shall complete the modification of the lower weir to provide to the base of the dam all available flow from Sulphur Springs not needed to maintain the minimum flow for manatees as set forth in paragraph 40D-8.041(2)(b), F.A.C.

b. By October 1, 2010, the City shall complete the construction of the upper gates and the pump station to provide to the base of the dam all available flow from Sulphur Springs not needed to maintain the minimum flow for manatees as set forth in paragraph 40D-8.041(2)(b), F.A.C.

c. By October 1, 2012, and as specified in the Agreement, the City is to provide to the base of the dam all available flow, from Sulphur Springs not needed to maintain the minimum flow for Sulphur Springs as set forth in paragraph 40D-8.041(2)(a), F.A.C.

(i) These diversions shall not exceed 11.6 million gallons on any given day.

(ii) The City is authorized to use any remaining quantities at Sulphur Springs for water supply purposes consistent with SWFWMD Water Use Permit No. 20002062.

d. Additionally, beginning on October 1, 2010, on days when the minimum flow requirements are being adjusted for the Lower Hillsborough River, as described in paragraph 40D-8.041(1)(b), F.A.C., and there is flow at Sulphur Springs in excess of the quantity needed to help meet the adjusted flow as described in paragraph 40D-8.041(1)(b), F.A.C., and the minimum flow requirements in paragraph 40D-8.041(2)(b), F.A.C., and the City is not using such flow to augment the Hillsborough River above the dam, the City shall move such quantity to the base of the City's dam up to the unadjusted quantities described in paragraph 40D-8.041(1)(b), F.A.C.

4. Blue Sink Analysis – By October 1, 2010, and as specified in the Agreement, the City in cooperation with the District shall complete a thorough cost/benefit analysis to divert all available flow from Blue Sink in north Tampa to a location to help meet the minimum flow or to the base of the City's dam.

5. Transmission Pipeline Evaluation – By October 1, 2010, and as specified in the Agreement, the City shall complete a thorough design development evaluation to construct a water transmission pipeline from the TBC middle pool to the City's David L. Tippin Water Treatment Facility, including a spur to just below the City's dam.

6. Blue Sink Project – By October 1, 2011, and as specified in the Agreement, the City will provide all available flow from Blue Sink project to help meet the minimum flow provided that all required permits are approved, and it is determined that the project is feasible. Once developed, all water from this source shall be used to the extent that flow is available to help meet the minimum flow for the Lower Hillsborough River.

7. Transmission Pipeline Project – By October 1, 2013, and as specified in the Agreement, the City shall complete the water transmission pipeline described in 40D-80.073(4)(b)5., F.A.C., and move the water the District will move as specified in subparagraphs 40D-80.073(4)(b)2. and 8., F.A.C., to the Lower Hillsborough River directly below the dam as needed to help meet the minimum flow or to transport water in accordance with SWFWMD Water Use Permit No. 20006675.

a. This transmission line will eliminate all adjustment for losses described in subparagraphs 40D-80.073(4)(b)2. and 8., F.A.C.

b. Additionally, the City will provide an additional flow of 1.9 million gallons each day to the base of the dam from the TBC middle pool provided that water is being transported in accordance with SWFWMD Water Use Permit No. 20006675.

This additional 1.9 million gallons each day is anticipated to be part of the water savings associated with this transmission pipeline.

c. Once the pipeline is completed, the 1.9 million gallons each day of additional flow provided by the City as part of the water savings associated with the pipeline will be used in preference to all other sources except Sulphur Springs and Blue Sink to the help meet the minimum flow for the Lower Hillsborough River.

d. In the event that this pipeline is not substantially completed by October 1, 2013, or that the City did not provide the District with a minimum ninety (90) days notice prior to October 1, 2013, of the delay of completion of the pipe due to circumstances beyond its control, then, the City will be responsible for delivering the flows the District was previously obligated to divert from the TBC middle pool to the Hillsborough River and then to immediately below the City's dam under subparagraphs 40D-80.073(4)(b)2. and 8., F.A.C.; except that the District shall continue to be responsible to pump water from the TBC lower pool to the middle pool as described in subparagraphs 40D-80.073(4)(b)2.b., F.A.C., and from Morris Bridge Sink to the TBC middle pool as described in subparagraph 40D-80.073(4)(b)8., F.A.C.

e. The City shall also provide the 1.9 million gallons each day if needed to help meet the flow described in this provision, from some other permissible source and is obligated to do so pursuant to sub-subparagraph d. above.

8. Morris Bridge Sink Project.

a. By October 1, 2012, or earlier, and upon completion of the project, provided that any permit that may be required is approved, the District shall divert up to 3.9 million gallons of water on any given day from the Morris Bridge Sink to the TBC middle pool.

(i) The Morris Bridge Sink diversions will be limited to the quantity needed to achieve the minimum flow requirements of the Lower Hillsborough River, after utilizing the quantity diverted from Sulphur Springs, Blue Sink and the 1.9 million gallons of water savings each day anticipated from the transmission pipeline, as they are implemented, and as described in subparagraphs 40D-80.073(4)(b)1., 3., 6. and 7., F.A.C.

(ii) However, on days when TBW does not draw the TBC lower pool down to 9.0 feet NGVD (1929 or its 1988 equivalent) for water supply purposes, and supplemental flow is needed for the Lower Hillsborough River minimum flow requirements beyond water that can be delivered from Sulphur Springs, Blue Sink and the 1.9 million gallons of water savings each day anticipated from the transmission pipeline described in subparagraphs 40D-80.073(4)(b)1., 3., 6. and 7., F.A.C., the District shall divert up to 7.1 million gallons on any given day from the TBC lower pool to the TBC middle pool prior to diverting flows from the Morris Bridge Sink to the TBC middle pool.

(iii) The District shall cease to divert water from the TBC lower pool under this provision once the elevation of the TBC lower pool reaches 9.0 feet NGVD (1929 or its 1988 equivalent).

b. Prior to the completion of the pipeline described in subparagraph 40D-80.073(4)(b)7., F.A.C., the District shall transfer any water delivered to the TBC middle pool from the Morris Bridge Sink or the TBC lower pool under this provision to the Hillsborough River near the District's Structure 161.

(i) These deliveries shall be made on the same day the District delivers water from the Morris Bridge Sink or the TBC lower pool.

(ii) The District shall then deliver 75 percent of any water diverted to the Hillsborough River under this provision to the Lower Hillsborough River. This delivery shall be from the Hillsborough River just above the City's dam to immediately below the City's dam.

(iii) The deliveries of the water from the Morris Bridge Sink to the TBC middle pool then on to the Hillsborough River are in addition to any other diversions from the TBC middle pool to the Hillsborough River described in subparagraphs 40D-80.073(4)(b)2. and 8., F.A.C.

c. Once the City completes the water transmission pipeline described in subparagraphs 40D-80.073(4)(b)5. and 7., F.A.C., or as may be otherwise responsible for delivering the flows the District was previously obligated to divert pursuant to subparagraph 40D-80.073(4)(b)7., F.A.C., the City shall move any water the District delivers to the TBC middle pool from Morris Bridge Sink or the TBC lower pool under this provision to the Lower Hillsborough River directly below the dam. Such delivery by the City will occur on the same day the District delivers the water from the Morris Bridge Sink or the TBC lower pool to the TBC middle pool.

d. At no time shall withdrawals from the TBC under this provision cause:

i. The elevation difference between the TBC middle pool and Hillsborough River to exceed 9.5 feet as measured on either side of the District's Structure 161; or

ii. The elevation difference between the TBC middle and lower pools to exceed 7.0 feet as measured on either side of the District's Structure 162.

9. Beginning October 1, 2017, the City shall be required to meet the minimum flows at the base of the dam as set forth in subsection 40D-8.041(1), F.A.C.

(c) The City and the District shall, as specified in the Agreement, cooperate in the evaluation of options for storage of water ("Storage Projects") such as aquifer storage and recovery (ASR), and additional source options (e.g., diversions from Morris Bridge Sink greater than those described in subparagraph 40D-80.073(4)(b)8., F.A.C.), in sufficient permitable quantities, that upon discharge to the base of the

dam, together with the other sources of flow described in paragraph 40D-80.073(4)(b), F.A.C., will meet the minimum flows beginning October 1, 2017, or earlier.

(d) The City may propose for District approval additional source or storage projects that when completed may be used in lieu of all or part of one or more sources described in subparagraphs 40D-80.073(4)(b)2.-8., F.A.C.

(e) Any District sponsored project, which shall include evaluation of up to 3.9 million gallons per day of additional quantities other than those identified in subparagraph 40D-80.073(4)(b)8., F.A.C., from the Morris Bridge Sink, shall be implemented by the District no later than October 1, 2017, provided that it is deemed feasible by the District, to eliminate or reduce the need to divert water from the TBC middle and lower pool storage as described in subparagraph 40D-80.073(4)(b)2., F.A.C. Such projects shall be implemented only after receiving any required permits.

(f) Each spring, beginning in 2008, the District shall review the recovery strategy to assess the progress of implementation of the recovery strategy and report that progress to the Governing Board. This annual review and report shall include identification of the Storage Projects or other additional sources options that will be operational by October 1, 2017. If and when developed, Storage Projects or other additional source options to supply supplemental flows to meet the minimum flow will be used in preference to removal of water from storage in either the middle or lower pools of the TBC as described in paragraph 40D-80.073(4)(b), F.A.C.

(g) The City and the District shall continue the existing monitoring and analysis of the water resources within the Lower Hillsborough River and the District shall provide this information to the Governing Board as part of the its annual review and report described in paragraph (4)(d), above.

(h) In 2013, and for each five year period through 2023, the District shall evaluate the hydrology, dissolved oxygen, salinity, temperature, pH and biologic results achieved from implementation of the recovery strategy for the prior five years, including the duration, frequency and impacts of the adjusted minimum flow as described in paragraph 40D-8.041(1)(b), F.A.C. As part of the evaluation the District will assess the recording systems used to monitor these parameters. The District shall also monitor and evaluate the effect the Recovery Strategy is having on water levels in the Hillsborough River above the City's dam to at least Fletcher Avenue. The District will evaluate all projects described in this Recovery Strategy relative to their potential to cause unacceptable adverse impacts prior to their implementation.

(i) In conjunction with recovery of the Lower Hillsborough River and to enhance restoration of McKay Bay and Palm River estuary, the District intends to undertake a wetland restoration project adjacent to McKay Bay. The City agrees to contribute to the project by providing up to 7.1 million gallons on any given day of reclaimed water, as needed

for the project. Within five years of completion of this wetland project, and for two subsequent five year periods thereafter, the District shall review the hydrologic, dissolved oxygen, salinity, temperature, pH and biologic results achieved from the implementation of the restoration project and other similar District projects that may occur.

2. Beginning January 1, 2008 through December 31, 2009, the City shall meet the Minimum Flow unless flow is not feasible from the other source(s) as set forth in paragraph 40D-80.073(4)(b), F.A.C., below. If flow from these other source(s) is not feasible, and if the provision of water for Minimum Flow from the City's drinking water supply would compromise the public health, safety, and welfare, the City shall not be required to meet the Minimum Flow until the City can obtain sufficient replacement water or January 1, 2010, whichever occurs first.

3. Beginning January 1, 2010, the City shall meet the Minimum Flow.

(b) By December 31, 2003, the City, with District consideration of financial participation, shall complete a study of the economic and technical feasibility of meeting the Minimum Flow for the Lower Hillsborough River from sources other than the City's Reservoir, including but not limited to Blue Sink, Curiosity Creek watershed, and the Howard F. Curren Advanced Wastewater Treatment Plant. The City shall submit to the District a written report each December 31 through December 31, 2003, on the sources investigated, the results of the investigation, and the City's determination as to the feasibility of each of the sources.

(c) Until the completion of the study under paragraph 40D-80.073(4)(d), F.A.C., the City's implementation of the use of any source other than the City's Reservoir or Sulphur Springs is subject to a coordinated evaluation with the District to determine that its quality is at least equivalent to the water being used from Sulphur Springs. After the study specified in paragraph 40D-80.073(4)(d), F.A.C., below, is completed, the District shall use the findings of that study to evaluate the alternate sources, for providing the required Minimum Flow.

(d) On or before August 3, 2000, the District and the City shall commence a work plan and the subsequent study of the biological communities below the dam, taking into account loss of historical hydrologic functions, water quality, water quantity, and existing changes and structural alterations, to reevaluate the Minimum Flow requirement to maintain the existing biological communities in the Lower Hillsborough River. The study will provide recommendations to enhance or improve the biologic communities below the dam in the Lower Hillsborough River. The study shall include a range of sufficient releases of up to at least 30 cfs of freshwater (less than or equal to 0.5 parts per thousand of salinity) to examine the effects on the biological communities in the Lower Hillsborough River. The study shall be completed by December 31, 2005. If the study demonstrates the need for

revisions to the Minimum Flow for the Lower Hillsborough River established in paragraph 40D-8.041(2), F.A.C. the District shall initiate rulemaking within one year of study completion to adopt a revised Minimum Flow considering this study and the study results on the Minimum Flow requirement shall be binding on the City and the District in any rulemaking proceeding on the revised Minimum Flow.

(5) through (7) No change.

(8) 2010 Evaluation of Recovery Strategy.

This recovery strategy is in keeping with the District's legislative mandate pursuant to Sections 373.036, 373.0361, 373.0421, 373.0831, 373.1962 and 373.1963, F.S., to resolve the water supply and water resource impact concerns of the Northern Tampa Bay Area in a cooperative manner with the water suppliers and interested parties. The portion of the District's recovery strategy embodied within this Rule 40D-80.073, F.A.C., is the first regulatory phase of a long-term approach toward eventual attainment of the mMinimum fFlows and lLevels established in Chapter 40D-8, F.A.C., for priority waters in the Northern Tampa Bay Area. Except as to subsection 40D-80.073(4), F.A.C., tThis phase of the recovery strategy is through the year 2010 based on the current knowledge of the state of the water resources of the Area, the technology for water supply development including alternative sources and conservation and existing and future reasonable-beneficial uses. In addition, it is possible that this phase will achieve recovery to the mMinimum fFlows and lLevels but it is impossible to determine whether this will occur given that it is unknown which recovery management mechanisms will be utilized by water use permittees. Except as to the Lower Hillsborough River, Sulphur Springs and the Tampa Bypass Canal, tThe District will evaluate the state of knowledge of these matters in 2010, including analysis of all information and reports submitted pursuant to paragraph 40D-80.073(3)(c), F.A.C., data collected and analyzed and relationships determined pursuant to subsection 40D-8.011(5), F.A.C., regarding the mMinimum fFlows and lLevels for the priority waters in the area (The "MFLs") and the Central System Facilities permit(s). Based on that analysis and evaluation, on or before December 31, 2010, except as to the Lower Hillsborough River, Sulphur Springs and the Tampa Bypass Canal, the District will initiate rulemaking to 1) revise the MFLs (the "New MFLs"), as necessary; 2) adopt rules to implement the existing or the New MFLs (The "Implementation Rules"); and 3) revise this Rule 40D-80.073, F.A.C., to incorporate a second phase to this Recovery Strategy ("Recovery Strategy Rules"), as necessary, consistent with Section 373.0421(2), F.S. In the event that the District determines that it is not necessary to initiate rulemaking to adopt New MFLs, and a substantially affected person is granted an administrative hearing to challenge the

Implementation Rules or the Recovery Strategy Rules, and the MFL Rules, the District will not object to a motion to consolidate the hearings.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.0361, ~~373.0395~~, 373.171, 373.0421 FS. History--New 8-3-00, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen A. Lloyd, Assistant Deputy Counsel, 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: August 28, 2007

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-21.521	Phase I Moderate Water Shortage
40E-21.531	Phase II Severe Water Shortage
40E-21.541	Phase III Extreme Water Shortage
40E-21.551	Phase IV Critical Water Shortage

PURPOSE AND EFFECT: To address management of available water supplies in the Lake Okeechobee Region during drought conditions.

SUMMARY: The proposed rule amendments will limit the allocations to agricultural users in the Lake Okeechobee Region during drought conditions by shifting to a phased, percentage cut-back method similar to other water use classes.

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 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.175, 373.246 FS.

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

DATE AND TIME: November 15, 2007, beginning at 9:00 a.m.

PLACE: Key Largo Marriott, 103800 Overseas Highway, Key Largo, FL 33037

Pursuant to the provisions of 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, (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 RULES IS: Peter J. Kwiatkowski, P.G., South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 2547 or (561)682-2547, email: pkwiat@sfwmd.gov or Elizabeth D. Ross, Senior Specialist Attorney, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6257 or (561)682-6257, email: bross@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-21.521 Phase I Moderate Water Shortage.

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

(f) Diversion and Impoundment into Non-District Facilities. Water used for diversion and impoundment into non-District facilities shall be voluntarily reduced; however, the diversion of surface water from sources in the Lake Okeechobee Region as depicted on Figure 21-4 and described in subsection 40E-21.691(3), F.A.C., shall be subject to the restrictions described in subparagraph (2)(a)6., below.

(2) Agriculture.

(a) Agricultural Use:

1. through 5. No change.

6. The District's allocation determination for agricultural irrigation within the entire Lake Okeechobee Region as depicted on Figure 21-4 will be based on 15% cutbacks to the calculated 1 in 10 supplemental crop demands calculated on a weekly basis. The entire Lake Okeechobee Region supplemental crop demands will be distributed among the sub-basins depicted in Figure 21-4 based on a grouping of crop types, irrigation methods (e.g. flood irrigated crops versus micro irrigated crops), the associated acreage totals as identified in the individual water use permits combined with the associated 1 in 10 evapotranspiration demands of the crops. An additional amount of water from Lake Okeechobee will be added to the weekly allocation as necessary to account for conveyance losses that occur through seepage and free surface evaporation from the Central and Southern Florida Flood Control System Project canals. The share of the entire Lake Okeechobee Region irrigation allocation available to each

~~sub-basin may be further adjusted to prioritize water deliveries among crops, as long as the sum of the sub-basin allocations does not exceed the weekly allocation for the entire Lake Okeechobee Region and that equity among users and sub-basins is assured. Such adjustments shall be based upon irrigation efficiency, potential for economic loss, and acreage irrigated as opposed to non-irrigated acreage. Withdrawals by each permitted user within the Lake Okeechobee Region as described in subsection 40E-21.691(3), F.A.C., shall be limited to an amount that represents each user's share of their sub-basin weekly allocation based on their permitted crop type and irrigated acreage the total allocation for agricultural irrigation made by the District from Lake Okeechobee (Lake) for that month and in that basin. The District shall provide the users with the data necessary to calculate their weekly allotment of water. The District's allocation determination for agricultural irrigation within the Lake Okeechobee Region will be based on its evaluation of the supply capabilities of the source class, the supply capabilities of other source classes available in the area, the needs of agriculture and other users in the area, and the District's overall management strategy for handling the uncertainties of future climatological events. The share of the total agricultural irrigation allocation available to each user will be based on any prioritization among crops the District establishes based on irrigation efficiency, economic loss and equity considerations, and the acreage and quantity of withdrawals for which the user has been permitted. The District's allocation determination for agricultural irrigation within the Lake Okeechobee Region will be based on the supply capacity of Lake Okeechobee assuming a June 1st lake stage of 10.5 feet NGVD.~~

- (b) through (e) No change.
- (3) through (4) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.175, 373.246 FS. History—New 5-31-82, Amended 1-26-86, 2-14-91, 9-10-01,_____.

40E-21.531 Phase II Severe Water Shortage.

- (1)(a) through (e) No change.
- (f) Diversion and Impoundment into Non-District Facilities.

4. Water used for diversion and impoundment into non-District facilities shall be voluntarily reduced; however, the diversion of surface water from sources in the Lake Okeechobee Region as depicted on Figure 21-4 and described in subsection 40E-21.691(3), F.A.C., shall be subject to the restrictions described in subparagraph (2)(a)6., below.

- (2) Agriculture.
- (a) Agricultural Use.
- 1. through 5. No change.

6. The District's allocation determination for agricultural irrigation within the entire Lake Okeechobee Region as depicted on Figure 21-4 will be based on 30% cutbacks to the

calculated 1 in 10 supplemental crop demands calculated on a weekly basis. The entire Lake Okeechobee Region supplemental crop demands will be distributed among the sub-basins depicted in Figure 21-4 based on a grouping of crop types, irrigation methods (e.g. flood irrigated crops versus micro irrigated crops), the associated acreage totals as identified in the individual water use permits combined with the associated 1 in 10 evapotranspiration demands of the crops. An additional amount of water from Lake Okeechobee will be added to the weekly allocation as necessary to account for conveyance losses that occur through seepage and free surface evaporation from the Central and Southern Florida Flood Control System Project canals. The share of the entire Lake Okeechobee Region irrigation allocation available to each sub-basin may be further adjusted to prioritize water deliveries among crops, as long as the sum of the sub-basin allocations does not exceed the weekly allocation for the entire Lake Okeechobee Region and that equity among users and sub-basins is assured. Such adjustments shall be based upon irrigation efficiency, potential for economic loss, and acreage irrigated as opposed to non-irrigated acreage. Withdrawals by each permitted user within the Lake Okeechobee Region as described in subsection 40E-21.691(3), F.A.C., shall be limited to an amount that represents each user's share of their sub-basin weekly allocation based on their permitted crop type and irrigated acreage the total allocation for agricultural irrigation made by the District from Lake Okeechobee (Lake) for that month and in that basin. The District shall provide the users with the data necessary to calculate their weekly allotment of water. The District's allocation determination for agricultural irrigation within the Lake Okeechobee Region will be based on its evaluation of the supply capabilities of the source class, the supply capabilities of other source classes available in the area, the needs of agriculture and other users in the area, and the District's overall management strategy for handling the uncertainties of future climatological events. The share of the total agricultural irrigation allocation available to each user will be based on any prioritization among crops the District establishes based on irrigation efficiency, economic loss and equity considerations, and the acreage and quantity of withdrawals for which the user has been permitted. The District's allocation determination for agricultural irrigation within the Lake Okeechobee Region will be based on the supply capacity of Lake Okeechobee assuming a June 1st lake stage of 10.5 feet NGVD.

- (b) through (e) No change.
- (3) through (4) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.175, 373.246 FS. History—New 5-31-82, Amended 1-26-86, 2-14-91, 9-10-01,_____.

40E-21.541 Phase III Extreme Water Shortage.

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

(f) Diversion and Impoundment into Non-District Facilities.

~~4. Water used for diversion and impoundment into non-District facilities shall be voluntarily reduced; however, the diversion of surface water from sources in the Lake Okeechobee Region as depicted on Figure 21-4 and described in subsection 40E-21.691(3), F.A.C., shall be subject to the restrictions described in subparagraph (2)(a)6., below.~~

(2) Agriculture.

(a) Agricultural Use.

1. through 4. No change.

5. ~~The District's allocation determination for agricultural irrigation within the entire Lake Okeechobee Region as depicted on Figure 21-4 will be based on 45% cutbacks to the calculated 1 in 10 supplemental crop demands calculated on a weekly basis. The entire Lake Okeechobee Region supplemental crop demands will be distributed among the sub-basins depicted in Figure 21-4 based on a grouping of crop types, irrigation methods (e.g. flood irrigated crops versus micro irrigated crops), the associated acreage totals as identified in the individual water use permits combined with the associated 1 in 10 evapotranspiration demands of the crops. An additional amount of water from Lake Okeechobee will be added to the weekly allocation as necessary to account for conveyance losses that occur through seepage and free surface evaporation from the Central and Southern Florida Flood Control System Project canals. The share of the entire Lake Okeechobee Region irrigation allocation available to each sub-basin may be further adjusted to prioritize water deliveries among crops, as long as the sum of the sub-basin allocations does not exceed the weekly allocation for the entire Lake Okeechobee Region and that equity among users and sub-basins is assured. Such adjustments shall be based upon irrigation efficiency, potential for economic loss, and acreage irrigated as opposed to non-irrigated acreage. Withdrawals by each user within the Lake Okeechobee Region as described in subsection 40E-21.691(3), F.A.C., from each source class in each month shall be limited to an amount that represents each user's share of their sub-basin weekly allocation based on their permitted crop type and irrigated acreage the total allocation for agricultural irrigation made by the District from that source for that month and in that basin. The District shall provide the users with the data necessary to calculate their weekly allotment of water. The District's allocation determination for agricultural irrigation will be based on its evaluation of the supply capabilities of the source class, the supply capabilities of other source classes available in the area, the needs of agriculture and all other users in the area, and the District's overall management strategy for handling the uncertainties of future climatological events. The share of the total agricultural irrigation allocation available to each user will be based on any prioritization among crops the District establishes based on irrigation efficiency, economic loss and equity considerations~~

~~and the acreage and quantity of withdrawals for which the user has been permitted. The District's allocation determination for agricultural irrigation within the Lake Okeechobee Region, as described in subsection 40E-21.691(3), F.A.C., will be based on the supply capacity of Lake Okeechobee as defined by the establishment of a temporary reference elevation.~~

~~a. The short and long term harm to the water resources and economy associated with further reduction in Lake stage;~~

~~b. The harm to the crops, and associated economic impacts, projected to result from the reduction or elimination of water supply; and~~

~~e. The projected drought duration.~~

~~The day to day operational decisions associated with implementing the temporary revised reference elevation shall be delegated to staff in the Phase III water shortage order. The governing board will be updated on a monthly basis at a governing board or other public meeting of past and projected changes to the temporary revised reference elevation.~~

~~6.(b) through (e) No change.~~

~~(3) through (4) No change.~~

Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.175, 373.246 FS. History—New 5-31-82, Amended 1-26-86, 2-14-91, 9-10-01,_____.

40E-21.551 Phase IV Critical Water Shortage.

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

(f) Diversion and Impoundment into Non-District Facilities.

~~4. Water used for diversion and impoundment into non-District facilities shall be voluntarily reduced; however, the diversion of surface water from sources in the Lake Okeechobee Region as depicted on Figure 21-4 and described in subsection 40E-21.691(3), F.A.C., shall be subject to the restrictions described in subparagraph (2)(a)6., below.~~

(2) Agriculture.

(a) Agricultural Use.

1. through 4. No change.

5. ~~The District's allocation determination for agricultural irrigation within the entire Lake Okeechobee Region as depicted on Figure 21-4 will be based on 60% cutbacks to the calculated 1 in 10 supplemental crop demands calculated on a weekly basis. The entire Lake Okeechobee Region supplemental crop demands will be distributed among the sub-basins depicted in Figure 21-4 based on a grouping of crop types, irrigation methods (e.g. flood irrigated crops versus micro irrigated crops), the associated acreage totals as identified in the individual water use permits combined with the associated 1 in 10 evapotranspiration demands of the crops. An additional amount of water from Lake Okeechobee will be added to the weekly allocation as necessary to account for conveyance losses that occur through seepage and free surface evaporation from the Central and Southern Florida Flood Control System Project canals. The share of the entire Lake~~

Okeechobee Region irrigation allocation available to each sub-basin may be further adjusted to prioritize water deliveries among crops, as long as the sum of the sub-basin allocations does not exceed the weekly allocation for the entire Lake Okeechobee Region and that equity among users and sub-basins is assured. Such adjustments shall be based upon irrigation efficiency, potential for economic loss, and acreage irrigated as opposed to non-irrigated acreage. Withdrawals by each user within the Lake Okeechobee Region as described in subsection 40E-21.691(3), F.A.C., from each source class in each month shall be limited to an amount that represents each user's share of their sub-basin weekly allocation based on their permitted crop type and irrigated acreage the total allocation for agricultural irrigation made by the District from that source for that month and in that basin. The District shall provide the users with the data necessary to calculate their weekly allotment of water. The District's allocation determination for agricultural irrigation will be based on its evaluation of the supply capabilities of the source class, the supply capabilities of other source classes available in the area, the needs of agriculture and all other users in the area, and the District's

~~overall management strategy for handling the uncertainties of future climatological events. The share of the total agricultural irrigation allocation available to each user will be based on any prioritization among crops the District establishes based on economic loss and equity considerations and the acreage and quantity of withdrawals for which the user has been permitted.~~

6.(b) through (e) No change.

(3) through (4) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History--New 5-31-82, Amended 1-26-86, 2-14-91,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Peter J. Kwiatkowski, P.G.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 13, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2007

Lake Okeechobee Region Sub-Basin Boundaries

- A: NORTHEAST LAKE SHORE
- B: ST. LUCIE (C-44)
- C: WPB CANAL & L-8
- D: E. BEACH & E. SHORE WCD
- E: N. NEW RIVER & HILLSBORO
- F: MIAMI CANAL BASIN
- G: C-21 & S-236 BASINS
- H: CALOOSAHATCHEE (C-43)
- I: NORTHWEST LAKE SHORE
- J: NORTH LAKE SHORE

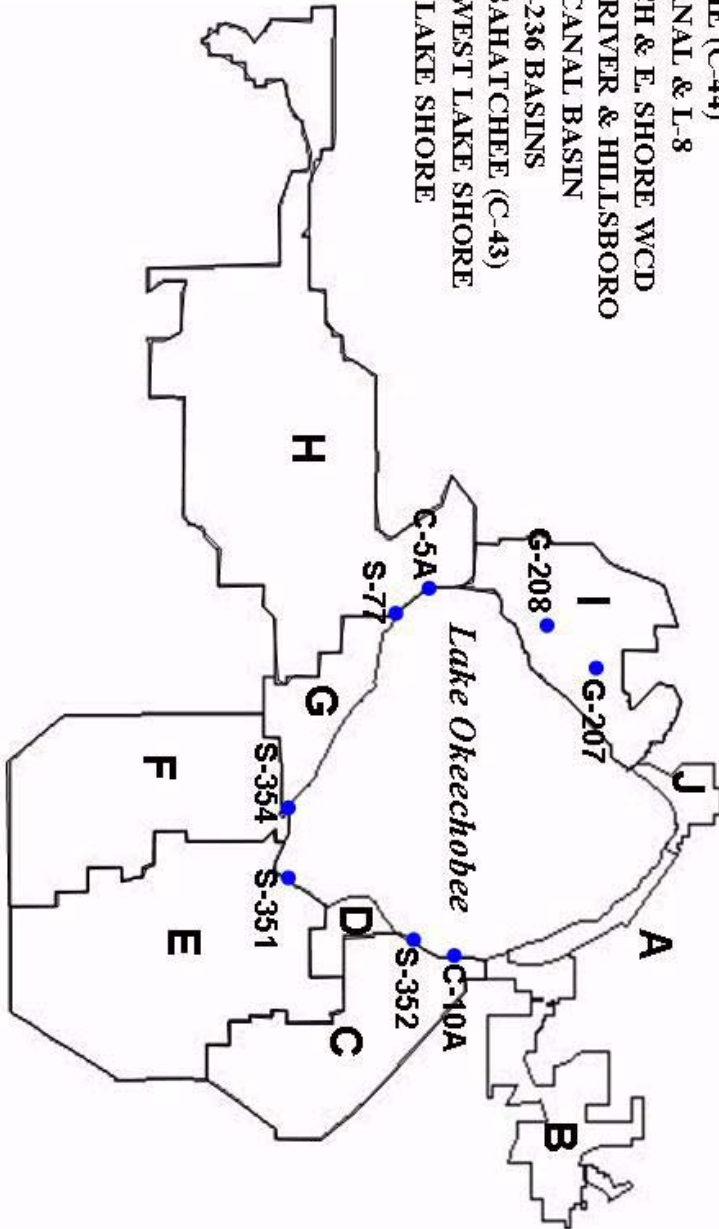


Figure 21-4

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

RULE NO.: RULE TITLE:

59A-3.2085 Department and Services

PURPOSE AND EFFECT: The Agency proposes to amend Rule 59A-3.2085, Florida Administrative Code, consistent with provisions of Section 408.0361, Florida Statutes. This section includes standards for adult diagnostic cardiac catheterization services in hospitals, and provides for adoption of rules to establish a licensure process for hospital-based adult cardiovascular programs in Florida hospitals and to adopt standards for those programs.

SUMMARY: The proposed amendments to this rule establish standards for licensure of adult cardiovascular programs in Florida hospitals.

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: 408.0361(1) FS.

LAW IMPLEMENTED: 408.0361 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: October 26, 2007, 1:00 p.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Tara E. Ehlers by e-mail at ehlerst@ahca.myflorida.com or by phone at (850)922-0791. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jeffrey Gregg, Bureau of Health Facility Regulation, 2727 Mahan Drive, Tallahassee, Florida, or call (850)922-0791

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-3.2085 Department and Services.

(1) through (12) No change.

(13) Adult ~~Inpatient~~ Diagnostic Cardiac Catheterization Program. All licensed hospitals that establish adult diagnostic cardiac catheterization laboratory services under Section 408.0361, F.S., shall operate in compliance with the guidelines

of the American College of Cardiology/American Heart Association regarding the operation of diagnostic cardiac catheterization laboratories. Hospitals are considered to be in compliance with American College of Cardiology/American Heart Association guidelines when they adhere to standards regarding staffing, physician training and experience, operating procedures, equipment, physical plant and patient selection criteria. The applicable guideline, herein incorporated by reference, is the American College of Cardiology/Society for Cardiac Angiography and Interventions Clinical Expert Consensus Document on Cardiac Catheterization Laboratory Standards: Bashore et al, ACC/SCA&I Clinical Expert Consensus Document on Catheterization Laboratory Standards, JACC Vol. 37, No. 8, June 2001: 2170-214. Aspects of the guideline related to pediatric services or outpatient cardiac catheterization in freestanding non-hospital settings are not applicable to this rule. All licensed hospitals that establish an Adult Inpatient Diagnostic Cardiac Catheterization Program after July 1, 1997 pursuant to an exemption granted under Section 408.036(3)(n), F.S., shall comply with the provisions of the ACC/AHA Guidelines for Cardiac Catheterization and Cardiac Catheterization Laboratories JACC Volume 18, Number 5 of November 1, 1991, which establish the standards for Cardiac Catheterization and Cardiac Catheterization Laboratories, and which is hereby incorporated by reference, except as modified herein.

All such ~~exempted~~ licensed hospitals shall have a department, service or other similarly titled unit which shall be organized, directed and staffed, and integrated with other units and departments of the hospitals in a manner designed to assure the provision of quality patient care.

~~1.3-~~ "Diagnostic Cardiac Catheterization" means a procedure requiring the passage of a catheter into one or more cardiac chambers of the left and right heart, with or without coronary arteriograms, for the purpose of diagnosing congenital or acquired cardiovascular diseases, or for determining measurement of blood pressure flow; and also includes the selective catheterization of the coronary ostia with injection of contrast medium into the coronary arteries.

(a) Definitions. The following definitions shall apply specifically to all adult ~~inpatient~~ diagnostic cardiac catheterization programs, as described in this subsection 59A-3.2085(13), F.A.C.:

~~1. "ACC/AHA" means the American College of Cardiology/American Heart Association.~~

~~2. "JACC" means the Journal of the American College of Cardiology.~~

~~2.4-~~ "Adult ~~Inpatient~~" means a person fifteen years of age or older ~~who has been admitted for bed occupancy for the purposes of receiving inpatient hospital services.~~

~~5. "Annual Program Volume" means the total number of inpatient and outpatient admissions to the adult cardiac catheterization program, for the purpose of diagnostic cardiac~~

catheterization, for a 12-month period. A single admission is equivalent to one patient visit to the cardiac catheterization program. Each patient visit shall be counted in determining the actual program volume regardless of whether the patient is an inpatient or outpatient at the hospital performing the procedure, or has been admitted as an inpatient or outpatient at another facility.

3.(b) Therapeutic Procedures. An adult diagnostic cardiac catheterization program established pursuant to ~~an exemption granted under~~ Section 408.0361, 408.036(3)(n), F.S., shall not provide therapeutic services, such as ~~balloon angioplasty percutaneous coronary intervention or stent insertion~~, intended to treat an identified condition or the administering of intra-coronary drugs, such as thrombolytic agents.

4.(e) Diagnostic Procedures. Procedures performed in the adult diagnostic cardiac catheterization laboratory shall include, for example, the following:

- a.1. Left heart catheterization with coronary angiography and left ventriculography
- b.2. Right heart catheterization
- c.3. Hemodynamic monitoring line insertion
- d.4. Aortogram
- e.5. Emergency temporary pacemaker insertion
- 6. Transesophageal electric pacing
- f.7. Myocardial biopsy
- g.8. Diagnostic trans-septal procedures
- h.9. Intra-coronary ultrasound (ICUS)
- i.10. Fluoroscopy
- j.11. Hemodynamic stress testing

(d) Annual Program Volume. The minimum program volume for an adult diagnostic cardiac catheterization service shall be either 300 admissions during the 12-month period commencing 18 months after a program becomes operational, or 150 admissions by at least one physician who performed diagnostic cardiac catheterizations during that period, with a second physician with at least 100 admissions for adult diagnostic cardiac catheterization during the same period. The program volume standard shall be met during each subsequent 12-month period. An annual report of compliance with this requirement shall be forwarded to the Agency's Certificate of Need Office.

(b)(e) Support Equipment. A crash cart containing the necessary medication and equipment for ventilatory support shall be located in each cardiac catheterization procedure room. A listing of all crash cart contents shall be readily available. At the beginning of each shift, the crash cart shall be checked for intact lock; the defibrillator and corresponding equipment shall be checked for function and operational capacity. A log shall be maintained indicating review.

(c) Radiographic Cardiac Imaging Systems. A quality improvement program for radiographic imaging systems shall include measures of image quality, dynamic range and

modulation transfer function. Documentation indicating the manner in which this requirement will be met shall be available for the Agency's review.

(d)(f) Physical Plant Requirements. Section 419.2.1.2, Florida Building Code, subsection 59A-3.081(53), F.A.C., contains the physical plant requirements for the adult diagnostic inpatient cardiac catheterization program.

(e)(e) Personnel Requirements. There shall be an adequate number of trained personnel available. At a minimum, a team involved in cardiac catheterization shall consist of a physician, one registered nurse, and one technician.

(f) Quality Improvement Program. A quality improvement program for the adult diagnostic cardiac catheterization program laboratory shall include an assessment of proficiency in diagnostic coronary procedures, as described in the American College of Cardiology/American Heart Association Guidelines. Essential data elements for the quality improvement program include the individual physician procedural volume and major complication rate; the institutional procedural complication rate; relevant clinical and demographic information about patients; verification of data accuracy; and procedures for patient, physician and staff confidentiality. Documentation indicating the manner in which this requirement will be met shall be available for the Agency's review.

(g)(h) Emergency Services. ~~Cardiac catheterization programs in a hospital not performing open heart surgery shall have a written protocol for the transfer of emergency patients to a hospital providing open heart surgery, which is within thirty minutes travel time by emergency vehicle under average travel conditions.~~

1. All providers of adult diagnostic cardiac catheterization program services in a hospital not licensed as a Level II adult cardiovascular services provider shall have written transfer agreements developed specifically for diagnostic cardiac catheterization patients with one or more hospitals that operate a Level II adult cardiovascular services program. Written agreements must be in place to ensure safe and efficient emergency transfer of a patient within 60 minutes. Transfer time is defined as the number of minutes between the recognition of an emergency as noted in the hospital's internal log and the patient's arrival at the receiving hospital. Transfer and transport agreements must be reviewed and tested at least every 3 months, with appropriate documentation maintained, including the hospital's internal log or emergency medical services data. Each program shall be capable of providing immediate endocardiac catheter pacemaking in case of cardiac arrest and pressure recording for monitoring and evaluating valvular disease, or heart failure. Documentation indicating the manner in which this requirement will be met shall be available for the Agency's review.

2. Patients at high risk for diagnostic catheterization complications shall be referred for diagnostic catheterization services to hospitals licensed as a Level II adult cardiovascular services provider. For example, patients actively inflicting should be defined as high risk and be immediately transported to a hospital where on-site open-heart surgery is available. Hospitals not licensed as a Level II adult cardiovascular services provider must have documented patient selection and exclusion criteria and provision for identification of emergency situations requiring transfer to a hospital with a Level II adult cardiovascular services program. Documentation indicating the manner in which this requirement will be met shall be available for the Agency's review.

~~3. Each adult diagnostic cardiac catheterization program shall have the capability to rapid mobilization of its team 23 hours a day, 7 days a week. Documentation indicating the manner in which this requirement will be met shall be available for the Agency's review.~~

(h) Policy and Procedure Manual for Medicaid and Charity Care.

1. Each provider of adult diagnostic cardiac catheterization services shall maintain a policy and procedure manual, available for review by the Agency, which documents a plan to provide services to Medicaid and charity care patients.

2. At a minimum, the policy and procedure manual shall document specific outreach programs directed at Medicaid and charity care patients for adult diagnostic cardiac catheterization services.

(i) Enforcement. Enforcement of these rules shall follow procedures established in Rule 59A-3.253, F.A.C. Each diagnostic catheterization program shall provide a minimum of 2 percent of its admissions to charity and Medicaid patients each year. An annual report of compliance with this requirement shall be forwarded to the Agency's Certificate of Need Office.

(j) In case of conflict between the provisions of this rule and the guidelines of the American College of Cardiology, the provisions of this part shall prevail.

(16) Level I Adult Cardiovascular Services.

(a) Licensure.

1. A hospital seeking a license for a Level I adult cardiovascular services program shall submit an application on a form provided by the Agency (See Form 1: Level I Adult Cardiovascular Services License Application Attestation; AHCA Form, Section 18(a) of this rule _____), signed by the chief executive officer of the hospital, attesting that, for the most recent 12-month period, the hospital has provided a minimum of 300 adult inpatient and outpatient diagnostic cardiac catheterizations or, for the most recent 12-month period, has discharged or transferred at least 300 inpatients with the principal diagnosis of ischemic heart disease (defined by ICD-9-CM codes 410.0 through 414.9).

a. Reportable cardiac catheterization procedures are defined as single sessions with a patient in the hospital's cardiac catheterization procedure room(s), irrespective of the number of specific procedures performed during the session.

b. Reportable cardiac catheterization procedures shall be limited to those provided and billed for by the Level I licensure applicant and shall not include procedures performed at the hospital by physicians who have entered into block leases or joint venture agreements with the applicant.

2. The request shall attest to the hospital's intent and ability to comply with the *American College of Cardiology/Society for Cardiac Angiography and Interventions Clinical Expert Consensus Document on Cardiac Catheterization Laboratory Standards: Bashore et al. ACC/SCA&I Clinical Expert Consensus Document on Catheterization Laboratory Standards, JACC Vol. 37, No. 8, June 2001: 2170-214;* and the *ACC/AHA/SCAI 2005 Guideline Update for Percutaneous Coronary Intervention A Report of the American College of Cardiology/American Heart Association Task Force on Practice Guidelines (ACC/AHA/SCAI Writing Committee to Update the 2001 Guidelines for Percutaneous Coronary Intervention); including guidelines for staffing, physician training and experience, operating procedures, equipment and physical plant criteria.*

3. The request shall attest to the hospital's intent and ability to comply with physical plant requirements regarding cardiac catheterization laboratories and operating rooms found Section 419.2.1.2, Florida Building Code.

4. The request shall also include copies of one or more written transfer agreements with hospitals that operate a Level II adult cardiovascular services program, including written transport protocols to ensure safe and efficient transfer of an emergency patient within 60 minutes. Transfer time is defined as the number of minutes between the recognition of an emergency as noted in the hospital's internal log and the patient's arrival at the receiving hospital.

5. All providers of Level I adult cardiovascular services programs shall operate in compliance with subsection 59A-3.2085(13), F.A.C., and the guidelines of the American College of Cardiology/American Heart Association regarding the operation of adult diagnostic cardiac catheterization laboratories and the provision of percutaneous coronary intervention.

6. The applicable guidelines, herein incorporated by reference, are the *American College of Cardiology/Society for Cardiac Angiography and Interventions Clinical Expert Consensus Document on Cardiac Catheterization Laboratory Standards: Bashore et al. ACC/SCA&I Clinical Expert Consensus Document on Catheterization Laboratory Standards, JACC Vol. 37, No. 8, June 2001: 2170-214;* and the *ACC/AHA/SCAI 2005 Guideline Update for Percutaneous Coronary Intervention A Report of the American College of*

Cardiology/American Heart Association Task Force on Practice Guidelines (ACC/AHA/SCAI Writing Committee to Update the 2001 Guidelines for Percutaneous Coronary Intervention). Aspects of the guideline related to pediatric services or outpatient cardiac catheterization in freestanding non-hospital settings are not applicable to this rule. Aspects of the guideline related to the provision of elective percutaneous coronary intervention only in hospitals authorized to provide open heart surgery are not applicable to this rule.

7. Hospitals are considered to be in compliance with American College of Cardiology/American Heart Association guidelines when they adhere to standards regarding staffing, physician training and experience, operating procedures, equipment and physical plant criteria. Hospitals must also document an ongoing quality improvement plan to ensure that the cardiac catheterization program and the percutaneous coronary intervention program meet or exceed national quality and outcome benchmarks reported by the American College of Cardiology-National Cardiovascular Data Registry.

8. Level I adult cardiovascular service providers shall report to the American College of Cardiology-National Cardiovascular Data Registry in accordance with the timetables and procedures established by the Registry. All data shall be reported using the specific data elements, definitions and transmission format as set forth by the American College of Cardiology-National Cardiovascular Data Registry.

a. Each hospital licensed to provide Level I adult cardiovascular services shall execute the required agreements with the American College of Cardiology-National Cardiovascular Data Registry to participate in the data registry.

b. Each hospital licensed to provide Level I adult cardiovascular services shall stay current with the payment of all fees necessary to continue participation in the American College of Cardiology-National Cardiovascular Data Registry.

c. Each hospital licensed to provide Level I adult cardiovascular services shall release the data reported by the American College of Cardiology-National Cardiovascular Data Registry to the Agency for Health Care Administration.

d. Each hospital licensed to provide Level I adult cardiovascular services shall use the American College of Cardiology-National Cardiovascular Data Registry data sets and use software approved by the American College of Cardiology for data reporting.

e. Each hospital licensed to provide Level I adult cardiovascular services shall ensure that software formats are established and maintained in a manner that meets American College of Cardiology-National Cardiovascular Data Registry transmission specifications and encryption requirements. If necessary, each hospital shall contract with a vendor approved by the American College of Cardiology-National Cardiovascular Data Registry for software and hardware required for data collection and reporting.

f. To the extent required by the American College of Cardiology-National Cardiovascular Data Registry, each hospital licensed to provide Level I adult cardiovascular services shall implement procedures to transmit data via a secure website or other means necessary to protect patient privacy.

g. Each hospital licensed to provide Level I adult cardiovascular services shall ensure that all appropriate data is submitted on every patient that receives medical care and is eligible for inclusion in the American College of Cardiology-National Cardiovascular Data Registry.

h. Each hospital licensed to provide Level I adult cardiovascular services shall maintain an updated and current institutional profile with the American College of Cardiology-National Cardiovascular Data Registry.

i. Each hospital licensed to provide Level I adult cardiovascular services shall ensure that data collection and reporting will only be performed by trained, competent staff and that such staff shall adhere to the American College of Cardiology-National Cardiovascular Data Registry standards.

j. Each hospital licensed to provide Level I adult cardiovascular services shall submit corrections to any data submitted to the American College of Cardiology-National Cardiovascular Data Registry as discovered by the hospital or by the American College of Cardiology-National Cardiovascular Data Registry. Such corrections shall be submitted within thirty days of discovery of the need for a correction or within such other time frame as set forth by the American College of Cardiology-National Cardiovascular Data Registry. Data submitted must be at a level that the American College of Cardiology-National Cardiovascular Data Registry will include the data in national benchmark reporting.

k. Each hospital licensed to provide Level I adult cardiovascular services shall designate an American College of Cardiology-National Cardiovascular Data Registry site manager that will serve as a primary contact between the hospital, the American College of Cardiology-National Cardiovascular Data Registry and the Agency with regard to data reporting. The identity of each site manager shall be provided to the Hospital and Outpatient Services Unit at the Agency for Health Care Administration in Tallahassee.

l. By submitting data to the American College of Cardiology-National Cardiovascular Data Registry in the manner set forth herein, each hospital shall be deemed to have certified that the data submitted for each time period is accurate, complete and verifiable.

9. Notwithstanding American College of Cardiology/American Heart Association guidelines to the contrary, all providers of Level I adult cardiovascular services programs may provide emergency and elective percutaneous coronary intervention procedures. Aspects of the guidelines

related to pediatric services or outpatient cardiac catheterization in freestanding non-hospital settings are not applicable to this rule.

10. Hospitals with Level I adult cardiovascular services programs are prohibited from providing the following procedures:

a. Any therapeutic procedure requiring transseptal puncture, or

b. Any lead extraction for a pacemaker, biventricular pacer or implanted cardioverter defibrillator.

11. Hospitals with Level I adult cardiovascular services programs must renew their licenses at the time of the hospital licensure renewal, providing the information in two through five above. Failure to renew the hospital's license or failure to update the information in two through five above shall cause the license to expire.

(b) Staffing.

1. Each cardiologist shall be an experienced physician who has performed a minimum of 75 interventional cardiology procedures, exclusive of fellowship training and within the previous 12 months from the date of the Level I adult cardiovascular licensure application or renewal application.

2. Physicians with less than 12 months experience shall fulfill applicable American College of Cardiology/American Heart Association training requirements prior to being allowed to perform emergency percutaneous coronary interventions in a hospital that is not licensed for a Level II adult cardiovascular services program.

3. The nursing and technical catheterization laboratory staff shall be experienced in handling acutely ill patients requiring intervention or balloon pump. Each member of the nursing and technical catheterization laboratory staff shall have at least 500 hours of previous experience in dedicated cardiac interventional laboratories at a hospital with a Level II adult cardiovascular services program. They shall be skilled in all aspects of interventional cardiology equipment, and must participate in a 24-hour-per-day, 365 day-per-year call schedule.

4. The hospital shall ensure that a member of the cardiac care nursing staff who is adept in hemodynamic monitoring and Intra-aortic Balloon Pump (IABP) management shall be in the hospital at all times.

(c) Emergency Services.

1. A hospital provider of Level I adult cardiovascular services program must ensure it has systems in place for the emergent transfer of patients with intra-aortic balloon pump support to one or more hospitals licensed to operate a Level II adult cardiovascular services program. Formalized written transfer agreements developed specifically for emergency PCI patients must be developed with a hospital that operates a Level II adult cardiovascular services program. Written transport protocols must be in place to ensure safe and efficient transfer of a patient within 60 minutes. Transfer time is defined

as the number of minutes between the recognition of an emergency as noted in the hospital's internal log and the patient's arrival at the receiving hospital. Transfer and transport agreements must be reviewed and tested at least every 3 months, with appropriate documentation maintained.

(d) Policy and Procedure Manual for Medicaid and Charity Care.

1. Each provider of Level I adult cardiovascular services shall maintain a policy and procedure manual, available for review by the Agency, which documents a plan to provide services to Medicaid and charity care patients.

2. At a minimum, the policy and procedure manual shall document specific outreach programs directed at Medicaid and charity care patients for Level I adult cardiovascular services.

(e) Physical Plant Requirements.

Section 419.2.1.2, Florida Building Code, contains the physical plant requirements for adult cardiac catheterization laboratories operated by a licensed hospital.

(f) Enforcement.

1. Enforcement of these rules shall follow procedures established in Rule 59A-3.253, F.A.C.

2. Unless in the view of the Agency there is a threat to the health, safety or welfare of patients, Level I adult cardiovascular services programs that fail to meet provisions of this rule shall be given 15 days to develop a plan of correction that must be accepted by the Agency.

3. Failure of the hospital with a Level I adult cardiovascular services program to make improvements specified in the plan of correction shall result in the revocation of the program license. The hospital may offer evidence of mitigation and such evidence could result in a lesser sanction.

(g) In case of conflict between the provisions of this rule and the guidelines of the American College of Cardiology, the provisions of this part shall prevail.

(17) Level II Adult Cardiovascular Services.

(a) Licensure.

1. A hospital seeking a license for a Level II adult cardiovascular services program shall submit an application on a form provided by the Agency (See Form 2: Level II Adult Cardiovascular Services License Application Attestation; AHCA Form _____, Section 18(b) of this rule _____) to the Agency, signed by the chief executive officer of the hospital, attesting that, for the most recent 12-month period, the hospital has provided a minimum of a minimum of 1,100 adult inpatient and outpatient cardiac catheterizations, of which at least 400 must be therapeutic cardiac catheterizations, or, for the most recent 12-month period, has discharged at least 800 patients with the principal diagnosis of ischemic heart disease (defined by ICD-9-CM codes 410.0 through 414.9).

a. Reportable cardiac catheterization procedures shall be limited to those provided and billed for by the Level II licensure applicant and shall not include procedures performed at the hospital by physicians who have entered into block leases or joint venture agreements with the applicant.

2. The request shall attest to the hospital's intent and ability to comply with applicable American College of Cardiology/American Heart Association guidelines including guidelines for staffing, physician training and experience, operating procedures, equipment and physical plant.

3. The request shall attest to the hospital's intent and ability to comply with physical plant requirements regarding cardiac catheterization laboratories and operating rooms found Section 419.2.1.2, Florida Building Code.

4. All providers of Level II adult cardiovascular services programs shall operate in compliance with subsections 59A-3.2085(13) and 59A-3.2085(16), F.A.C. and the applicable guidelines of the American College of Cardiology/American Heart Association regarding the operation of diagnostic cardiac catheterization laboratories, the provision of percutaneous coronary intervention and the provision of coronary artery bypass graft surgery.

a. The applicable guidelines, herein incorporated by reference, are the American College of Cardiology/Society for Cardiac Angiography and Interventions Clinical Expert Consensus Document on Cardiac Catheterization Laboratory Standards; Bashore et al. ACC/SCA&I Clinical Expert Consensus Document on Catheterization Laboratory Standards, JACC Vol. 37, No. 8, June 2001: 2170-214; and

b. ACC/AHA/SCAI 2005 Guideline Update for Percutaneous Coronary Intervention A Report of the American College of Cardiology/American Heart Association Task Force on Practice Guidelines (ACC/AHA/SCAI Writing Committee to Update the 2001 Guidelines for Percutaneous Coronary Intervention; and

c. ACC/AHA 2004 Guideline Update for Coronary Artery Bypass Graft Surgery: A Report of the American College of Cardiology/American Heart Association Task Force on Practice Guidelines (Committee to Update the 1999 Guidelines for Coronary Artery Bypass Graft Surgery) Developed in Collaboration With the American Association for Thoracic Surgery and the Society of Thoracic Surgeons.

d. Aspects of the guidelines related to pediatric services or outpatient cardiac catheterization in freestanding non-hospital settings are not applicable to this rule.

5. Hospitals are considered to be in compliance with American College of Cardiology/American Heart Association guidelines when they adhere to standards regarding staffing, physician training and experience, operating procedures, equipment and physical plant criteria. Hospitals must also document an ongoing quality improvement plan to ensure that the cardiac catheterization program, the percutaneous coronary intervention program and the cardiac surgical program meet or

exceed national quality and outcome benchmarks reported by the American College of Cardiology-National Cardiovascular Data Registry and the Society of Thoracic Surgeons.

6. In addition to the requirements set forth in subsection (16)(a)7. of this rule, each hospital licensed to provide Level II adult cardiovascular services programs shall participate in the Society of Thoracic Surgeons National Database.

a. Each hospital licensed to provide Level II adult cardiovascular services shall report to the Society of Thoracic Surgeons National Database in accordance with the timetables and procedures established by the Database. All data shall be reported using the specific data elements, definitions and transmission format as set forth by the Society of Thoracic Surgeons.

b. Each hospital licensed to provide Level II adult cardiovascular services shall stay current with the payment of all fees necessary to continue participation in the Society of Thoracic Surgeons data registry.

c. Each hospital licensed to provide Level II adult cardiovascular services shall release the data reported by the Society of Thoracic Surgeons National Database to the Agency.

d. Each hospital licensed to provide Level II adult cardiovascular services shall use the most current version of the Society of Thoracic Surgeons National Database and use software approved by the Society of Thoracic Surgeons for data reporting.

e. Each hospital licensed to provide Level II adult cardiovascular services shall ensure that software formats are established and maintained in a manner that meets Society of Thoracic Surgeons transmission specifications and encryption requirements. If necessary, each hospital shall contract with a vendor approved by the Society of Thoracic Surgeons National Database for software and hardware required for data collection and reporting.

f. To the extent required by the Society of Thoracic Surgeons National Database, each hospital licensed to provide Level II adult cardiovascular services shall implement procedures to transmit data via a secure website or other means necessary to protect patient privacy.

g. Each hospital licensed to provide Level II adult cardiovascular services shall ensure that all appropriate data is submitted on every patient who receives medical care and is eligible for inclusion in the Society of Thoracic Surgeons National Database.

h. Each hospital licensed to provide Level II adult cardiovascular services shall maintain an updated and current institutional profile with the Society of Thoracic Surgeons National Database.

i. Each hospital licensed to provide Level II adult cardiovascular services shall ensure that data collection and reporting will only be performed by trained, competent staff and that such staff shall adhere to Society of Thoracic Surgeons National Database standards.

j. Each hospital licensed to provide Level II adult cardiovascular services shall submit corrections to any data submitted to the Society of Thoracic Surgeons National Database as discovered by the hospital or by the Society of Thoracic Surgeons National Database. Such corrections shall be submitted within thirty days of discovery of the need for a correction or within such other time frame as set forth by the Society of Thoracic Surgeons National Database. Data submitted must be at a level that the Society of Thoracic Surgeons National Database will include the data in national benchmark reporting.

k. Each hospital licensed to provide Level II adult cardiovascular services shall designate a Society of Thoracic Surgeons National Database site manager that will serve as a primary contact between the hospital, the Society of Thoracic Surgeons National Database and the Agency with regard to data reporting. The identity of each site manager shall be provided to the Hospital and Outpatient Services Unit at the Agency for Health Care Administration in Tallahassee.

j. By submitting data to the Society of Thoracic Surgeons National Database and the American College of Cardiology-National Cardiovascular Data Registry in the manner set forth herein, each hospital shall be deemed to have certified that the data submitted for each time period is accurate, complete and verifiable.

7. Hospitals with Level II adult cardiovascular services programs must renew their licenses at the time of the hospital licensure renewal, providing the information in two through four above. Failure to renew the hospital's license or failure to update the information in one through four above shall cause the license to expire.

(b) Staffing.

1. Each cardiac surgeon shall be Board certified.

a. New surgeons shall be Board certified within 4 years after completion of their fellowship.

b. Experienced surgeons with greater than 10 years experience shall document that their training and experience preceded the availability of Board certification.

2. Each cardiologist shall be an experienced physician who has performed a minimum of 75 interventional cardiology procedures, exclusive of fellowship training and within the previous 12 months from the date of the Level II adult cardiovascular licensure application or renewal application.

3. The nursing and technical catheterization laboratory staff shall be experienced in handling acutely ill patients requiring intervention or balloon pump. Each member of the nursing and technical catheterization laboratory staff shall have at least 500 hours of previous experience in dedicated cardiac

interventional laboratories at a hospital with a Level II adult cardiovascular services program. They shall be skilled in all aspects of interventional cardiology equipment, and must participate in a 24-hour-per-day, 365 day-per-year call schedule.

4. The hospital shall ensure that a member of the cardiac care nursing staff who is adept in hemodynamic monitoring and Intra-aortic Balloon Pump (IABP) management shall be in the hospital at all times.

(c) Policy and Procedure Manual for Medicaid and Charity Care.

1. Each provider of adult Level II adult cardiovascular services shall maintain a policy and procedure manual, available for review by the Agency, which documents a plan to provide services to Medicaid and charity care patients.

2. At a minimum, the policy and procedure manual shall document specific outreach programs directed at Medicaid and charity care patients for Level II adult cardiovascular services.

(d) Physical Plant Requirements.

Section 419.2.1.2, Florida Building Code, contains the physical plant requirements for adult cardiac catheterization laboratories and operating rooms for cardiac surgery operated by a licensed hospital.

(e) Enforcement.

1. Enforcement of these rules shall follow procedures established in Rule 59A-3.253, F.A.C.

2. Unless in the view of the Agency there is a threat to the health, safety or welfare of patients, Level II adult cardiovascular services programs that fail to meet provisions of this rule shall be given 15 days to develop a plan of correction that must be accepted by the Agency.

3. Failure of the hospital with a Level II adult cardiovascular services program to make improvements specified in the plan of correction shall result in the revocation of the program license. The hospital may offer evidence of mitigation and such evidence could result in a lesser sanction.

(f) In case of conflict between the provisions of this rule and the guidelines of the American College of Cardiology, the provisions of this part shall prevail.

(18) Forms.

(a) Form 1: Level I Adult Cardiovascular Services License Application, AHCA Form _____.

Attestation

AHCA Facility Number:

Facility Name:

Facility/Premise Address:

12-month Reporting Period:

Volume:

Total number of adult cardiac catheterization patients/sessions:

Inpatient Sessions:

Outpatient Sessions:

Or

Total number of inpatient discharges or transfers with principal diagnosis of ischemic heart disease (ICD-9-CM codes 410.0 through 414.9)

Inpatient Discharges:

Inpatient Transfers:

I, the undersigned, upon oath and affirmation of belief and personal knowledge, attest that the above named hospital volume are true, accurate, and complete.

I, the undersigned, upon oath and affirmation of belief and personal knowledge, attest that the above named hospital will fully comply, where applicable, with the guidelines of the American College of Cardiology/American Heart Association guidelines for staffing, physician training and experience, operating procedures, equipment and physical plant criteria to ensure quality patient care and safety, except where they are in conflict with Florida law.

I, the undersigned, upon oath and affirmation of belief and personal knowledge, attest that the above named hospital will fully comply with the physical plant requirements regarding cardiac catheterization laboratories and operating rooms found in Section 419.2.1.2, Florida Building Code as applicable.

I, the undersigned, upon oath and affirmation of belief and personal knowledge, attest that the above named hospital has a formalized, written transfer agreement with a hospital that has a Level II adult cardiovascular program, including a written transport agreement(s) to ensure safe and efficient transfer of a patient within 60 minutes.

I, the undersigned, upon oath and affirmation of belief and personal knowledge, attest that the above named hospital will participate in the American College of Cardiology National Cardiovascular Data Registry.

I, the undersigned, upon oath and affirmation of belief and personal knowledge, attest that the above named hospital has a formalized plan to provide services to Medicaid and charity care patients in need of Level I adult cardiovascular services.

I, _____, hereby swear or affirm that the statements in this attestation are true and correct.

Signature of Chief Executive Officer Date

STATE OF FLORIDA

COUNTY OF _____

Sworn to and subscribed before me this _____,

by _____.

This individual is personally known to me or produced the following identification: _____

Notary Public

NOTARY SEAL:

(b) Form 2: Level II Adult Cardiovascular Services License Application. AHCA Form _____.

Attestation

AHCA Facility Number:

Facility Name:

Facility/Premise Address:

12-month Reporting Period:

Volume:

Total number of adult cardiac catheterization patients/sessions:

Inpatient Sessions:

Outpatient Sessions:

Or

Total number of inpatient discharges or transfers with principal diagnosis of ischemic heart disease (ICD-9-CM codes 410.0 through 414.9)

Inpatient Discharges:

Inpatient Transfers:

I, the undersigned, upon oath and affirmation of belief and personal knowledge, attest that the above named hospital volume are true, accurate, and complete.

I, the undersigned, upon oath and affirmation of belief and personal knowledge, attest that the above named hospital will fully comply with the guidelines of the American College of Cardiology/American Heart Association guidelines for staffing, physician training and experience, operating procedures, equipment and physical plant criteria to ensure patient quality and safety.

I, the undersigned, upon oath and affirmation of belief and personal knowledge, attest that the above named hospital will fully comply with the physical plant requirements regarding cardiac catheterization laboratories and operating rooms found in Section 419.2.1.2, Florida Building Code as applicable.

I, the undersigned, upon oath and affirmation of belief and personal knowledge, attest that the above name hospital will participate in the American College of Cardiology National Cardiovascular Data Registry and the Society of Thoracic Surgeons National Database.

I, the undersigned, upon oath and affirmation of belief and personal knowledge, attest that the above name hospital/facility has a formalized plan to provide services to Medicaid and charity care patients in need of Level II adult cardiovascular services.

I, _____, hereby swear or affirm that the statements in this attestation are true and correct.

Signature of Chief Executive Officer Date

STATE OF FLORIDA

COUNTY OF _____

Sworn to and subscribed before me this _____,

by _____.

This individual is personally known to me or produced the following identification: _____

Notary Public

NOTARY SEAL:

Specific Authority 395.1055, 395.3038, 395.401, 408.036, 408.0361(1) FS. Law Implemented 395.001, 395.1055, 395.1065, 395.3038, 395.401, 408.036, 408.0361, 957.05 FS. History—New 4-17-97, Amended 3-29-98, 8-23-99, 3-23-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jeffrey Gregg, Bureau of Health Facility Regulation, 2727 Mahan Drive, Tallahassee, Florida, or call (850)922-0791

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek, Deputy Secretary, Division of Health Quality Assurance, Agency for Health Care Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 19, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2007

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-6.020	Payment Methodology for Inpatient Hospital Services

PURPOSE AND EFFECT: The purpose of the proposed rule is to incorporate changes to the Florida Title XIX Inpatient Hospital Reimbursement Plan (the Plan) payment methodology, effective July 1, 2007. In compliance with Senate Bill 2800, 2007-08 General Appropriations Act, Specific Appropriations 206, 211, 212, 244, and 245, the Florida Title XIX Inpatient Hospital Reimbursement Plan will be amended as follows:

1. Effective July 1, 2007, inpatient reimbursement ceilings will be eliminated for hospitals whose charity care and Medicaid days, as a percentage of total adjusted hospital days, equal or exceed 11 percent. For any public hospital that does not qualify for the elimination of the inpatient ceilings under this provision of the 2007-08 General Appropriations Act or any other proviso listed, the public hospital shall be exempt from the inpatient reimbursement ceilings contingent on the public hospital or local governmental entity providing the required state match. The Agency shall use the average of the 2001, 2002, and 2003 audited disproportionate share (DSH) data available as of March 1, 2007. In the event the Agency does not have the prescribed three years of audited DSH data for a hospital, the Agency shall use the average of the audited DSH data for 2001, 2002, and 2003 that are available.
2. Effective July 1, 2007, the inpatient reimbursement ceilings for hospitals that have a minimum of ten licensed Level II Neonatal Intensive Care Beds and are located in Trauma Services Area 2 will be eliminated.
3. Effective July 1, 2007, the inpatient hospital reimbursement ceilings for hospitals whose Medicaid days as a percentage of total hospital days exceed 7.3 percent, and are designated or provisional trauma centers will be eliminated. This provision shall apply to all hospitals that are designated or provisional

trauma centers on July 1, 2007 and any hospitals that become a designated or provisional trauma center during State Fiscal Year 2007-2008. The Agency shall use the average of the 2001, 2002 and 2003 audited DSH data available as of March 1, 2007. In the event the Agency does not have the prescribed three years of audited DSH data for a hospital, the Agency shall use the average of the audited DSH data for 2001, 2002 and 2003 that are available.

4. Effective July 1, 2007, the inpatient reimbursement ceilings will be eliminated for teaching, specialty, Community Hospital Education Program hospitals and Level III Neonatal Intensive Care Units that have a minimum of three of the following designated tertiary services as regulated under the Certificate of Need Program: pediatric bone marrow transplantation, pediatric open heart surgery, pediatric cardiac catheterization and pediatric heart transplantation.

5. Effective July 1, 2007 and ending June 30, 2008, the Medicaid Trend Adjustment shall be removed for all hospitals whose Medicaid and charity care days as a percentage to total adjusted days equals or exceeds 30 percent and have more than 10,000 Medicaid days, or a hospital or hospital system that established a provider service network during the prior state fiscal year. The aggregate Medicaid Trend Adjustment shall be reduced by \$25,352,420. The Agency shall use the average of the 2001, 2002 and 2003 audited DSH data available as of March 1, 2007.

6. The Agency shall use the average of the 2001, 2002, and 2003 audited disproportionate share data to determine each hospital's Medicaid days and charity care days for the 2007-2008 State Fiscal Year. For State Fiscal Year 2006-07, the Agency used the average of the 2000, 2001, and 2002 audited disproportionate share data to determine each hospital's Medicaid days and charity care days.

7. For State Fiscal Year 2007-2008, the Disproportionate Share (DSH) program has been appropriated funding as follows:
 \$148,382,079 is provided for payments to public hospitals;
 \$48,000,000 is provided for payments to defined statutory teaching hospitals;
 \$12,000,000 is provided for payments to the family practice teaching hospitals;
 \$60,998,691 is provided for Mental Health DSH;
 \$2,444,444 is provided for Specialty DSH; and
 \$12,718,187 is provided for Rural DSH.

8. Provider Service Network (PSN) – is defined in Section 409.912, F.S., as a network established or organized and operated by a health care provider, or group of affiliated health care providers, which provides a substantial proportion of the health care items and services under a contract directly through the provider or affiliated group of providers.

SUMMARY: The proposed rule change to rule number 59G-6.020 incorporates revisions to the Florida Title XIX Inpatient Hospital Reimbursement Plan. The rule seeks to

amend the Title XIX Inpatient Hospital Reimbursement Plan to be in compliance with Senate Bill 2800, the 2007-08 General Appropriations Act, effective July 1, 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: 409.908 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: October 25, 2007, 9:00 a.m. – 10:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Edwin Stephens, (850)414-2759. If you are 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: Edwin Stephens, Medicaid Program Analysis, 2727 Mahan Drive, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2759 or stephene@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.020 Payment Methodology for Inpatient Hospital Services.

Reimbursement to participating inpatient hospitals for services provided shall be in accord with the Florida Title XIX Inpatient Hospital Reimbursement Plan, Version ~~XXXI XXX~~, Effective Date ~~December 11, 2006~~ and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Office of the Deputy Secretary for Medicaid, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 8, Tallahassee, Florida 32308.

Specific Authority 409.919 FS. Law Implemented 409.908, 409.9117 FS. History—New 10-31-85, Formerly 10C-7.391, Amended 10-1-86, 1-10-89, 11-19-89, 3-26-90, 8-14-90, 9-30-90, 9-16-91, 4-6-92, 11-30-92, 6-30-93, Formerly 10C-7.0391, Amended 4-10-94, 8-15-94, 1-11-95, 5-13-96, 7-1-96, 12-2-96, 11-30-97, 9-16-98, 11-10-99, 9-20-00, 3-31-02, 1-8-03, 7-3-03, 2-1-04, 2-16-04, 2-17-04, 8-10-04, 10-12-04, 4-19-06, 12-11-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Edwin Stephens

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: August 31, 2007

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 7, 2007

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-6.030	Payment Methodology for Outpatient Hospital Services

PURPOSE AND EFFECT: The purpose and effect of the proposed rule are to incorporate changes to the Florida Title XIX Outpatient Hospital Reimbursement plan (the Plan) payment methodology effective July 1, 2007 in accordance with the 2007-08 General Appropriations Act, Senate Bill 2800, Specific Appropriation 216.

1. Effective July 1, 2007, the outpatient reimbursement ceilings will be eliminated for hospitals whose charity care and Medicaid days as a percentage of total adjusted hospital days equals or exceeds 11 percent. For any public hospital that does not qualify for the elimination of the outpatient ceilings under this provision of proviso or any other proviso listed, the public hospital shall be exempt from the outpatient reimbursement ceilings contingent on the public hospital or local governmental entity providing the required state match. The Agency shall use the average of the 2001, 2002, and 2003 audited DSH data available as of March 1, 2007. In the event the Agency does not have the prescribed three years of audited DSH data for a hospital, the Agency shall use the average of the audited DSH data for 2001, 2002, and 2003 that are available.
2. Effective July 1, 2007, the outpatient reimbursement ceilings will be eliminated for hospitals that have a minimum of ten licensed Level II Neonatal Intensive Care Beds and are located in Trauma Services Area 2.
3. Effective July 1, 2007, the outpatient reimbursement ceilings will be eliminated for hospitals whose Medicaid days, as a percentage of total hospital days, exceed 7.3 percent, and are designated or provisional trauma centers. This provision shall apply to all hospitals that are designated or provisional trauma centers on July 1, 2007, or become a designated or provisional trauma center during State Fiscal Year 2007-2008. The Agency shall use the average of the 2001, 2002, and 2003 audited DSH data available as of March 1, 2007. In the event the Agency does not have the prescribed three years of audited DSH data for a hospital, the Agency shall use the average of the audited DSH data for 2001, 2002, and 2003 that are available.

4. Effective July 1, 2007, the Medicaid outpatient rate reductions will be reinstated for all hospitals whose Medicaid charity care days as a percentage to total adjusted days equals or exceeds 30 percent and have more than 10,000 Medicaid days or hospital system that established a Provider Service Network during the prior state fiscal year. The Agency shall use the average of the 2001, 2002, and 2003 audited DSH data available as of March 1, 2007.

5. Addition of the phrase "available to AHCA as of each April 15 and October 15" to Section V.B 1. of the Title XIX Outpatient Hospital Reimbursement Plan.

SUMMARY: The proposed rule change to Rule 59G-6.030, F.A.C., incorporates revisions to the Florida Title XIX Outpatient Hospital Reimbursement Plan. The rule seeks to amend the Title XIX Outpatient Hospital Reimbursement Plan to be in compliance with Senate Bill 2800, the 2007-08 General Appropriations Act, effective July 1, 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: 409.908 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: October 25, 2007, 10:00 a.m. – 11:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Edwin Stephens, (850)414-2759. If you are 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: Edwin Stephens, Medicaid Program Analysis, 2727 Mahan Drive, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2759 or stephene@ahca.myflorida.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.030 Payment Methodology for Outpatient Hospital Services

Reimbursement to participating outpatient hospitals for services provided shall be in accordance with the Florida Title XIX Outpatient Hospital Reimbursement Plan, Version ~~XVI~~^{XV} Effective date: _____ ~~December 11, 2006~~ and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Office of the Deputy Secretary for Medicaid, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 8, Tallahassee, Florida 32308.

Specific Authority 409.919 FS. Law Implemented 409.908 FS History–New 10-31-85, Amended 12-31-85, Formerly 10C-7.401, Amended 10-1-86, 3-26-90, 9-30-90, 10-13-91, 7-1-93, Formerly 10C-7.0401, Amended 4-10-94, 9-18-96, 9-6-99, 9-20-00, 12-6-01, 11-10-02, 2-16-04, 10-12-04, 7-4-05, 4-19-06, 12-11-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Edwin Stephens

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Phil Williams

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 7, 2007

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE NO.:	RULE TITLE:
61G10-15.005	Responsible Supervision Control Over Landscape Architectural Practices in the Landscape Architect's Office

PURPOSE AND EFFECT: The Board proposes to amend the rule to clarify instances of where one Landscape Architect qualifies multiple business entities.

SUMMARY: The rule amendment clarifies instances for a Landscape Architect qualifying multiple business entities.

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: 481.306 FS.

LAW IMPLEMENTED: 481.321(3), (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: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G10-15.005 Responsible Supervision Control Over Landscape Architectural Practices in the Landscape Architect’s Office.

(1) through (4) No change.

(5) All firms should notify the Board of Landscape Architecture of the location of all marketing offices and the individuals who will be assigned to such office within sixty (60) days of such an assignment. All firms shall notify the Board office of the location of all full service offices and the name of the landscape architect assigned to serve within the office. The Board must be notified of any change of the landscape architect to be assigned to each office. ~~The same landscape architect cannot be assigned to a main office and a branch office at the same time.~~

Specific Authority 481.306 FS. Law Implemented 481.321(3), (5) FS. History–New 11-17-92, Formerly 21K-15.005, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Landscape Architecture

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 31, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 31, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: 61G19-6.016 RULE TITLE: Voluntary Certification Categories

PURPOSE AND EFFECT: The proposed rule amendment updates and provides modifications to the voluntary certification category of roofing Inspector and One and Two Family Dwelling Plans Examiner.

SUMMARY: The proposed rule amendment modifies and updates the voluntary certification category of roofing Inspector and One and Two Family Dwelling Plans Examiner.

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: 468.606, 468.609(10) FS.

LAW IMPLEMENTED: 468.609 (10) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-6.016 Voluntary Certification Categories.

The following voluntary certification categories are created.

(1) through (2) No change.

(3) Roofing Inspector. Roofing Inspector means a person who is qualified to inspect residential and commercial roofs. In order to obtain this voluntary certification the Board will require either: four (4) years of roofing experience with passage of the standardized roofing inspectors’ examination as approved by the board; state certification as a roofing contractor ~~in order to qualify~~ or a state certified general contractor ~~who was certified prior to 1974 1973.~~

(4) through (5) No change.

(6) One and Two Family Dwelling Plans Examiner. One and Two Family Dwelling Plans Examiner means a person who is qualified to determine that the plans submitted for the purpose of obtaining building and other permits, for one and two family dwellings and accessory structures, comply with the building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other applicable building codes. In order to obtain this voluntary certification, the applicant must hold standard certification as one and two family dwelling inspector; must have passed the State principles and practices examination; hold a standard certificate as a plans examiner (any category); and hold a Southern Building Code Congress International, Inc. (SBCCI) or International Code Council (ICC) certification as a Coastal Construction Inspector.

Specific Authority 468.606, 468.609(10) FS. Law Implemented 468.609(10) FS. History–New 7-5-95, Amended 7-7-96, 8-6-97, 6-25-98, 12-28-00, 2-28-02, 4-7-03, 9-3-03, 3-7-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Building Code Administrators and Inspectors Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 23, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 20, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-24.001
 RULE TITLE: Advertising

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the language to include requirements for advertising using a website, email or other electronic communication.

SUMMARY: The updated text for the rule will include requirements for advertising using a website, email or other electronic communication.

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: 473.304, 473.323 FS.

LAW IMPLEMENTED: 473.323(1)(f) 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-24.001 Advertising.
 (1) through (f) No change.

~~(g) A licensee may state or imply that the licensee has received any bona fide formal recognition or attainment in conjunction with the CPA licensure designation so long as contained within the advertisement and in the immediate proximity of the CPA licensure designation is found a statement that the CPA licensure designation is regulated by the State of Florida. In addition, the advertisement must use a mark, such as an asterisk, to tie the CPA designation to the statement. In the event that a licensee uses the term "specialty" or "specialist" or any other term tending to indicate an advanced standing in any aspect of the practice of public accountancy, in any advertisement or offering to the public, the advertisement must state that the use of the term is a self-designation and is not sanctioned by the state or federal government. This requirement shall not apply to any statement indicating the licensee has received any bona fide formal recognition or attainment; or~~

(h) Represents that professional services can or will be competently performed for a stated fee when this is not the case, or makes representations with respect to fees for professional services that do not disclose all variables affecting the fees that will in fact be charged; or

(2)(a)1. through 14. No change.

15. Website, e-mail, or any other electronic communication.

(b) No change.

Specific Authority 473.304, 473.323 FS. Law Implemented 473.323(1)(f) FS. History--New 12-4-79, Amended 2-3-81, 12-29-83, Formerly 21A-24.01, Amended 5-20-91, Formerly 21A-24.001, Amended 2-12-95, 5-7-96, 10-8-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 7, 2007

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-29.003
 RULE TITLE: Experience for Licensure by Endorsement

PURPOSE AND EFFECT: The Board proposes the rule amendment to remove the requirements of Rules 61H1-27.001, 61H1-27.002, and 61H1-28.007, F.A.C., for licensure by endorsement.

SUMMARY: The requirements for applicants for licensure by endorsement to comply with Rules 61H1-27.001, 61H1-27.002 and 61H1-28.007, F.A.C. will be removed from the rule.

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

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

SPECIFIC AUTHORITY: 473.304, 473.306, 473.308 FS.

LAW IMPLEMENTED: 455.217(7), 473.308 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-29.003 Experience for Licensure by Endorsement.

~~(1) Applicants for licensure by endorsement shall meet the requirements of Rules 61H1-27.001, 61H1-27.002, and 61H1-28.007, F.A.C.~~

~~(1)(2)~~ Any applicant seeking licensure by endorsement under Section 473.308(3)(a), F.S., and having not been licensed in another state, shall have completed continuing education meeting the requirements of Rule 61H1-33.003, F.A.C., for the two (2) years immediately preceding the filing of the application.

~~(2)(3)~~ Any applicant seeking licensure by endorsement under Section 473.308(3)(b), F.S., and having been licensed in another state, shall have completed whatever continuing education is required by that state to maintain an active license to practice public accounting in that state, so long as such requirements are equivalent to those required by Rule 61H1-33.003, F.A.C., for the two (2) years immediately preceding the filing of the application.

~~(3)(4)~~ Any applicant seeking licensure by endorsement under Section 473.308(4), F.S., must have experience that includes at least five years experience in the practice of public accounting while licensed as a Certified Public Accountant or Chartered Accountant in the practice of public accounting or as an auditor or accountant in a unit of federal, state, or local government provided that the position held meets the activity and supervision requirements set forth in Section 473.308(4), F.S.

~~(4)(5)~~ College courses used to meet education requirements of Rules 61H1-27.001 and 61H1-27.002, F.A.C., cannot also be used to meet the initial continuing professional education requirements of subsection ~~(1)(2)~~ or ~~(2)(3)~~ above.

Specific Authority 473.304, 473.306, 473.308 FS. Law Implemented 455.217(7), 473.308 FS. History—New 4-24-88, Amended 6-12-88, Formerly 21A-29.003, Amended 2-12-98, 5-19-03, 1-31-05, 2-22-07.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 7, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 3, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.:
61H1-33.001

RULE TITLE:
Certified Public Accountants
Required to Comply with this Chapter

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to provide instruction concerning the Laws and Rules Examination.

SUMMARY: The updated deadlines for submission of the Laws and Rules Examination will be provided.

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: 473.304, 473.312, 473.313 FS.

LAW IMPLEMENTED: 473.311, 473.312, 473.313 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: Voloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-33.001 Certified Public Accountants Required to Comply with this Chapter.

(1) Each certified public accountant who is licensed to practice public accounting in Florida shall be required to reestablish his professional knowledge and competency in conformity with this rule by the completion of continuing professional education programs and passing the examination on Chapters 455 and 473, F.S., and related administrative rules approved by the Board. A grade of at least 80 is a passing grade. Each certified public accountant shall, on or before December 31, prior to biennial license renewal, complete on-line or mail his completed answers to the examination on Chapters 455 and 473, F.S., and related administrative rules to the Department of Business and Professional Regulation, or its designee.

(2) Each Florida certified public accountant who received an original Florida certification after December 31, 1978, shall commence his reestablishment period on the date indicated on his Florida certificate. The initial designated reestablishment period for such licensee shall end on the third June 30th

following the date indicated on his Florida certificate. Each succeeding reestablishment period shall begin on July 1, and end on June 30, two years thereafter.

(3) The scan sheet for the Laws and Rules Examination must be postmarked or completed on-line by or on December 31. No Laws and Rules Examination scan sheet will be accepted if it is postmarked or completed on-line after December 31.

~~(4)~~ See Rule 61H1-37.001, F.A.C., for reinstatement of suspended certified public accountants and Rule 61H1-33.006, F.A.C., for inactive licensees who desire to become active licensees, which rules relate to continuing professional education requirements.

Specific Authority 473.304, 473.312, 473.313 FS. Law Implemented 473.311, 473.312, 473.313 FS. History--New 12-4-79, Amended 2-3-81, 12-19-82, Formerly 21A-33.01, Amended 4-8-86, Formerly 21A-33.001, Amended 5-24-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Accountancy
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Accountancy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 7, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 3, 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 HEALTH
Board of Clinical Laboratory Personnel
RULE NO.: RULE TITLE:
64B3-5.004 Technician
PURPOSE AND EFFECT: The purpose of the rule amendment is to clarify and define the requirements for licensure as a technician. Also, the reference to "one hour of Board approved HIV/AIDS continuing education" is being deleted because that requirement is already set forth in Rule 64B3-11.005, F.A.C.

SUMMARY: The proposed rule clarifies the requirements for obtaining a technician's licensure in the specialties of Andrology, Embryology, and Molecular Pathology.

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: 483.805(4), 483.811(2), 483.823 FS.

LAW IMPLEMENTED: 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 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 Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-5.004 Technician.

(1) General Qualifications. Degrees or semester hours of academic credit required in this section shall be obtained at a regionally accredited college or university, or by foreign education equated pursuant to subsection 64B3-6.002(6), F.A.C. In order to be licensed as a laboratory technician, which includes the categories of microbiology, serology/immunology, chemistry, hematology, immunohematology, histology, molecular pathology, andrology and embryology, an applicant shall have ~~one hour of Board approved HIV/AIDS continuing education~~, a Board approved 2-hour course relating to the prevention of medical errors, which shall include root-cause analysis, error reduction and prevention, and patient safety.

(2) No change.

(3) In addition, at least one of the following requirements must be met for specific areas of licensure. In some cases there are multiple options for meeting the requirement.

Specialty	Option	Education	Training/Experience	Examination
(a) through (b) No change.				
(c) Andrology, Embryology	1		Approved clinical/medical laboratory training program	MLT(AAB) for specialty sought

	2	<u>Bachelors Degree</u>	<u>Six months of pertinent clinical laboratory experience</u> <u>Five years of pertinent clinical laboratory experience</u>	<u>MLT(AAB) for specialty sought</u>
	3	<u>Bachelors Degree</u> <u>Associate Degree</u>	<u>Five years of pertinent clinical laboratory experience</u> <u>Six months of pertinent clinical laboratory experience</u>	<u>MLT(AAB) for specialty sought</u>
(d) Molecular Pathology	1	High school diploma or high school equivalent	Licensed clinical laboratory technologist or technician in any specialty area	<u>MLT(AAB) Molecular Diagnostics Examination</u>

Specific Authority 483.805(4), 483.811(2), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 FS. History–New 12-6-94, Amended 7-12-95, 12-4-95, Formerly 590-5.004, Amended 5-26-98, 9-20-98, 1-11-99, 8-31-99, 9-27-00, 12-26-00, 4-29-02, 10-29-02, 2-11-03, 4-20-04, 2-23-06, 5-25-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Laboratory Personnel
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 2, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 25, 2007

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-31.012
RULE TITLE: Fees Regarding Anesthesiologist Assistants

PURPOSE AND EFFECT: The proposed rule amendment is intended to set forth a fee for requesting a change in licensure status.

SUMMARY: The proposed rule amendment sets forth a fee of \$100 for processing a change of status fee at any time other than at the time of licensure renewal.

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: 456.036(5), (7), 458.309, 458.3475 FS.

LAW IMPLEMENTED: 456.036(5), (7), 458.3475 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-31.012 Fees Regarding Anesthesiologist Assistants.
The following fees are prescribed by the Board:

(1) through (8) No change.

(9) The fee for processing any changes in the licensure status other than the biennial renewal period shall be \$100.

Specific Authority 456.036(5), (7), 458.309, 458.3475 FS. Law Implemented 456.036(4), (5), (7), 458.3475 FS. History–New 8-2-05, Amended 6-7-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Anesthesiologist Assistant Committee

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 11, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 31, 2007

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-41.001 Fees

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the language concerning the fee for a delinquent license.

SUMMARY: The rule amendment will clarify the language concerning the fee for a delinquent license.

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: 456.036(3), (13), 468.507, 468.508 FS.

LAW IMPLEMENTED: 456.013, 456.036(4)(b), 456.065, 468.508 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Love, Executive Director, Dietetics and Nutrition Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-41.001 Fees.

(1) through (8) No change.

(9) A fee of \$100.00 shall be paid to remove a license from delinquent status ~~delinquent state licensee shall pay a delinquency fee of \$100.00 when the licensee applies for inactive status or for reactivation.~~

(10) through (11) No change.

Specific Authority 456.036(3), (13), 468.507, 468.508 FS. Law Implemented 456.013, 456.036(4)(b), 456.065, 468.508 FS. History–New 4-9-89, Amended 8-28-90, 11-9-90, Formerly 21M-47.001, Amended 9-21-93, 11-4-93, 1-3-94, Formerly 61F6-47.001, Amended 12-28-94, 5-2-95, Formerly 59R-41.001, Amended 11-24-97, 6-22-99, 8-19-99, 9-26-01, 7-22-02, 8-18-02, 2-20-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dietetics and Nutrition Council

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2007

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: RULE TITLE:

64B9-3.002 Qualifications for Examination

PURPOSE AND EFFECT: The purpose of the rule amendment is to delete the discretionary requirement that civil rights be restored before a nursing license can be granted.

SUMMARY: The discretionary requirement that civil rights be restored before a nursing license can be granted is deleted.

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: 464.006 FS.

LAW IMPLEMENTED: 456.013, 464.008 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:

64B9-3.002 Qualifications for Examination.

(1) An applicant seeking certification to take the licensure examination shall submit, on forms provided by the Department, evidence that he or she meets the qualifications prescribed by the Nurse Practice Act, Chapter 464, F.S. Such evidence shall consist of:

(a) through (e) No change.

~~(f) Prior to application for examination, convicted felons must obtain a restoration of their civil rights or they are ineligible to sit for the examination.~~

(2) through (5) No change.

Specific Authority 464.006 FS. Law Implemented 456.013, 464.008 FS. History–New 4-27-80, Amended 3-16-81, 8-2-81, 7-11-83, Formerly 21O-8.21, Amended 3-3-87, 12-8-87, 6-8-88, Formerly 21O-8.021, Amended 1-30-94, Formerly 61F7-3.002, Amended 9-25-96, Formerly 59S-3.002, Amended 7-27-98, 4-19-00, 5-8-01, 9-23-03, 1-29-07, _____.

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: August 2, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 7, 2007

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-4.010 RULE TITLE: Standards for Protocols
 PURPOSE AND EFFECT: The purpose of the amendment is to conform the rule to the statutory requirements.
 SUMMARY: The rule is conformed to the statutory 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: 458.348(2), 464.006 FS.
 LAW IMPLEMENTED: 458.348(2), 464.012 FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: 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:

64B9-4.010 Standards for Protocols.

(1) through (2) No change.

(3) The original of the protocol and the original of the notice shall be filed with the Department within 30 days of renewal of the practitioner's license yearly, and a copy of the protocol and a copy of the notice required by Section 458.348(1), F.S., shall be kept at the site of practice of each party to the protocol. Any alterations to the protocol or amendments should be signed by the ARNP and a Florida-licensed medical doctor, osteopathic physician, or dentist and filed with the Department within 30 days of the alteration to be kept in the Department for filing purposes only. After the termination of the relationship between the ARNP and the supervising professional, each party is responsible for insuring that a copy of the protocol is maintained for future reference for a period of four years.

Specific Authority 458.348(2), 464.006 FS. Law Implemented 458.348(2), 464.012 FS. History–New 4-4-82, Amended 3-13-84, Formerly 21O-16.02, Amended 5-25-88, Formerly 21O-16.002, 61F7-4.010, 59S-4.010, 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: August 2, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 7, 2007

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-4.015 RULE TITLE: Approved Certification Bodies for Certified Nurse Specialists
 PURPOSE AND EFFECT: The purpose of this new rule is to implement the provisions of Section 464.0115, adopted by the legislature in 2007.
 SUMMARY: The provisions of Section 464.0115, F.S., adopted by the legislature in 2007, are implemented.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.
 Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.
 SPECIFIC AUTHORITY: 464.0115 FS.
 LAW IMPLEMENTED: 464.0115 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:

64B9-4.015 Approved Certification Bodies for Certified Nurse Specialists.

The following nationally recognized certifying bodies are approved to meet the licensure requirements of Section 464.0115(1), F.S.:

- (1) Oncology Nursing Certification Corporation.
- (2) American Association of Critical-Care Nurses (AACN).
- (3) American Nurses Credentialing Center (ANCC).

Specific Authority 464.0115 FS. Law Implemented 464.0115 FS. History–New _____.

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: August 2, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 7, 2007

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-7.012
RULE TITLE: Fees Regarding Anesthesiologist Assistants

PURPOSE AND EFFECT: The proposed rule amendment is intended to set forth a fee for requesting a change in licensure status.

SUMMARY: The proposed rule amendment sets forth a fee of \$100 for processing a change of status fee at any time other than at the time of licensure renewal.

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: 456.036(5), (7), 458.309, 458.3475, 459.005, 459.023 FS.

LAW IMPLEMENTED: 456.036(5), (7), 458.3475, 459.023 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin # C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-7.012 Fees Regarding Anesthesiologist Assistants.

The following fees are prescribed by the Board:

(1) through (8) No change.

(9) The fee for processing any changes in the licensure status other than the biennial renewal period shall be \$100.

Specific Authority 456.036(5), (7), ~~458.309, 458.3475, 459.005, 459.023~~ FS. Law Implemented 456.036(4), (5), (7), ~~458.3475, 459.023~~ FS. History–New 8-2-05, Amended 6-7-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Anesthesiologist Assistant Committee

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 31, 2007

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

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

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

SUMMARY: Amendments to the new application are incorporated.

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

LAW IMPLEMENTED: 456.031(2), 456.033(6), 459.0055, 459.006, 459.007 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-12.003 Applications for Licensure.

(1) Applications for licensure by examination must include a completed application form and appropriate fee as set forth in Section 459.0055, F.S., and subsection 64B15-10.001(1), F.A.C. The instructions and application form, DH-MQA 1029, 9/06, 6/00, effective 9-26-00, entitled “Board of Osteopathic Medicine Application for Licensure Section II: Application Form Initial Licensure Application” is hereby incorporated by reference, and may be obtained from the Board office. Such application and fee shall expire one year from the date on which the application is initially received by the Board. After a period of one year a new application and fee must be submitted.

(2) through (3) No change.

Specific Authority 456.031(4), 456.033(7), 459.005, 459.0055(1)(i) FS. Law Implemented 456.031(2), 456.033(6), 459.0055, 459.006, 459.007 FS. History–New 6-4-91, Formerly 21R-12.003, 61F9-12.003, Amended 10-15-95, Formerly 59W-12.003, Amended 9-26-00, 3-9-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Osteopathic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 29, 2007

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-18.004 RULE TITLE: Use of Test Instruments

PURPOSE AND EFFECT: The Board proposes the rule amendment to enlarge the conditions under which a licensed psychologist may sign an evaluation or assessment based on the use of test instruments.

SUMMARY: A licensed psychologist may sign an evaluation or assessment as a member of a multidisciplinary diagnostic team.

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: 490.004(4) FS.

LAW IMPLEMENTED: 490.003(4), 490.009(1)(r), (s), (v), (w) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Love, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-18.004 Use of Test Instruments.

(1) through (4) No change.

(5) It shall be a violation of this rule for a psychologist to sign any evaluation or assessment unless the psychologist has had an active role in the evaluation or assessment of the subject as required by subsection (4) of this rule. A psychologist may not sign any evaluation or assessment that is signed by any other person unless the psychologist is signing as a supervisor, in conjunction with an evaluation or assessment performed by an psychological intern, psychological trainee or psychological resident, or as a member of a multidisciplinary diagnostic team.

(6) No change.

Specific Authority 490.004(4) FS. Law Implemented 490.003(4), 490.009(1)(r), (s), (v), (w) FS. History—New 6-14-94, Formerly 61F13-20.004, Amended 5-19-97, Formerly 54AA-18.004, Amended 3-25-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Psychology
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 27, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 31, 2007

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:	RULE TITLES:
64E-2.023	Trauma Center Requirements
64E-2.024	Process for the Approval of Trauma Centers
64E-2.025	Extension of Application Period
64E-2.026	Certificate of Approval
64E-2.027	Process for Renewal of Trauma Centers
64E-2.028	Site Visits and Approval
64E-2.029	Application by Hospital Denied Approval

PURPOSE AND EFFECT: To revise the Florida Trauma Center Standards – DH Pamphlet 150-9, pursuant to the December 2006 revisions to the American College of Surgeons Guidelines, and applicable rules.

SUMMARY: The proposed rule revisions change the date of the Trauma Center Standards – DH Pamphlet 150-9 and forms from December 2004 to December 2007. The date of trauma center compliance of the revised standards is changed from July 1, 2000 to January 1, 2009. A copy of the revisions to DH Pamphlet 150-9 can be found on the following website: <http://www.doh.state.fl.us/demo/Trauma/notices.htm> under “Notices and Upcoming Events.”

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: 395.405 FS.

LAW IMPLEMENTED: 395.401, 395.4015, 395.402, 395.4025, 395.404, 395.4045, 395.405 FS.

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

DATE AND TIME: Monday, October 29, 2007, 1:00 p.m. – 3:00 p.m. EDT

PLACE: Department of Health, Division of Emergency Medical Operations, Capital Circle Office Complex, 4025 Esplanade Way, Conference Room 301, Tallahassee, FL 32399-1738; Conference Call Number: (888)808-6959, Conference Code: 2354440

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Janet Collins (850)245-4444, Ext. 2775. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Susan McDevitt, Office of Trauma, Department of Health, 4052 Bald Cypress Way, Bin C-18, Tallahassee, Florida 32399-1738, (850)245-4440, ext. 2760; Email: susan_mcdevitt@doh.state.fl.us; Fax: (850)488-2512

THE FULL TEXT OF THE PROPOSED RULE IS:

64E-2.023 Trauma Center Requirements.

(1) The standards for Level I, Level II and Pediatric trauma centers are published in DH Pamphlet (DHP) 150-9, December 2007 ~~2004~~, which is incorporated by reference and available from the department. Trauma centers must be in full compliance with these standards by January 1, 2009 ~~July 1, 2000~~.

(2) To be a Level I trauma center, a hospital shall be a state licensed general hospital and shall:

(a) Meet and maintain after receiving provisional status and during the 7 year approval period the standards for a Level I trauma center as provided in DHP 150-9, December 2007 ~~2004~~;

(b) through (d) No change.

(3) To be a Level II trauma center, a hospital shall:

(a) Meet and maintain after receiving provisional status and during the 7 year approval period the standards for a Level II trauma center, as provided in DHP 150-9, December 2007 ~~2004~~;

(b) through (d) No change.

(4) To be a pediatric trauma center, a hospital shall:

(a) Meet and maintain after receiving provisional status and during the 7 year approval period the standards for a pediatric trauma center, as provided in DHP 150-9, December 2007 ~~2004~~;

(b) through (d) No change.

(5) The standards published in DHP 150-9, December 2007 ~~2004~~, are subject to revision at any time through rule promulgation. Any hospital that has been granted Provisional trauma center status or has been granted a 7 year Certificate of

Approval as a trauma center shall comply with all revisions to the standards published in DHP 150-9, beginning on the date the amended rule becomes effective.

Specific Authority 395.405 FS. Law Implemented 395.401, 395.4015, 395.402, 395.4025, 395.404, 395.4045, 395.405 FS. History—New 8-3-88, Amended 12-10-92, 12-10-95, Formerly 10D-66.108, Amended 8-4-98, 2-20-00, 6-3-02, 6-9-05,_____.

64E-2.024 Process for the Approval of Trauma Centers.

(1) through Table VII – Process for Approval of Trauma Centers No change.

(a) The department shall accept a letter of intent, DH Form 1840, December 2007 ~~2004~~, “Trauma Center Letter of Intent”, which is incorporated by reference and available from the department, postmarked no earlier than September 1 and no later than midnight, October 1, from any acute care general or pediatric hospital. The letter of intent is non-binding, but preserves the hospital’s right to submit an application by the required due date if an available position, as provided in Rule 64E-2.022, F.A.C., exists in the hospital’s TSA. If the hospital does not submit an application by April 1 of the following year, the hospital’s letter of intent is void;

(b) By October 15, the department shall send to those hospitals submitting a letter of intent an application package which will include, as a minimum, instructions for submitting information to the department for selection as a trauma center, DHP 150-9, December 2007 ~~2004~~, Trauma Center Standards, which is incorporated by reference in Rule 64E-2.023, F.A.C., and the requested application(s);

(c) No change.

1. To apply for approval as a Level I Trauma Center, applicants must submit all forms contained in the Level I Trauma Center Application Manual, December 2007 ~~2004~~. The manual and the forms contained therein are incorporated by reference and available from the department. The manual contains the following forms: DH Form 2032, December 2007 ~~2004~~, General Information for Level I Trauma Center Application; DH Form 2032-A, December 2007 ~~2004~~, Level I Trauma Center Approval Standards Summary Chart; DH Form 2032-B, December 2007 ~~2004~~, Application for Level I Trauma Center Approval Letter of Certification; DH Form 2032-C, December 2007 ~~2004~~, Level I Trauma Center Surgical Specialties Certifications; DH Form 2032-D, December 2007 ~~2004~~, Level I Trauma Center Non-Surgical Specialties Certifications; DH Form 2032-E, December 2007 ~~2004~~, Level I Trauma Center General Surgeons Commitment Statement; DH Form 2032-F, December 2007 ~~2004~~, Level I Trauma Center General Surgeons Available for Trauma Surgical Call; DH Form 2032-G, December 2007 ~~2004~~, Level I Trauma Center Neurosurgeons Available for Trauma Surgical Call; DH Form 2032-H, December 2007 ~~2004~~, Level I Trauma Center Neurological, Pediatric Trauma and Neurological, and Neuroradiology Statements; DH Form 2032-I, December 2007 ~~2004~~, Level I Trauma Center Surgical Specialists On Call and

Promptly Available; DH Form 2032-J, December ~~2007~~ ~~2004~~, Level I Trauma Center Emergency Department Physicians; DH Form 2032-K, December ~~2007~~ ~~2004~~, Level I Trauma Center Anesthesiologists Available for Trauma Call; DH Form 2032-L, December ~~2007~~ ~~2004~~, Level I Trauma Center C.R.N.A.s Available for Trauma Call; and DH Form 2032-M, December ~~2007~~ ~~2004~~, Level I Trauma Center Non-Surgical Specialists On Call and Promptly Available.

2. To apply for approval as a Level II Trauma Center, applicants must submit all forms contained in the Level II Trauma Center Application Manual, December ~~2007~~ ~~2004~~. The manual and the forms contained therein are incorporated by reference and available from the department. The manual contains the following forms: DH Form 2043, December ~~2007~~ ~~2004~~, General Information for Level II Trauma Center Application; DH Form 2043-A, December ~~2007~~ ~~2004~~, Level II Trauma Center Approval Standards Summary Chart; DH Form 2043-B, December ~~2007~~ ~~2004~~, Application for Level II Trauma Center Approval Letter of Certification; DH Form 2043-C, December ~~2007~~ ~~2004~~, Level II Trauma Center Surgical Specialties Certifications; DH Form 2043-D, December ~~2007~~ ~~2004~~, Level II Trauma Center Non-Surgical Specialties Certifications; DH Form 2043-E, December ~~2007~~ ~~2004~~, Level II Trauma Center General Surgeons Commitment Statement; DH Form 2043-F, December ~~2007~~ ~~2004~~, Level II Trauma Center General Surgeons Available for Trauma Surgical Call; DH Form 2043-G, December ~~2007~~ ~~2004~~, Level II Trauma Center Neurosurgeons Available for Trauma Surgical Call; DH Form 2043-H, December ~~2007~~ ~~2004~~, Level II Trauma Center Neurological, Pediatric Trauma and Neurological, and Neuroradiology Statements; DH Form 2043-I, December ~~2007~~ ~~2004~~, Level II Trauma Center Surgical Specialists On Call and Promptly Available; DH Form 2043-J, December ~~2007~~ ~~2004~~, Level II Trauma Center Emergency Department Physicians; DH Form 2043-K, December ~~2007~~ ~~2004~~, Level II Trauma Center Anesthesiologists Available for Trauma Call; DH Form 2043-L, December ~~2007~~ ~~2004~~, Level II Trauma Center C.R.N.A.s Available for Trauma Call; and DH Form 2043-M, December ~~2007~~ ~~2004~~, Level II Trauma Center Non-Surgical Specialists On Call and Promptly Available.

3. To apply for approval as a Pediatric Trauma Center, applicants must submit all forms contained in the Pediatric Trauma Center Application Manual, December ~~2007~~ ~~2004~~. The manual and the forms contained therein are incorporated by reference and available from the department. The manual contains the following forms: DH Form 1721, December ~~2007~~ ~~2004~~, General Information for Pediatric Trauma Center Application; DH Form 1721-A, December ~~2007~~ ~~2004~~, Pediatric Trauma Center Approval Standards Summary Chart; DH Form 1721-B, December ~~2007~~ ~~2004~~, Application for Pediatric Trauma Center Letter of Certification; DH Form 1721-C, December ~~2007~~ ~~2004~~, Pediatric Trauma Center Surgical Specialties Certifications; DH Form 1721-D, December ~~2007~~ ~~2004~~, Pediatric Trauma Center Non-Surgical

Specialties Certifications; DH Form 1721-E, December ~~2007~~ ~~2004~~, Pediatric Center General Surgeons Commitment Statement; DH Form 1721-F, December ~~2007~~ ~~2004~~, Pediatric Trauma Center General Surgeons Available for Trauma Surgical Call; DH Form 1721-G, December ~~2007~~ ~~2004~~, Pediatric Trauma Center Neurosurgeons Available for Trauma Surgical Call; DH Form 1721-H, December ~~2007~~ ~~2004~~, Pediatric Trauma Center Neurological, Pediatric Trauma and Neurological, and Neuroradiology Statements; DH Form 1721-I, December ~~2007~~ ~~2004~~, Pediatric Trauma Center Surgical Specialists On Call and Promptly Available; DH Form 1721-J, December ~~2007~~ ~~2004~~, Pediatric Trauma Center Emergency Department Physicians; DH Form 1721-K, December ~~2007~~ ~~2004~~, Pediatric Trauma Center Anesthesiologists Available for Trauma Call; DH Form 1721-L, December ~~2007~~ ~~2004~~, Pediatric Trauma Center C.R.N.A.s Available for Trauma Call; and DH Form 1721-M, December ~~2007~~ ~~2004~~, Pediatric Trauma Center Non-Surgical Specialists On Call and Promptly Available.

(d) After considering the results of the local or regional trauma agency's recommendations, the department shall, by April 15, conduct a provisional review to determine completeness of the application and the hospital's compliance with the standards of critical elements for provisional status. The standards of critical elements for provisional review for Level I and Level II trauma center applications are specified in DHP 150-9, December ~~2007~~ ~~2004~~, as follows:

Level I

STANDARD

I. through XVIII.; No change

XIX. Trauma Research: B₂;

XX. Disaster Planning and Management.

Level II

STANDARD

I. through XVII. Outreach Programs: B, C, and E; No change

XVIII. Quality Management: A through H₂;

XIX. Disaster Planning and Management.

Pediatric

STANDARD

I. Administrative: A, E, and F; through XVIII. Quality Management: A through H. No change.

XIX. Trauma Research: B₂;

XX. Disaster Planning and Management.

(e) through (m) No change.

Specific Authority 395.405 FS. Law Implemented 395.1031, 395.401, 395.4015, 395.402, 395.4025, 395.404, 395.4045, 395.405 FS. History—New 8-3-88, Amended 12-10-92, 12-10-95, Formerly 10D-66.109, Amended 8-4-98, 2-20-00, 6-3-02, 6-9-05, _____.

64E-2.025 Extension of Application Period.

(1) No change.

(2) To be considered for an extension, a hospital must submit an application in accordance with the requirements in Rule 64E-2.024, F.A.C., together with a request for extension. The request for extension must contain the following:

(a) The specific date the hospital desires to have the department begin the provisional review of the hospital's application;

(b) A reference to each standard, or specific part of a standard, in DHP 150-9, December 2007 ~~2004~~, Trauma Center Standards, which is incorporated by reference in Rule 64E-2.023, F.A.C., that the hospital is unable to meet;

(c) through (14) No change.

Specific Authority 395.405 FS. Law Implemented 395.401, 395.4015, 395.402, 395.4025, 395.404, 395.4045, 395.405 FS. History--New 12-10-92, Amended 12-10-95, Formerly 10D-66.1095, Amended 8-4-98, 2-20-00, 6-3-02, 6-9-05,_____.

64E-2.026 Certificate of Approval.

Each hospital approved as a trauma center shall be issued a DH Form 2032-Z, December 2007 ~~2004~~, Level I Trauma Center Certificate of Approval, DH Form 2043-Z, December 2007 ~~2004~~, Level II Trauma Center Certificate of Approval, or DH Form 1721-Z, December 2007 ~~2004~~, Pediatric Trauma Center Certificate of Approval, which are incorporated by reference and available from the department. The certificates shall include:

- (1) The date effective and the date of termination;
- (2) The hospital's name; and
- (3) The approved trauma center level.

Specific Authority 395.4025, 395.405 FS. Law Implemented 395.401, 395.4015, 395.402, 395.4025, 395.404, 395.4045, 395.405 FS. History--New 8-3-88, Amended 12-10-92, Formerly 10D-66.110, Amended 2-20-00, 4-15-01, 6-9-05,_____.

64E-2.027 Process for Renewal of Trauma Centers.

(1) At least 14 months prior to the expiration of the trauma center's certification, the department shall send, to each trauma center that is eligible to renew, a blank DH Form 2032R, December 2007 ~~2004~~, Trauma Center Application to Renew, which is incorporated by reference and available from the department, in accordance with the provisions of this section. Within 15 calendar days after receipt, the trauma center choosing to renew its certification shall submit to the department the completed DH Form 2032R, December 2007 ~~2004~~.

(2) All renewing trauma centers shall receive an on-site survey after the department's receipt of the completed DH Form 2032R, December 2007 ~~2004~~. The department shall notify each trauma center of the results of the site survey within 30 working days from completion of the site survey. If the trauma center desires to provide additional information regarding the results of the site survey to the department to be considered, the information must be provided in writing and be received by the department within 30 calendar days of the

hospital's receipt of the department's notice. If the trauma center elects not to respond to the department's notice within 30 calendar days, the department shall make the final determination of approval or denial based solely on information collected during the applicant's site survey.

(3) through (4) No change.

Specific Authority 395.4025, 395.405 FS. Law Implemented 395.401, 395.402, 395.4025, 395.404, 395.4045, 395.405 FS. History--New 8-3-88, Amended 12-10-92, 1-23-96, Formerly 10D-66.111, Amended 3-15-98, 2-20-00, 6-9-05,_____.

64E-2.028 Site Visits and Approval.

(1) Each Provisional trauma center shall receive an on-site evaluation to determine whether the hospital is in substantial compliance with standards published in DHP 150-9, December 2007 ~~2004~~, Trauma Center Standards, which is incorporated by reference in Rule 64E-2.023, F.A.C., and to determine the quality of trauma care provided by the hospital.

(2) through (3) No change.

(4) The reviewers shall assess each applicant hospital's compliance with the standards published in DHP 150-9, December 2007 ~~2004~~, by means of direct observation, review of call schedules, and review of patient charts. Reviewers also shall assess the quality of trauma patient care and trauma patient management by reviewing facility trauma mortality data, by reviewing patient charts and by reviewing trauma case summaries and minutes of trauma quality management committee meetings pursuant to Standard XVIII of DHP 150-9, December 2007 ~~2004~~.

(5)(a) through (b) No change.

(c) Patient charts to be reviewed shall be selected by the department from cases meeting the criteria listed in Standard XVIII B.2., published in DHP 150-9, December 2007 ~~2004~~. A minimum of 75 cases shall be selected for review in each facility. If the cases total less than 75, then all cases are subject to review.

(d) through (e) No change.

(6) The reviewers shall rate a Provisional trauma center which they have reviewed as either acceptable, acceptable with corrections, or unacceptable. The rating shall be based on each facility's substantial compliance with the standards published in DHP 150-9, December 2007 ~~2004~~, and upon the performance of each Provisional trauma center in providing acceptable trauma patient care and trauma patient management which resulted in acceptable patient outcomes.

(7) through (12) No change.

Specific Authority 395.4025, 395.405 FS. Law Implemented 395.401, 395.4015, 395.402, 395.4025, 395.404, 395.4045, 395.405 FS. History--New 8-3-88, Amended 12-10-92, 10-2-94, 12-10-95, Formerly 10D-66.112, Amended 8-4-98, 2-20-00, 6-3-02, 6-9-05,_____.

64E-2.029 Application by Hospital Denied Approval.

Any hospital that was not approved as a trauma center based on the application of criteria in Rule 64E-2.028, F.A.C., may submit a completed Letter of Intent DH Form 1840, December 2007 ~~2004~~, postmarked no earlier than September 1 and no later than midnight October 1 of the following year.

Specific Authority 395.4025, 395.405 FS. Law Implemented 395.401, 395.4015, 395.402, 395.4025, 395.404, 395.4045, 395.405 FS. History--New 8-3-88, Amended 12-10-92, 12-10-95, Formerly 10D-66.113, Amended 2-20-00, 6-9-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Susan McDevitt, Director, Office of Trauma

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jennifer Bencie Fairburn, M.D., M.S.A., Director, Division of Emergency Medical Operations
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 19, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 28, 2007

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.:	RULE TITLE:
67-53.005	Compliance Monitoring for Housing Developed With SHIP Local Housing Distribution Funds

PURPOSE AND EFFECT: The Board proposes to repeal the rule. Compliance monitoring requirements in this rule will be included into the Chapter 67-37, Florida Administrative Code.

SUMMARY: The rule will be repealed. Rule 67-53.005, Florida Administrative Code, Compliance Monitoring for Housing Developed With SHIP Local Housing Distribution Funds.

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: 420.9072(9) FS.

LAW IMPLEMENTED: 420.907, 420.9075(3) (e) 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: Robert Dearduff, SHIP Administrator, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

67-53.005 Compliance Monitoring for Housing Developed With SHIP Local Housing Distribution Funds.

Specific Authority 420.9072(9) FS. Law Implemented 420.907, 420.9075(3)(e) FS. History--New 2-9-94, Amended 12-28-94, 1-6-98, Formerly 9I-37.015, Amended 12-26-99, 9-22-03, Formerly 67-37.015, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Darlene Raker

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rob Dearduff

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

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-58.001	Purpose and Intent
67-58.002	Definitions
67-58.003	Application and Selection Procedures for Projects
67-58.004	Applicant Administrative Appeal Procedures
67-58.005	Fees
67-58.006	General Program Procedures and Restrictions
67-58.010	Total Project Cost
67-58.015	Supplemental Loans for Green Building
67-58.020	Credit Underwriting and Loan Procedures
67-58.030	Terms and Conditions of Loans
67-58.040	Sale or Transfer of a Project
67-58.050	Construction Disbursements
67-58.060	Loan Servicing
67-58.070	Credit Underwriting
67-58.080	Terms of the Loans to Applicants
67-58.090	Disbursement of Funds, Draw Requests, and Construction Loan Servicing
67-58.100	Terms of the Loan to Eligible Persons
67-58.110	Permanent Loan Servicing – Annual Review

PURPOSE AND EFFECT: The purpose of this rule chapter is to establish the procedures by which the Corporation shall administer the application process, determine loan amounts and service loans pursuant to Section 420.5095, F.S.

SUMMARY: The purpose of this rule chapter is to establish the procedures by which the Corporation shall administer the application process, determine loan amounts and service loans pursuant to Section 420.5095, 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: 420.5095 FS.

LAW IMPLEMENTED: 420.5095 FS.

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

DATE AND TIME: Monday, October 22, 2006, 10:00 a.m. – 11:00 a.m.

PLACE: Florida Housing Finance Corporation, Seltzer Conference Room, 6th Floor, 227 North Bronough Street, Tallahassee, FL 32301

Pursuant to the provisions of 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: Bridget Warring 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 PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bridget Warring, Florida Housing Finance Corporation, Seltzer Conference Room, 6th Floor, 227 North Bronough Street, Tallahassee, FL 32301

THE FULL TEXT OF THE PROPOSED RULES IS:

PART I ADMINISTRATION

67-58.001 Purpose and Intent.

The purpose of this rule chapter is to establish the procedures by which the Corporation shall administer the Application process, credit underwriting and loan servicing of the Community Workforce Housing Innovation Pilot Program (CWHIP) pursuant to Section 420.5095, F.S. Chapter 2006-69, Section 27, Laws of Florida (LOF).

Specific Authority 420.5095 FS, Ch. 2006-69, s. 27, LOF. Law Implemented 420.5095 FS, Ch. 2006-69, s. 27, LOF. History–New 12-17-06, Amended _____.

67-58.002 Definitions.

(1) “Accessory Dwelling Unit” means an ancillary or secondary living unit, that has a separate kitchen, bathroom, and sleeping area, existing either within the same structure, or on the same lot, as the primary dwelling unit.

(2) “Address” means the address assigned by the United States Postal Service and must include address number, street name, city, state and zip code. If address has not yet been assigned, include, at a minimum, street name and closest designated intersection, city, state and zip code.

(3) “Affiliate” means any person that, (i) directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with the Applicant,

(ii) serves as an officer or director of the Applicant or of any Affiliate of the Applicant, or (iii) is the spouse, parent, child, sibling, or relative by marriage of a person described in (i) or (ii) above.

(4)(4) No change.

(5) “AMI” or “Area Median Income” means the median income for an area, with adjustments made for household size, as determined by the United States Department of Housing and Urban Development (HUD).

(6)(2) “Applicant” means an entity any Public Private Partnership seeking a loan from Florida Housing for the New Construction or Rehabilitation of housing under CWHIP which is a member of the Public-Private Partnership and has been designated by the Public-Private Partnership having financial responsibility which will execute all loan documents and will have the authority at closing to encumber the Project.

(7)(3) “Application” means the forms and exhibits created by the Corporation for the purpose of providing the means to apply for CWHIP funding. A completed Application may include additional supporting documentation, response to the Request for Proposals to Provide Affordable Rental and Homeownership Community Workforce Housing for Essential Services Personnel (RFP 2006-05) and the documents submitted by the Applicant to Florida Housing requesting CWHIP funds.

(8) “Application Deadline” means 5:00 p.m., Eastern Time, on the final day of the Application Period.

(9) “Application Period” means a period during which Applications shall be accepted and with a deadline no less than thirty days from the beginning of the Application Deadline.

(4) “Area Median Income” or “AMI” means the median income for an area, with adjustments made for household size, as determined by the United States Department of Housing and Urban Development (HUD).

(10)(5) “Area(s) of Critical State Concern” means the Florida Keys area of critical state concern, pursuant to Section 420.5095, F.S. Ch. 2006-69, s. 27, LOF.

(6) through (7) renumbered (11) through (12) No change.

(13) “Calendar Days” means the seven (7) days of the week, means calendar days, unless otherwise specified.

(14)(8) “Compliance Period” means a period of time that the Project shall conform to all set-aside requirements as described further in this the rule chapter and agreed to by the Applicant in the Application.

(15) “Contributions” means land, cash or other valuable consideration contributed to the Project.

(9) “Corporation” or “Florida Housing” means the Florida Housing Finance Corporation as defined in Section 420.503, F.S.

(16)(40) No change.

~~(17)~~~~(44)~~ “CWHIP” or “CWHIP Program” means the Community Workforce Housing Innovation Pilot Program as defined in Section 420.5095, F.S. Ch. 2006-69, s. 27, L.O.F.

(12) through (14) renumbered (18) through (20) No change.

~~(21)~~~~(45)~~ “Eligible Persons” mean persons or families qualified under this ~~rule~~ Chapter to live in Workforce Housing whose total annual household income does not exceed 140 percent AMI, adjusted for household size, or 150 percent AMI, adjusted for household size, in Areas of Critical State Concern.

(22)~~(46)~~ No change.

(23) “FHFC” or “Florida Housing” or “Corporation” means the Florida Housing Finance Corporation, a public corporation and public body corporate and politic created by Section 420.504, Fla. Stat.

(24) “Financial Beneficiary” means any Developer and its principals or Principals of the Applicant entity who receives or will receive a financial benefit as outlined in paragraphs (a) and (b) below and as further described in subsection 67-58.003(3), F.A.C.:

(a) 3 percent or more of Total Project Cost if Total Project Cost is \$5 million or less; or

(b) 3 percent of the first \$5 million and 1 percent of any costs over \$5 million if Total Project Cost is greater than \$5 million.

(25) “General Contractor” means a person or entity duly licensed in the state of Florida with the requisite skills, experience and credit worthiness to successfully provide units required in the Application.

(26) “High Cost” means counties where the disparity between AMI and median sales prices for a single family home are more than the disparity between the state of Florida’s AMI and median sales price for a single family home.

(27) “High Growth” means counties where population growth as a percentage rate of increase is more than the state of Florida's population growth as a percentage rate increase.

(28) “Innovation” means utilization of construction, design, financing, development, land use, or regulatory practices which have not previously been in common use, using existing practices in innovative ways, such as green building, storm-resistant construction, or other elements that reduce long-term costs relating to maintenance, utilities, or insurance.

(29) “Lease Purchase Unit” means where the primary purpose is the eventual purchase of the housing unit by an Eligible Person within 36 months from the initial execution of a lease agreement or within 36 months of the applicable fiscal year, whichever occurs first.

(30) “LURA” or “Land Use Restriction Agreement” means an agreement which sets forth the set-aside requirements and other Project requirements under a Corporation program.

(31) “New Construction” means units that are yet to be built or that are in the early stages of building where at the most the foundation for the unit has been completed but there has been no vertical construction started as of the issuance of the CWHIP loan commitment and otherwise meet the requirements of CWHIP.

~~(32)~~~~(47)~~ “Principal” means any member of the Private-Public Partnership an Applicant, any general partner of any member of the Private-Public Partnership an Applicant, and any officer, director, or any shareholder of any member of the Private-Public Partnership Applicant or shareholder of any general partner of a member of the Private-Public Partnership an Applicant.

~~(33)~~~~(48)~~ “Project” or “Property” consistent with Section 420.503(32), F.S., means any work or improvement located or to be located in any one county in the state, including real property, buildings, and any other real and personal property, designed and intended for the primary purpose of providing decent, safe, and sanitary residential housing for persons or families, whether New Construction or the acquisition and the remodeling, improvement, or Rehabilitation, or reconstruction of existing structures, together with such related non-housing facilities as the Corporation determines to be necessary, convenient, or desirable.

(34) “Project Cost” means the total of all costs incurred in the completion of a Project excluding developer fee and total land cost as shown in the Project Cost line item on the Project Cost pro forma within the Application.

~~(35)~~~~(49)~~ “Public-Private Partnership” means any form of business relationship entity that includes substantial involvement of at least one county, one municipality, or one public sector entity, such as a school district or other unit of local government in which the Project is to be located, and at least one private sector for-profit or not-for-profit business or charitable entity, and may be any form of business relationship entity, including a joint venture or contractual agreement.

(36) “Received” as it relates to delivery of a document by a specified deadline means, unless otherwise indicated, delivery by hand, U.S. Postal Service or other courier service, in the office of the Corporation no later than 5:00 p.m., Eastern Time, on the deadline date.

~~(37)~~~~(20)~~ “Rehabilitation” means the alteration, improvement or modification of an existing structure, bringing the units up to state building code with a minimum expenditure of restricted as follows:

(a) For rental units, a minimum of \$20,000 per unit and must be brought up to the state building code;

(b) For homeownership units, a minimum of 25 percent of the before rehabilitation current appraised value and must be brought up to the state building code.

~~(38)~~~~(24)~~ No change.

~~(22)~~ “Request for Proposal” or “RFP” means, for the purposes of this rule, RFP 2006-05.

~~(23) “Response” means the written submission by an Applicant for RFP 2006-05.~~

~~(39) “Scattered Sites” for a single rental Project means a Project consisting of real property in the same county (i) any part of which is not contiguous (“non-contiguous parts”) or (ii) any part of which is divided by a street or easement (“divided parts”) and (iii) it is readily apparent from the proximity of the non-contiguous parts or the divided parts of the real property, chain of title, or other information available to the Corporation that the non-contiguous parts or the divided parts of the real property are part of a common or related scheme of the Project. For a homeownership Project, “Scattered Sites” means a Project of five (5) or more housing units developed on sites that are more than 2,000 feet apart and there are not more than four (4) housing units on any one site.~~

~~(40)(24) “Total Project Development Cost” means the total of all residential costs incurred in the completion of a Project, all of which shall be subject to the review and approval by the Credit Underwriter and the Corporation, as further detailed in Rule 67-58.010, F.A.C.~~

~~(41)(25) “Website” means the Florida Housing Finance Corporation’s website, the Universal Resource Locator (URL) of which is <http://www.floridahousing.org/> for the CWHIP program — <http://www.floridahousing.org/home/developers/WorkforceHousing>.~~

~~(42)(26) “Workforce Housing” means housing affordable to Eligible natural persons or families whose total annual household income does not exceed 140 percent AML, adjusted for household size, or 150 percent AML, adjusted for household size, in Areas of Critical State Concern designated under Section 380.05, Florida Statutes (F.S.), for which the Legislature has declared its intent to provide affordable housing, and areas that were designated as Areas of Critical State Concern for at least 20 consecutive years prior to removal of the designation. For purposes of this rule, Workforce Housing includes affordable housing as defined in Section 420.004 420.004, F.S.~~

~~Specific Authority 420.5095 FS, Ch. 2006-69, s. 27, LOF. Law Implemented 420.5095 FS, Ch. 2006-69, s. 27, LOF. History—New 12-17-06, Amended _____.~~

~~67-58.003 Application and Selection Procedures for Projects.~~

~~(1) When submitting an Application, Applicants must utilize the Community Workforce Innovation Pilot Program (CWHIP) Application in effect at the Application Deadline.~~

~~(a) The CWHIP Application package (“CWHIP-816 (11/26/07)”) is adopted and incorporated by reference herein, and consists of the forms and instructions obtained from the Corporation, for a fee, at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329 or available, without charge, on the Corporation’s Website under the Workforce~~

Housing link labeled 2007 CWHIP, which shall be completed and submitted to the Corporation in accordance with this rule chapter in order to apply for the CWHIP Program.

(b) All Applications must be complete, legible and timely when submitted, except as described below. Corporation staff may not assist any Applicant or party to the Public-Private Partnership by copying, collating, or adding documents to an Application nor shall any Applicant or party to the Public-Private Partnership be permitted to use the Corporation’s facilities or equipment for purposes of compiling or completing an Application.

(2) Failure to submit an Application completed in accordance with the Application instructions and these rules will result in the failure to meet threshold, rejection of the Application, a score less than the maximum available, or a combination of these results in accordance with the instructions in the Application and this rule chapter.

(3) Each submitted Application shall be evaluated and preliminarily scored using the factors specified in the Application Package and these rules. Preliminary scores shall be transmitted to all Applicants. This will include all threshold items identified by the Corporation to be addressed by the Applicant, which may include financial obligations for which the Applicant or party to the Public-Private Partnership, or Principal, Affiliate or Financial Beneficiary of an Applicant or party to the Public-Private Partnership, or a Developer is in arrears to the Corporation or any agent or assignee of the Corporation as of the Application Deadline.

(4) Within 14 Calendar Days of the date the notice set forth in subsection (3) above is sent by overnight delivery by the Corporation, each Applicant shall be allowed to cure its Application by submitting additional Documents, revised pages and such other information as the Applicant deems appropriate to address the issues raised pursuant to subsection (3) above that could result in failure of threshold of the Application or a score less than the maximum available. A new form, page or exhibit provided to the Corporation during this period shall be considered a replacement of that form, page or exhibit if such form, page or exhibit was previously submitted in the Applicant’s Application. Pages of the Application that are not revised or otherwise changed may not be resubmitted, except that Documents executed by third parties must be submitted in their entirety, including all attachments and exhibits referenced therein, even if only a portion of the original Document was revised. Where revised or additional information submitted by the Applicant creates an inconsistency with another item in that Application, the Applicant shall also be required in its submittal to make such other changes as necessary to keep the Application consistent as revised. The Applicant shall submit an original and three copies of all additional Documents and revisions. Only revisions, changes and other information Received by the deadline set forth herein will be considered. Any subsequent

revision submitted prior to the deadline shall include a written request from the Applicant for withdrawal of any previously submitted revision(s).

(5) Following the receipt and review by the Corporation of the Documents described in subsection (4) above, the Corporation shall then prepare final scores. In determining such final scores, no Application shall be rejected or receive a point reduction as a result of any issues not previously identified in the notice described in subsection (3) above. However, inconsistencies created by the Applicant as a result of information provided pursuant to subsection (4) above will still be justification for rejection or reduction of points, as appropriate. Notwithstanding the foregoing, any deficiencies in the mandatory elements set forth in subsection (9) below can be identified at any time prior to sending the final scores to Applicants and will result in rejection of the Application. The Corporation shall then transmit final scores to all Applicants.

(6) Applications shall be limited to one submission per subject property. Two or more Applications that have one or more of the same Financial Beneficiaries, will be considered submissions for the same Project if any of the following is true: (i) any part of any of the property sites is contiguous with any part of any of the other property sites, or (ii) any of the property sites are divided by a street or easement, or (iii) it is readily apparent from the Applications, proximity, chain of title, or other information available to the Corporation that the properties are part of a common or related scheme of Project. If two or more Applications are considered to be submissions for the same Project, the Corporation will reject all such Applications except the Application with the highest (worst) lottery number. The Application with the lowest lottery number will still be rejected even if the Applicant withdraws the Application with the highest (worst) lottery number.

(7) If the Board determines that any Applicant or any Affiliate of an Applicant:

(a) Has engaged in fraudulent actions;

(b) Has materially misrepresented information to the Corporation regarding any past or present Application or Project;

(c) Has been convicted of fraud, theft or misappropriation of funds;

(d) Has been excluded from federal or Florida procurement programs; or

(e) Has been convicted of a felony;

And that such action substantially increases the likelihood that the Applicant will not be able to produce quality affordable housing, the Applicant and any of the Applicant's Affiliates will be ineligible for funding or allocation in any program administered by the Corporation for a period of up to two years, which will begin from the date the Board makes such determination. Such determination shall be either pursuant to a

proceeding conducted pursuant to Sections 120.569 and 120.57, F.S., or as a result of a finding by a court of competent jurisdiction.

(8) The Corporation shall reject an Application if, following the submission of the additional Documents, revised pages and other information as the Applicant deems appropriate as described in subsection (4) above:

(a) The Project is inconsistent with the purposes of the CWHIP Program or does not conform to the Application requirements specified in this rule chapter;

(b) The Applicant fails to achieve the threshold requirements as detailed in these rules, the Application, and Application instructions;

(c) The Applicant fails to file all applicable Application pages and exhibits which are provided by the Corporation and adopted under this rule chapter or as provided for in the CWHIP Application instructions;

(d) The Applicant fails to satisfy any arrearages as described in subsection (3) above.

(9) Notwithstanding any other provision of these rules, there are certain items that must be included in the Application and cannot be revised, corrected or supplemented after the Application Deadline. Failure to submit these items in the Application at the time of the Application Deadline shall result in rejection of the Application without opportunity to submit additional information. Any attempted changes to these items will not be accepted. Those items are as follows:

(a) Parties of the Public-Private Partnership; notwithstanding the foregoing, the parties of the Public-Private Partnership may be changed only by approval of the Board after the Applicant has been invited to enter credit underwriting;

(b) Identity of each Developer, including all co-Developers; notwithstanding the foregoing, the identity of the Developer(s) may be changed only by approval of the Board after the Applicant has been invited to enter credit underwriting;

(c) Site for the Project;

(d) Project Category;

(e) Total number of units; notwithstanding the foregoing, the total number of units may be changed only by approval of the Board after the Applicant has been invited to enter credit underwriting;

(f) Funding Request amount; notwithstanding the foregoing, requested amounts can be changed only if reduced by the Applicant to reflect the maximum request amount allowed in those instances where an Applicant requested more than its request limit;

(g) Submission of one original hard copy with the required number of photocopies of the Application by the Application Deadline;

(h) Payment of the required Application fee by the Application Deadline;

(i) The Application labeled "Original Hard Copy" must include a properly completed Certification Statement reflecting an original signature; and

(j) Attempts at improving the Applicant's Innovation score by providing additional Innovation strategies as explained in Part III. C. 1., Part III. C. 2., and Part III. C. 4. of the Application instructions. Documents that illustrate or explain, but do not modify or add to the Innovation strategies provided as described in Part III. C. 1., Part III. C. 2., and Part III. C. 4. of the Application instructions can be cured.

All other items may be submitted as cures pursuant to subsection (4) above.

With regard to paragraphs (a), (b) and (e) above, the Board shall consider the facts and circumstances of each Applicant's request and any credit underwriting report, if available, prior to determining whether to grant the requested change.

(10) A Project will be withdrawn from funding and any outstanding commitments for funds will be rescinded if, at any time, the Board determines that the Applicant's Project or Project team is no longer the Project or Project team described in the Application, and the changes made are prejudicial to the Project or to the market to be served by the Project.

(11) If an Applicant or any party to the Public-Private Partnership or any Principal, Affiliate or Financial Beneficiary of an Applicant, any party to the Public-Private Partnership, or a Developer has any existing Projects participating in any Corporation programs that remain in non-compliance with Section 42 of the IRC or applicable loan documents, and any applicable cure period granted for correcting such non-compliance has ended as of the time of submission of the Application or at the time of issuance of a credit underwriting report, the requested allocation will, upon a determination by the Board that such non-compliance substantially increases the likelihood that such Applicant will not be able to produce quality affordable housing, be denied and the Applicant, the party to the Public-Private Partnership and the Affiliates of the Applicant, the party to the Public-Private Partnership or Developer will be prohibited from new participation in any of the Corporation's programs for the subsequent cycle and continuing until such time as all of their existing Projects participating in any Corporation programs are in compliance.

(12) When two or more Applications receive the same numerical score, the Applications will be ranked as outlined in the Application instructions.

(13) At no time during the Application, scoring and appeal process may Applicants, parties to the Public-Private Partnership or their representatives contact Board members concerning their own Project or any other Applicant's Project. At no time from the Application Deadline until the issuance of the final scores as set forth in subsection (9) above, may Applicants, parties to the Public-Private Partnership or their representatives verbally contact Corporation staff concerning their own Application or any other Applicant's Application. If

an Applicant, party to the Public-Private Partnership or their representatives contact a Board member in violation of this section, the Board shall, upon a determination that such contact was deliberate, disqualify such Applicant's Application.

(14) Applicants may withdraw an Application from consideration only by submitting a written notice of withdrawal to the Corporation Clerk. Applicants may not rescind any notice of withdrawal that was submitted to the Corporation Clerk. For ranking purposes, the Corporation shall disregard any withdrawal that is submitted after 5:00 p.m., Eastern Time, 14 Calendar Days prior to the date the Board is scheduled to convene to consider approval of the final ranking of the Applications and such Application shall be included in the ranking as if no notice of withdrawal had been submitted. After the Board has approved the final ranking, any notice of withdrawal submitted during the time period prohibited above and before the Board approves the final ranking, shall be deemed withdrawn immediately after Board approval of the final ranking.

(15) The name of the Project provided in the Application may not be changed or altered after submission of the Application during the history of the Project with the Corporation unless the change is requested in writing and approved in writing by the Corporation.

Specific Authority Section 420.5095 FS. Law Implemented Section 420.5095 FS. History--New _____.

67-58.004 Applicant Administrative Appeal Procedures.

(1) At the conclusion of the review and scoring process established by this rule chapter, each Applicant will be provided with the final ranking scores and a notice of rights, which shall constitute the point of entry to contest any issue related to Applications for the CWHIP Program.

(2) Each Applicant that wishes to contest the final scores must file a petition with the Corporation within 21 Calendar Days after the date the Applicant receives its notice of rights. The petition must conform to subsection 28-106.201(2) or 28-106.301(2), and subsection 67-52.002(3), F.A.C., and specify in detail each issue and score sought to be challenged. If the petition does not raise a disputed issue of material fact, the challenge will be conducted pursuant to Section 120.57(2), F.S. If the petition raises one or more disputed issues of material fact, a formal administrative hearing will be conducted pursuant to Section 120.57(1), F.S. At the conclusion of any administrative hearing, a recommended order shall be entered by the designated hearing officer or administrative law judge which will then be considered by the Board.

(3) Any Applicant who wishes to challenge the findings and conclusions of the recommended order entered pursuant to a Section 120.57(2), F.S., proceeding in which it is a party shall be allowed the opportunity to submit written arguments to the Board. Any written argument should be typed and

double-spaced with margins no less than one inch in either Times New Roman 14-point or Courier New 12-point font and may not exceed five (5) pages, not including caption and certificate of service. Written arguments must be filed with Florida Housing Finance Corporation's Clerk at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, no later than 5:00 p.m., Eastern Time, no later than five (5) Calendar Days from the date of issuance of the recommended order. Failure to timely file a written argument shall constitute a waiver of the right to have a written argument considered by the Board. Parties will be permitted to make oral presentations to the Board regarding recommended orders only in response to questions from the Board.

(4) Any person whose substantial interest will be affected by the proceedings may petition for leave to intervene in a proceeding conducted under Section 120.57(2), F.S. Except for good cause shown, petitions for leave to intervene must be filed at least 15 Calendar Days before the final hearing unless otherwise provided by law. The petition shall conform to Rule 28-106.205, F.A.C. The parties may, within seven (7) Calendar Days of service of the petition, file a response in opposition. The hearing officer may impose terms and conditions on the intervenor to limit prejudice to other parties.

(5) Projects will be funded in the order ranked, except that funding sufficient to fund Projects which file scoring challenges under this rule will be withheld until the conclusion of all litigation and appeal proceedings conducted pursuant to Sections 120.569, 120.57, and 120.68, F.S.

Specific Authority 420.5095 FS. Law Implemented 420.5095 FS. History–New _____.

67-58.005 Fees.

(1) The Applicant shall be responsible for the payment of any required credit underwriting, legal, and loan servicing fees for the term of the loan and compliance monitoring fees for the term of the Affordability Period.

(2) The Applicant shall be responsible for the payment of any necessary extension fees, as further described in subsections 67-58.020(6) and 67-58.020(26) 67-58.020(25) and 67-58.070(6) and 67-58.070(23) 67-58.070(22), F.A.C.

Specific Authority 420.5095 FS. Ch. 2006-69, s. 27, LOF. Law Implemented 420.5095 FS. Ch. 2006-69, s. 27, LOF. History–New 12-17-06, Amended _____.

67-58.006 General Program Procedures and Restrictions.

(1) Loans shall be in an amount not to exceed 50 percent of the Total Project Cost attributable to the units set aside for Workforce Housing, or the minimum amount required to make the Project economically feasible, whichever is less, as determined by the Credit Underwriter.

(2) An Applicant is not eligible to apply for or receive CWHIP Program funding if any of the following pertain to the proposed Project:

(a) The proposed Project is utilizing State Apartment Incentive Loan (SAIL) or HOME Rental funding from the Corporation.

(b) The Applicant has accepted a preliminary commitment of CWHIP funding from a prior cycle for the proposed Project unless the Applicant has provided written notice to the Corporation prior to the Application Deadline for the current cycle that it is withdrawing its acceptance and returning its funding.

(3) A Project is only eligible to receive CWHIP funds if it is New Construction or Rehabilitation.

Specific Authority 420.5095 FS. Law Implemented 420.5095 FS. History–New _____.

67-58.010 Total Project Cost Miscellaneous Criteria.

The Total Project Development Cost includes the following:

(1) through (4) No change.

(5) The cost of studies, surveys, plans, permits, insurance, interest, financing, tax and assessment costs, and other operating and carrying costs during New Ceonstruction, or Rrehabilitation, or reconstruction of the Project.

(6) The cost of the New Ceonstruction, Rrehabilitation, and equipping of the Project.

(7) through (8) No change.

(9) Allowances for working capital, contingency reserves, and reserves for any anticipated operating deficits during the first two (2) years after completion of the Project.

(10) The cost of such other items, including relocation costs, indemnity and surety bonds, insurance premiums, trustees fees and expenses, depositories, and agent's fees for the Corporation's bonds, for the New Ceonstruction or Rehabilitation of the Project.

Specific Authority 420.5095 FS. Ch. 2006-69, s. 27, LOF. Law Implemented 20.5095 FS. Ch. 2006-69, s. 27, LOF. History–New 12-17-06, Amended _____.

67-58.015 Supplemental Loans for Green Building.

A supplemental loan is available to Applicants who commit to the requirements contained in Part III. C.3. of the Application instructions. The supplemental loan is forgiven on a per set-aside unit basis as the certification is received for each set-aside unit. If certification is not obtained, the pro-rata supplemental loan amount attributed to that set-aside unit that did not receive certification becomes due and payable immediately with a penalty of 18 percent of the pro-rata amount.

Specific Authority 420.5095 FS. Law Implemented 420.5095 FS. History–New _____.

PART II MULTIFAMILY RENTAL PROJECTS

67-58.020 Credit Underwriting and Loan Procedures.

The credit underwriting review shall include a comprehensive analysis of the Applicant; the real estate; the economic viability of the Project; the ability of the Applicant and the ~~Project development~~ team to proceed; the evidence of need for Workforce Housing in order to determine that the Project meets the CWHIP Program requirements; and the determination of a recommended CWHIP loan amount.

(1) through (2) No change.

(3) A response to the invitation to enter credit underwriting must be received by the Corporation and the Credit Underwriter no later than seven (7) Calendar Days after the date of the letter of invitation.

(4) If the invitation to enter credit underwriting is accepted:

(a) The Applicant shall submit the credit underwriting fee to the Credit Underwriter within 30 ~~45~~ Calendar Days of the date of the letter of invitation.

(b) No change.

(5) through (6) No change.

(7) The Credit Underwriter shall verify all information in the Application, including information relative to the Applicant, Developer, ~~General Contractor~~, and other members of the ~~Project development~~ team.

(8) through (10) No change.

(11) A full or self-contained appraisal per the Uniform Standards of Professional Appraisal Practice and a ~~separate~~ market study shall be ordered by the Credit Underwriter, at the Applicant's expense, from an appraiser qualified for the geographic area and product type not later than completion of credit underwriting. The Credit Underwriter shall review the appraisal to properly evaluate the proposed Project's financial feasibility. Appraisals which have been ordered and submitted by a third party lender which meet the above requirements and are acceptable to the Credit Underwriter may be used instead of the appraisal referenced above. ~~The market study must be completed by a disinterested party who is approved by the Credit Underwriter.~~ The Credit Underwriter shall review and consider the market study, the Project's financial impact on development in the area previously funded by the Corporation, and other documentation when making its recommendation. The Credit Underwriter shall also review the appraisal and other market documentation to determine if the market exists to support both the demographic and income restriction set-asides committed to within the Application.

(12) The debt service coverage for the CWHIP loan and all superior mortgages is as follows:

(a) A minimum of 1.00 when the CWHIP loan meets the criteria of paragraph 67-58.030(3)(a), F.A.C.;

(b) through (c) No change.

(13) No change.

(14) In addition to operating expenses, the Credit Underwriter must include an estimate for replacement reserves and operating expense reserves deemed appropriate by the Credit Underwriter when calculating the final net operating income available to service the debt. A minimum replacement reserve amount of \$250 ~~\$200~~ per unit per year must be used for all rental Projects; however, the amount may be increased based on a physical needs assessment. An Applicant may choose to fund a portion of the replacement reserves at closing. The amount cannot exceed 50 percent of the required replacement reserves for two (2) years and must be placed in escrow at closing.

(15) The Credit Underwriter may request additional information, but at a minimum the following will be required during the underwriting process:

(a) For the Applicant, general partner(s), and guarantors, audited financial statements or financial statements for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications compiled or reviewed by a licensed Certified Public Accountant in accordance with the Statement on Standards for Accounting and Review Services (SSARS). If audited financial statements or financial statements compiled or reviewed by a licensed Certified Public Accountant are not available, unaudited financial statements prepared within the last 90 days and the two (2) most recent years tax returns reviewed by the Credit Underwriter in accordance with Part III, Sections 604 through 607, of the Fannie Mae Multifamily Delegated Underwriting and Servicing (DUS) Guide, effective November 6, 2003, which is adopted and incorporated by reference and available on the Corporation's Website. If the entities are newly formed (less than 18 months in existence as of the date that credit underwriting information is requested), a copy of any and all tax returns with related supporting notes and schedules.

(b) For the ~~General Contractor~~:

1. Verification that the ~~General Contractor~~ has the requisite knowledge and experience to complete the proposed Project;

2. Narrative regarding experience with residential construction; and

3. Audited financial statements or financial statements compiled or reviewed by a licensed Certified Public Accountant for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. The audited or compiled statements may be waived if a payment and performance bond equal to 100 percent of the total construction cost is issued in the name of the ~~General Contractor~~ by a company rated at least "A-" by AMBest & Co.

(16) The Credit Underwriter shall consider the following when determining the need for construction completion guarantees:

(a) No change.

(b) Developer and General Contractor's history in successfully completing Projects of comparable in size and scope;

(c) Problems encountered previously with Developer or General Contractor; and

(d) Exposure of Corporation funds compared to Total Project Total Development Cost;

At a minimum, the Credit Underwriter shall require a personal guarantee for completion of construction from the principal individual or the corporate general partner of the borrowing entity. In addition, a letter of credit or payment and performance bond will be required if the Credit Underwriter determines after evaluation of paragraphs (a)-(d) in this subsection that additional surety is needed.

(17) The Developer fee shall be limited to 16 percent of the Project Total Development Cost exclusive of the land cost. A Developer fee on the building acquisition cost shall be limited to 12 percent of the cost of the building exclusive of the land cost.

(18) The General Contractor's fee shall be limited to a maximum of 14 percent of the actual construction cost.

(19) The General Contractor must meet the following conditions:

(a) Employ a Project superintendent and charge the costs of such employment to the general requirements line item of the General Contractor's budget;

(b) Charge the costs of the Project construction trailer, if needed, and other overhead to the general requirements line item of the General Contractor's budget;

(c) Secure building permits, issued in the name of the General Contractor;

(d) Secure a payment and performance bond (or approved alternate security for General Contractor's performance, such as a letter of credit), issued in the name of the General Contractor, from a company rated at least "A-" by AMBest & Co.;

(e) Ensure that none of the General Contractor duties to manage and control the construction of the Project are subcontracted; and

(f) No change.

(20) The Credit Underwriter shall require an operating deficit guarantee to be released upon the following:

(a) For CWHIP loans which meet the criteria of paragraph 67-58.030(3)(a), F.A.C., achievement of a minimum debt service coverage ratio of 1.00 for a minimum of six (6) consecutive months; and

(b) For CWHIP loans not eligible for forgiveness, achievement of a minimum debt service coverage ratio of 1.10 for a minimum of six (6) consecutive months.

(21) through (25) No change.

(26) The CWHIP loan and other mortgage loans related to the Project must close within 90 days of the date of the CWHIP loan commitment unless an extension is approved by the Board. All extension requests must be submitted in writing to the program administrator and contain the specific reasons for requesting an extension and detail the timeframe to close the loan. The written request will then be submitted to the Corporation's Board for consideration. The Corporation shall charge an extension fee of 1 ~~one~~ percent of the CWHIP loan amount if the Board approves the extension.

(27) No change.

Specific Authority 420.5095 FS, Ch. 2006-69, s. 27, LOF: Law Implemented 420.5095 FS, Ch. 2006-69, s. 27, LOF: History-New 12-17-06, Amended.

67-58.030 Terms and Conditions of Loans.

(1) The proceeds of all loans shall be used for New Construction or Rehabilitation of affordable, decent, safe and sanitary housing units.

(2) No change.

(3) The loans to Applicants ~~Public-Private Partnerships~~ shall have interest rates as follows:

(a) through (b) No change.

~~(4)(e)~~ No change.

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

~~(6)(5)~~ The Corporation shall require adequate insurance to be maintained on the Project as determined by the first mortgage lender or the Corporation's servicer, but which shall, in any case, include fire, hazard and other insurance sufficient to meet the standards established in Part V, Section 106 of the Fannie Mae DUS Guide, effective August 10, 2006 ~~November 3, 2003~~, which is adopted and incorporated by reference and available on the Corporation's Website.

(6) through (12) renumbered (7) through (13) No change.

Specific Authority 420.5095 FS, Ch. 2006-69, s. 27, LOF: Law Implemented 420.5095 FS, Ch. 2006-69, s. 27, LOF: History-New 12-17-06, Amended.

67-58.040 Sale or Transfer of a Project.

The CWHIP loan shall be assumable upon sale or transfer of the Project if the following conditions are met:

(1) No change.

(2) The proposed transferee and release of transferor receives a favorable recommendation from the Credit Underwriter as satisfying the criteria stated in the Credit Underwriter's report; meeting the stated purposes of the Corporation; complying with all legal requirements of the Corporation; and subject to ~~the~~ approval by the Board.

Specific Authority 420.5095 FS, Ch. 2006-69, s. 27, LOF: Law Implemented 420.5095 FS, Ch. 2006-69, s. 27, LOF: History-New 12-17-06, Amended.

67-58.050 Construction Disbursements.

(1) CWHIP loan proceeds shall be disbursed during the construction phase in an amount per Draw which does not exceed the ratio of the CWHIP loan to the Total ~~Project Development~~ Cost unless approved by the Credit Underwriter.

(2) through (4) No change.

(5) The Corporation shall elect to withhold any Draw or portion of any Draw, notwithstanding any documentation submitted by the Borrower in connection with the request for a Draw, if:

(a) The Corporation or the Corporation's servicer determines at any time that the actual cost budget or progress of construction differs from that as shown on the loan documents; ~~or~~

(b) The percentage of progress of construction of the improvements differs from that shown on the request for a Draw; ~~or~~

(c) If an Applicant or any Principal, Affiliate or Financial Beneficiary of an Applicant or a Developer is in arrears for any financial obligation it has to the Corporation or any agent or assignee of the Corporation.

(6) through (8) No change.

Specific Authority 420.5095 FS, Ch. 2006-69, s. 27, LOF. Law Implemented 420.5095 FS, Ch. 2006-69, s. 27, LOF. History--New 12-17-06, Amended.

67-58.060 Loan Servicing.

(1) through (3) No change.

(4) After maturity or acceleration, the note shall bear interest at the default interest rate from the due date until paid. Unless the Corporation has accelerated the CWHIP loan, the Borrower shall pay the Corporation a late charge of 5 percent of any required payment that is not received by the Corporation within 15 ~~Calendar Days~~ of the due date.

(5) through (7) No change.

Specific Authority 420.5095 FS, Ch. 2006-69, s. 27, LOF. Law Implemented 420.5095 FS, Ch. 2006-69, s. 27, LOF. History--New 12-17-06, Amended.

PART III HOMEOWNERSHIP PROJECTS

67-58.070 Credit Underwriting.

The credit underwriting review shall include a comprehensive analysis of the Applicant; the real estate; the economic viability of the Project; the ability of the Applicant and the ~~Project development~~ team to proceed; the evidence of need for Workforce Housing, in order to determine that the Project meets the Program requirements; and the determination of a recommended CWHIP loan amount.

(1) through (2) No change.

(3) A response to the invitation to enter credit underwriting must be received by the Corporation and the Credit Underwriter no later than seven (7) Calendar Days after the date of the letter of invitation.

(4) If the invitation to enter credit underwriting is accepted:

(a) The Applicant shall submit the credit underwriting fee to the Credit Underwriter within 30 ~~15~~ Calendar Days of the date of the letter of invitation.

(b) No change.

(5) No change.

(6) The Applicant has 14 months from the date of the acceptance of the letter of invitation to complete credit underwriting and receive Board approval unless an extension of up to 10 months is approved by the Board. All extension requests must be submitted in writing to the program administrator and contain the specific reasons for requesting an extension and detail the timeframe to close the loan. The written request will then be submitted to the Corporation's Board for consideration. The Corporation shall charge an extension fee of 1 ~~one~~ percent of the CWHIP loan amount if the Board approves the extension request.

(7) The Credit Underwriter shall verify all information in the Application, including information relative to the Applicant, Developer, ~~General Contractor~~, and other members of the ~~Project development~~ team.

(8) through (10) No change.

(11) A full or self-contained appraisal per the Uniform Standards of Professional Appraisal Practice, which shall include a separate appraisal for each model and typical lot being offered for sale, and a ~~separate~~ market study shall be ordered by the Credit Underwriter at the Applicant's expense from an appraiser qualified for the geographic area and product type not later than completion of credit underwriting. The Credit Underwriter shall review the appraisal to properly evaluate the proposed Project's financial feasibility. Appraisals which have been ordered and submitted by a third party lender which meet the above requirements and are acceptable to the Credit Underwriter may be used instead of the appraisal referenced above. ~~The market study must be completed by a disinterested party who is approved by the Credit Underwriter.~~ The Credit Underwriter shall review and consider the market study, the Project's financial impact on development in the area previously funded by the Corporation, and other documentation when making its recommendation. The Credit Underwriter shall also review the appraisal and other market documentation to determine if the market exists to support both the demographic and income restriction set-asides committed to within the Application.

(12) No change.

(13) The Credit Underwriter shall request the following information:

(a) From the Applicant and general partners, audited financial statements or financial statements for the most recent fiscal year ended; credit check, banking and trade references; and deposit verifications compiled or reviewed in accordance with SSARS. If audited financial statements or financial

statements compiled or reviewed in accordance with SSARS are not available, unaudited financial statements prepared within the last 90 days and reviewed by the Credit Underwriter and the two (2) most recent years tax returns. If the entities are newly formed (less than 18 months in existence as of the date that the credit underwriting information is requested), a copy of any and all tax returns with related supporting notes and schedules; and

(b) From the General Contractor:

(i) Verification that the General Contractor has the requisite knowledge and experience to complete the proposed Project;

(ii) Narrative regarding experience with residential construction; and

(iii) Audited financial statements or financial statements compiled or reviewed by a licensed Certified Public Accountant for the most recent fiscal year ended; credit check, banking and trade references; and deposit verifications. The audited or compiled statements may be waived if a payment and performance bond equal to 100 percent of the total construction cost is issued in the name of the General Contractor by a company rated at least "A-" by AMBest & Co.

(14) The Credit Underwriter shall consider the following when determining the need for construction completion guarantees:

(a) No change.

(b) Developer and General Contractor's history successfully completing projects ~~developments~~ of comparable in size and scope;

(c) No change.

(d) Exposure of Corporation funds compared to Total Project Development Cost.

At a minimum, the Credit Underwriter shall require a personal guarantee for completion of construction from the principal individual or the corporate general partner of the borrowing entity. In addition, a letter of credit or payment and performance bond will be required if the Credit Underwriter determines after evaluation of paragraphs (a)-(d) in this subsection that additional surety is needed.

(15) The Developer fee shall be limited to 16 percent of the Project Total Development Cost exclusive of the land cost. A Developer fee on the building acquisition cost shall be limited to 12 percent of the cost of the building exclusive of the land cost.

(16) The General Contractor's fee shall be limited to a maximum of 14 percent of the actual construction cost.

(17) The General Contractor must secure building permits issued in the name of the General Contractor.

(18) through (22) No change.

(23) The CWHIP loan and other mortgage loans related to the Project must close within 90 days of the date of the CWHIP loan commitment unless an extension is approved by the Board. All extension requests must be submitted in writing to the program administrator and contain the specific reasons for requesting an extension and detail the timeframe to close the loan. The written request will then be submitted to the Corporation's Board for consideration. The Corporation shall charge an extension fee of ~~1 one~~ percent of the CWHIP loan amount if the Board approves the request to extend the commitment beyond the period outlined in this rule chapter.

(24) No change.

Specific Authority 420.5095 FS, Ch. 2006-69, s. 27, LOF: Law Implemented 420.5095 FS, Ch. 2006-69, s. 27, LOF: History-New 12-17-06, Amended _____.

~~67-58.080 Terms of the Loans to Applicants~~
~~Public-Private Partnerships.~~

(1) The proceeds of all loans shall be used for New Construction or Rehabilitation of affordable, decent, safe and sanitary housing units.

(2) No change.

(3) The loans to Applicants ~~Public-Private Partnerships~~ shall have interest rates as follows:

(a) One percent simple interest per annum, non-amortizing, will accrue during construction on loans to Projects where long term affordability of at least 30 years is provided and when at least 80 percent of the units are set aside for Workforce Housing and at least 50 percent of the units are set aside for Essential Services Personnel. The accrued interest During construction, interest will accrue at 3 percent simple interest per annum and will be forgiven upon sale of the unit to an Eligible Person.

(b) For CWHIP loans not eligible for forgiveness, the interest rate shall be 3 percent fully amortized loans to Projects other than those identified in paragraph (a) above. Applicant shall pay all interest accrued during construction of the Project.

(c) No change.

(4) through (8) No change.

(9) The Compliance Period for a CWHIP Project shall be the greater of 20 years, the term of the CWHIP loan, or the term of the Affordability Period committed to in the Application Response.

(10) For units set-aside as Workforce Housing, Applicants are responsible for limiting the sales price of any unit to not more than ~~90 80~~ percent of the median sales price for that type of unit in that county, or the statewide median sales price for that type of unit, whichever is higher, and require that all Eligible Persons purchasing the homeownership units occupy the homes as their primary residence, and ensuring that the purchase price of the property after construction does not exceed the appraised value of the property.

(11) through (12) No change.

(13) Units set aside for Workforce Housing shall be deed-restricted for resale to Eligible Persons at a sales price of not more than ~~90~~ 80 percent of the median sales price for that type of unit in that county, or the statewide median sales price for that type of unit, whichever is higher, at the time of resale.

Specific Authority ~~420.5095 FS, Ch. 2006-69, s. 27, LOF.~~ Law Implemented 420.5095 FS, Ch. 2006-69, s. 27, LOF. History--New 12-17-06, Amended.

67-58.090 Disbursement of Funds, Draw Requests, and Construction Loan Servicing.

(1) CWHIP loan proceeds shall be disbursed during the construction phase in an amount per Draw which does not exceed the ratio of the CWHIP loan to the Total Project Development Cost unless approved by the Credit Underwriter.

(2) through (4) No change.

(5) The Corporation shall elect to withhold any Draw or portion of any Draw, notwithstanding any documentation submitted by the Borrower in connection with the request for a Draw, if:

(a) The Corporation or the Corporation's servicer determines at any time that the actual cost budget or progress of construction differs from that as shown on the loan documents; ~~or~~

(b) The percentage of progress of construction of the improvements differs from that shown on the request for a Draw; ~~or~~

(c) If an Applicant or any Principal, Affiliate or Financial Beneficiary of an Applicant or a Developer is in arrears for any financial obligation it has to the Corporation or any agent or assignee of the Corporation.

(6) through (8) No change.

Specific Authority ~~420.5095 FS, Ch. 2006-69, s. 27, LOF.~~ Law Implemented 420.5095 FS, Ch. 2006-69, s. 27, LOF. History--New 12-17-06, Amended.

67-58.100 Terms of the Loans to Eligible Persons.

(1) No change.

(2) The CWHIP loan to an Eligible Person should not be in lower than second lien position; however, it may occupy a lien position lower than second if another source of down payment assistance from a local government is provided to the Eligible Person in an amount that exceeds the CWHIP loan must be in not lower than second position unless otherwise approved by the Board.

(3) In no instance can the CWHIP loan be combined with any other form of Corporation down payment assistance funds provided to the Eligible Person.

~~(4)(3)~~ Units must be sold to Eligible Persons that qualify at the time of purchase contract execution. Eligible Persons must agree to occupy the unit as their principal residence

throughout the ~~Affordability P~~eriod ~~of affordability~~ or transfer the property in accordance with the resale restrictions throughout the ~~Affordability P~~eriod ~~of affordability~~.

(4) through (6) renumbered (5) through (7) No change.

~~(8)(7)~~ The Corporation will consider resubordinating its existing second mortgage loan to an Eligible Person to a first mortgage loan when a refinancing occurs. In making a determination, the Corporation will review the following terms of the new transaction: loan type; term of the loan; interest rate; type of interest rate (variable or fixed); principal balance of the loan; reason for requesting subordination of the loan; and whether or not the terms of the new loan are beneficial to the Eligible Person. Eligible Persons requesting resubordination are subject to the following:

(a) The Eligible Person must have resided in the unit property for at least one ~~(1)~~ year prior to requesting the resubordination;

(b) No additional debt can be refinanced into the new first mortgage with the exception of home repairs or improvements; and

(c) The Eligible Person cannot receive any cash out as a result of the refinancing; ~~and~~

~~(d) The Eligible Person is limited to one resubordination.~~

~~(9)(8)~~ No change.

~~(10)(9)~~ Eligible Persons must comply with all deed restrictions including those regarding resale of the set-aside unit. Before a unit may be resold, the potential purchasers must submit to the Credit Underwriter all documentation necessary for the Credit Underwriter to determine that the potential purchaser qualifies as an Eligible Person. In addition, the Credit Underwriter must determine that the sales price for that set-aside unit is not more than 90 ~~80~~ percent of the median sales price for that type of unit in that county, or the statewide median sales price for that type of unit, whichever is higher. The Credit Underwriter must also verify that the potential purchaser will occupy the set-aside unit as their primary residence.

~~(11)(4)~~ No change.

Specific Authority 420.5095 FS, Ch. 2006-69, s. 27, LOF. Law Implemented 420.5095 FS, Ch. 2006-69, s. 27, LOF. History--New 12-17-06, Amended.

67-58.110 Permanent Loan Servicing – Annual Review.

The Corporation's servicer shall annually certify permanent residency and insurance certification of the Eligible Person occupying a CWHIP unit.

Specific Authority ~~420.5095 FS, Ch. 2006-69, s. 27, LOF.~~ Law Implemented 420.5095 FS, Ch. 2006-69, s. 27, LOF. History--New 12-17-06, Repromulgated.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bridget Warring, Homeownership Programs Manager,
(850)488-4197

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: David R. Westcott, Deputy
Development Officer, Homeownership

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 22, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: Vol. 33, No. 28, July 13, 2007

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NO.: RULE TITLE:
69B-240.001 Military Sales Practices

PURPOSE AND EFFECT: The proposed rule chapter sets forth standards to protect active duty service members of the United States Armed Forces from dishonest and predatory insurance sales practices.

SUMMARY: The Florida Legislature enacted Laws of Florida, Ch. 2007-199, s. 10, which created Section 626.9611(2), Florida Statutes. That statute requires the Department to adopt rules to protect members of the United States Armed Forces from dishonest or predatory insurance sales practices. The rules are to be based on NAIC model rules.

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

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

SPECIFIC AUTHORITY: 624.308(1), 626.9541(1), 626.9611(2) FS.

LAW IMPLEMENTED: 626.307(1), 626.951, 626.9521, 626.9541(1), 626.9611 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: Thursday, October 25, 2007, 9:00 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: Nancy Rowell, (850)413-5401. If you are 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: Nancy Rowell, Director of Agent and Agency Services, Division of Insurance Agent and Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0319, phone (850)413-5401

THE FULL TEXT OF THE PROPOSED RULE IS:

MILITARY SALES PRACTICES

69B-240.001 Military Sales Practices.

(1) The purpose of this rule is to set forth standards to protect active duty service members of the United States Armed Forces from dishonest and predatory insurance sales practices by declaring certain identified practices to be false, misleading, deceptive, or unfair.

(2) Scope – This rule shall apply only to the solicitation or sale of any life insurance or annuity product by an insurance producer to an active duty service member of the United States Armed Forces.

(3) Exemptions – This rule shall not apply to solicitations or sales involving:

(a) Credit insurance;

(b) Group life insurance or group annuities where there is no in-person, face-to-face solicitation of individuals by an insurance producer or where the contract or certificate does not include a side fund;

(c) Individual stand-alone health policies, including disability income policies;

(d) Contracts offered by Servicemembers' Group Life Insurance (SGLI) or Veterans' Group Life Insurance (VGLI), as authorized by 38 U.S.C. Section 1965 et seq., which are hereby incorporated by reference;

(e) Life insurance contracts offered through or by a non-profit military association, qualifying under Section 501(c)(23) of the Internal Revenue Code (IRC), and which are not underwritten by an insurer; or

(f) Contracts used to fund:

1. An employee pension or welfare benefit plan that is covered by the Employee Retirement and Income Security Act (ERISA);

2. A plan described by Sections 401(a), 401(k), 403(b), 408(k) or 408(p) of the IRC, which are hereby incorporated by reference, if established or maintained by an employer;

3. A government or church plan defined in Section 414 of the IRC, which is hereby incorporated by reference, a government or church welfare benefit plan, or a deferred compensation plan of a state or local government or tax exempt organization under Section 457 of the IRC, which is hereby incorporated by reference;

4. A nonqualified deferred compensation arrangement established or maintained by an employer or plan sponsor;

5. Settlements of or assumptions of liabilities associated with personal injury litigation or any dispute or claim resolution process; or

6. Prearranged funeral contracts.

(g) Nothing herein shall be construed to abrogate the ability of nonprofit organizations (and/or other organizations) to educate members of the United States Armed Forces in accordance with Department of Defense (DoD) Instruction 1344.07 – PERSONAL COMMERCIAL SOLICITATION ON DOD INSTALLATIONS, which is hereby incorporated by reference.

(4) Definitions

(a) “Active Duty” means full-time duty in the active military service of the United States and includes members of the reserve component (National Guard and Reserve) while serving under published orders for active duty or full-time training or in a drill status in the National Guard or United States Armed Forces Reserve.

(b) “Department of Defense (DoD) Personnel” means all active duty service members and all civilian employees, including nonappropriated fund employees and special government employees, of the Department of Defense.

(c) “General Advertisement” means an advertisement having as its sole purpose the promotion of the reader's or viewer's interest in the concept of insurance, or the promotion of the insurer or the insurance producer.

(d) “Insurer” means an insurance company conducting activities requiring to be licensed under the laws of this state to provide life insurance products, including annuities.

(e) “Insurance producer” means a person conducting activities required to be licensed under the laws of this state to sell, solicit, or negotiate life insurance, including annuities.

(f) “Life Insurance” means insurance coverage on human lives including benefits of endowment and annuities, and may include benefits in the event of death or dismemberment by accident and benefits for disability income and unless otherwise specifically excluded, includes individually issued annuities.

(g) “Military Installation” means any federally owned, leased, or operated base, reservation, post, camp, building, or other facility to which service members are assigned for duty, including barracks, transient housing, and family quarters.

(h) “MyPay” is a Defense Finance and Accounting Service (DFAS) web-based system that enables service members to process certain discretionary pay transactions or provide updates to personal information data elements without using paper forms.

(i) “Service Member” means any active duty officer (commissioned and warrant) or enlisted member of the United States Armed Forces.

(j) “Side Fund” means a fund or reserve that is part of or otherwise attached to a life insurance policy (excluding individually issued annuities) by rider, endorsement, or other mechanism which accumulates premium or deposits with interest or by other means. The term does not include:

1. Accumulated value or cash value or secondary guarantees provided by a universal life policy;

2. Cash values provided by a whole life policy which are subject to standard nonforfeiture law for life insurance; or

3. A premium deposit fund which:

a. Contains only premiums paid in advance which accumulate at interest;

b. Imposes no penalty for withdrawal;

c. Does not permit funding beyond future required premiums;

d. Is not marketed or intended as an investment; and

e. Does not carry a commission, either paid or calculated.

(k) “Specific Appointment” means a prearranged appointment agreed upon by both parties and definite as to place and time.

(l) “United States Armed Forces” means all components of the Army, Navy, Air Force, Marine Corps, and Coast Guard.

(5) The following acts or practices when committed on a military installation by an insurance producer with respect to the in-person, face-to-face solicitation of life insurance are declared to be unfair or deceptive acts or practices by Section 626.9541 or 626.9551, F.S.:

(a) Soliciting the purchase of any life insurance product “door to door” or without first establishing a specific appointment for each meeting with the prospective purchaser.

(b) Soliciting service members in a group or “mass” audience or in a “captive” audience where attendance is not voluntary.

(c) Making appointments with or soliciting service members during their normally scheduled duty hours.

(d) Making appointments with or soliciting service members in barracks, day rooms, unit areas, or transient personnel housing or other areas where the installation commander has prohibited solicitation.

(e) Soliciting the sale of life insurance without first obtaining permission from the installation commander or the commander's designee.

(f) Posting bulletins, notices, or advertisements, which have not been authorized by the installation commander.

(g) Failing to present DD Form 2885, Personal Commercial Solicitation Evaluation, to service members solicited or encouraging service members solicited not to complete or submit a DD Form 2885, which is hereby incorporated by reference.

(h) Accepting an application for life insurance or issuing a policy of life insurance on the life of an enlisted member of the United States Armed Forces without first obtaining for the

insurer's files a completed copy of any required form which confirms that the applicant has received counseling or fulfilled any other similar requirement for the sale of life insurance established by regulations, directives, or rules of the DoD or any branch of the Armed Forces.

(i) Using DoD personnel, directly or indirectly, as a representative or agent in any official or business capacity with or without compensation with respect to the solicitation or sale of life insurance to service members.

(j) Participating or using another insurance producer to participate in any United States Armed Forces sponsored education or orientation program.

(6) The following acts or practices by an insurance producer constitute corrupt practices, improper influences or inducements and are declared to be unfair or deceptive acts or practices prohibited by Section 626.9541, F.S. or 626.9551, F.S., regardless of the location where committed:

(a) Submitting, processing, or assisting in the submission or processing of any allotment form or similar device used by the United States Armed Forces to direct a service member's pay to a third party for the purchase of life insurance. The foregoing includes, but is not limited to, using or assisting in using a service member's "MyPay" account or other similar internet or electronic medium for such purposes. This subsection does not prohibit assisting a service member by providing insurer or premium information necessary to complete any allotment form.

(b) Receiving funds from a service member for the payment of premium from a depository institution with which the service member has no formal banking relationship. For purposes of this section, a formal banking relationship is established when the depository institution:

1. Provides the service member a deposit agreement and periodic statements and makes the disclosures required by the Truth in Savings Act, 12 U.S.C. § 4301 et seq., which are hereby incorporated by reference, and the regulations promulgated thereunder, which are hereby incorporated by reference; and

2. Permits the service member to make deposits and withdrawals unrelated to the payment or processing of insurance premiums.

(c) Employing any device or method or entering into any agreement whereby funds received from a service member by allotment for the payment of insurance premiums are identified on the service member's Leave and Earnings Statement or equivalent or successor form as "Savings" or "Checking" and where the service member has no formal banking relationship as defined in paragraph (6)(b).

(d) Entering into any agreement with a depository institution for the purpose of receiving funds from a service member whereby the depository institution, with or without compensation, agrees to accept direct deposits from a service member with whom it has no formal banking relationship.

(e) Using DoD personnel, directly or indirectly, as a representative or agent in any official or unofficial capacity with or without compensation with respect to the solicitation or sale of life insurance to service members, or to the family members of such personnel.

(f) Offering or giving anything of value, directly or indirectly, to DoD personnel to procure their assistance in encouraging, assisting, or facilitating the solicitation or sale of life insurance to another service member.

(g) Offering or giving anything of value to a service member for his or her attendance to any event where an application for life insurance is solicited.

(h) Advising a service member to change his or her income tax withholding or state of legal residence for the sole purpose of increasing disposable income to purchase life insurance.

(i) Making any representation, or using any device, title, descriptive name, or identifier that has the tendency or capacity to confuse or mislead a service member into believing that the insurer, insurance producer, or product offered is affiliated, connected or associated with, endorsed, sponsored, sanctioned, or recommended by the U.S. Government, the United States Armed Forces, or any state or federal agency or government entity. Examples of prohibited insurance producer titles include, but are not limited to, "Battalion Insurance Counselor," "Unit Insurance Advisor," "Servicemen's Group Life Insurance Conversion Consultant," or "Veteran's Benefits Counselor."

2. Nothing herein shall be construed to prohibit a person from using a professional designation awarded after the successful completion of a course of instruction in the business of insurance by an accredited institution of higher learning. Such designations include, but are not limited to, Chartered Life Underwriter (CLU), Chartered Financial Consultant (ChFC), Certified Financial Planner (CFP), Master of Science In Financial Services (MSFS), or Masters of Science Financial Planning (MS).

(j) Soliciting the purchase of any life insurance product through the use of or in conjunction with any third party organization that promotes the welfare of or assists members of the United States Armed Forces in a manner that has the tendency or capacity to confuse or mislead a service member into believing that either the insurer, insurance producer, or insurance product is affiliated, connected or associated with, endorsed, sponsored, sanctioned, or recommended by the U.S. Government, or the United States Armed Forces.

(k) Using or describing the credited interest rate on a life insurance policy in a manner that implies that the credited interest rate is a net return on premium paid.

(l) Excluding individually issued annuities, misrepresenting the mortality costs of a life insurance product, including stating or implying that the product "costs nothing" or is "free."

(m) Making any representation regarding the availability, suitability, amount, cost, exclusions, or limitations to coverage provided to a service member or dependents by SGLI or VGLI, which is false, misleading, or deceptive.

(n) Making any representation regarding conversion requirements, including the costs of coverage, or exclusions or limitations to coverage of SGLI or VGLI to private insurers which is false, misleading, or deceptive.

(o) Suggesting, recommending, or encouraging a service member to cancel or terminate his or her SGLI policy or issuing a life insurance policy which replaces an existing SGLI policy unless the replacement shall take effect upon or after the service member's separation from the United States Armed Forces.

(p) Deploying, using, or contracting for any lead generating materials designed exclusively for use with service members that do not clearly and conspicuously disclose that the recipient will be contacted by an insurance producer, if that is the case, for the purpose of soliciting the purchase of life insurance.

(q) Failing to disclose that a solicitation for the sale of life insurance, if that is the case, will be made when establishing a specific appointment for an in-person, face-to-face meeting with a prospective purchaser.

(r) Failing to clearly and conspicuously disclose the fact that the product being sold is life insurance or an annuity contract.

(s) Failing to make, at the time of sale or offer to an individual known to be a service member, the written disclosures required by Section 10 of the "Military Personnel Financial Services Protection Act," Pub. L. No. 109-290, p.16, which are hereby incorporated by reference.

(t) When the sale is conducted in-person face-to-face with an individual known to be a service member, failing to provide the applicant at the time the application is taken:

1. An explanation of any free look period with instructions on how to cancel if a policy is issued; and

2. Either a copy of the application or a written disclosure. The copy of the application or the written disclosure shall clearly and concisely set out the type of life insurance or annuity contract, the death benefit applied for and its expected first year cost. A basic illustration that meets the requirements of Section 626.99, F.S. shall be deemed sufficient to meet this requirement for a written disclosure.

(u) Excluding individually issued annuities, recommending the purchase of any life insurance product which includes a side fund to a service member unless the insurer has reasonable grounds for believing that the life insurance death benefit, standing alone, is suitable.

(v) Offering for sale or selling a life insurance product which includes a side fund to a service member, who is currently enrolled in SGLI, is presumed unsuitable unless, after the completion of a needs assessment, the insurer demonstrates

that the applicant's SGLI death benefit, together with any other military survivor benefits, savings and investments, survivor income, and other life insurance are insufficient to meet the applicant's insurable needs for life insurance.

1. "Insurable needs" are the risks associated with premature death, taking into consideration the financial obligations and immediate and future cash needs of the applicant's estate and/or survivors or dependents.

2. "Other military survivor benefits" include, but are not limited to: the Death Gratuity, Funeral Reimbursement, Transition Assistance, Survivor and Dependents' Educational Assistance, Dependency and Indemnity Compensation, TRICARE Healthcare benefits, Survivor Housing Benefits and Allowances, Federal Income Tax Forgiveness, and Social Security Survivor Benefits.

(w) Excluding individually issued annuities, offering for sale or selling any life insurance contract which includes a side fund:

1. Unless interest credited accrues from the date of deposit to the date of withdrawal and permits withdrawals without limit or penalty;

2. Unless the applicant has been provided with a schedule of effective rates of return based upon cash flows of the combined product. For this disclosure, the effective rate of return will consider all premiums and cash contributions made by the policyholder and all cash accumulations and cash surrender values available to the policyholder in addition to life insurance coverage. This schedule will be provided for at least each policy year from one (1) to ten (10) and for every fifth policy year thereafter ending at age 100, policy maturity, or final expiration; and

3. Which by default diverts or transfers funds accumulated in the side fund to pay, reduce, or offset any premiums due.

(x) Excluding individually issued annuities, offering for sale or selling any life insurance contract which after considering all policy benefits, including but not limited to endowment, return of premium or persistency, does not comply with standard nonforfeiture law for life insurance.

(y) Selling any life insurance product to an individual known to be a service member that excludes coverage if the insured's death is related to war, declared or undeclared, or any act related to military service except for an accidental death coverage, e.g., double indemnity, which may be excluded.

(7) The department has authority to investigate the affairs of any person to whom this rule applies to determine whether such person has violated this rule. If such investigation demonstrates that a violation of this rule has occurred, the person in violation shall be subject to the procedures and penalties provided in Sections 626.9571, 626.9581, 626.9591, and 626.9601, F.S.

Specific Authority 624.308(1), 626.9541(1), 626.9611(2) FS. Law Implemented 626.307(1), 626.951, 626.9521, 626.9541(1), 626.9611 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Phil Fountain, Assistant Director, Bureau of Licensing,
Division of Agent and Agency Services, Department of
Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Nancy Rowell, Director, Bureau of
Licensing, Division of Agent and Agency Services,
Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 6, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: August 10, 2007

Section III Notices of Changes, Corrections and Withdrawals

**BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND**

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

DEPARTMENT OF MANAGEMENT SERVICES

Personnel Management System

RULE NO.:	RULE TITLE:
60L-35.003	Minimum Requirements

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 37, September 14, 2007 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Construction Industry Licensing Board

RULE NO.:	RULE TITLE:
61G4-15.033	Marine Specialty Contractor

NOTICE OF PUBLIC HEARING

The Construction Industry Licensing Board announces a hearing regarding the above rule, as noticed in Vol. 33, No. 27, July 6, 2007 Florida Administrative Weekly.

DATE AND TIME: Wednesday, October 10, 2007, 2:00 p.m., or as soon thereafter as can be heard.

PLACE: Hyatt Regency Jacksonville Riverfront, 225 East Coast Line Drive, Jacksonville, Florida 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss proposed text of the rule.

Pursuant to the provisions of 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: G. W. Harrell, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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:
62-610.451	Minimum System Size
62-610.800	Permitting Requirements

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. 30, July 27, 2007 issue of the Florida Administrative Weekly.

62-610.451 Minimum System Size.

(1) Except as provided in subsection 62-610.451(2), F.A.C., 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 activities covered by Part III (Rules 62-610.450 through 62-610.491, F.A.C.) of this chapter.

(2) through (3) No change.

62-610.800 Permitting Requirements.

(1) through (12) No change.

(13) The Department encourages utilities implementing reuse projects to meter and charge for the use of reclaimed water as described in Section 403.064(16), F.S. 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) No change.

DEPARTMENT OF HEALTH

RULE NOS.:	RULE TITLES:
64-3.010	Definitions
64-3.020	Eligibility Criteria for Special Needs Shelters
64-3.030	Guidelines for Special Needs Shelter Staffing Levels
64-3.040	Definition of Special Needs Shelter Supplies and Equipment
64-3.050	Special Needs Shelter Registration
64-3.060	Addressing the Needs of Families
64-3.070	Pre-event Planning Activities
64-3.080	Service Reimbursement

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. 11, March 16, 2007 issue of the Florida Administrative Weekly.

64-3.010 Definitions.

For the purpose of this rule chapter, the words and phrases listed below are defined in the following manner.

(1) A “person with special needs” ~~means is~~ someone, who during periods of evacuation or emergency, requires sheltering assistance, due to physical impairment, mental impairment, cognitive impairment, or sensory disabilities, ~~that exceeds the basic level of care provided at a general population shelter, but does not require the level of care provided at a skilled medical facility. A person with special needs is not a person residing in a facility required by state law to have an evacuation and emergency management plan for natural and man-made disasters.~~

(2) “Backup generator power” means a system to provide electricity during a power failure sufficient to support life sustaining equipment for the anticipated demand upon the Special Need Shelter.

(3) “Basic first aid” means emergency treatment administered to an injured or sick person before professional medical care is available.

~~(4)(2) “Caregiver” means~~ A caregiver is an individual who is familiar with the unique medical and other daily care requirements of the person with special needs, is able to provide the capable of providing level of care necessary to maintain the health of the person with special needs and has been identified by the person with special needs to be his or her caregiver.

(5) “Emergency” is defined in Section 252.34(3), Florida Statutes.

(6) “Evacuation” means any mandatory or voluntary order to vacate homes or businesses under Chapter 252, Florida Statutes.

(7) “General Population Shelters” means shelters activated during a sheltering event not dedicated to persons with special needs.

(8) “Pre-event” means before the sheltering event.

(9) “Sheltering Event” means any event in which shelters are activated under Chapter 252, Florida Statutes.

~~(10)(13) “Special needs shelters” means~~ are locations that are, in whole or in part, designated under Chapter 252, Florida Statutes, to in pre-event planning activities as refuges that provide shelter and services to persons with special needs who have no other option for sheltering. These shelters are designated to have back-up generator power. Special needs shelter services are to provided in an austere environment, with the intent of minimizing deterioration of pre-disaster event levels of health.

Specific Authority 381.0303(6)(a) FS. Law Implemented 381.0303(6)(a) FS. History–New_____

64-3.020 Eligibility Criteria for Special Needs Shelters.

(1) A person shall be eligible for access to a special needs shelter if:

- (a) They are a person with special needs;
- (b) Their care needs exceed basic first aid provided at General Population Shelters; and
- (c) Their impairments or disabilities:
 - (i) are medically stable; and
 - (ii) do not exceed the capacity, staffing and equipment of the special need shelter to minimize deterioration of their pre-event level of health.

(2) Special needs shelters may choose to accept persons with care needs that exceed the criteria stated in subsection (1), 64-3.010(1).

(3) Determination as to the capacity (either in skills or assets) of the special needs shelter is made by the local emergency management agency and the county health department or their designees.

~~(4) Every reasonable effort shall be made to avoid admitting a person with a known communicable condition or a condition that requires airborne precautions.~~

Specific Authority 381.0303(6)(a) FS. Law Implemented 381.0303(6)(a) FS. History–New_____

64-3.030 Guidelines for Special Needs Shelter Staffing Levels.

(1) The following is a guideline for special needs shelter staffing:

- (a) Each special needs shelter should be staffed at a minimum with one registered nurse or advanced registered nurse practitioner on every shift during the sheltering event.
- (b) The special needs shelter may be additionally staffed with one or more licensed medical practitioners per 20 persons with special needs per shift during the sheltering event.

(c) The special needs shelter may be additionally staffed with one or more persons not falling under paragraph (a) or (b) unlicensed person per 20 persons with special needs per shift during the sheltering event.

(2) Staffing levels may require adjustment as the sheltering event progresses, the overall health status of persons with special needs changes or the availability of caregivers and other volunteers changes warrants. ~~Variables may include the stage of the sheltering event, acuity of the persons with special needs, presence of caregivers, or availability of volunteers.~~

Specific Authority 381.0303(6)(c) FS. Law Implemented 381.0303(6)(c) FS. History–New_____.

64-3.040 Definition of Special Needs Shelter Supplies and Equipment.

(1) Special needs shelter supplies and equipment are the items necessary to provide services in a special needs shelter during an evacuation or emergency to minimize deterioration of the person's pre-event disaster levels of health.

~~(2) The Department of Health maintains a list of recommended special needs shelter supplies and equipment. The list may be requested from the Department of Health, Office of Public Health Nursing, 4052 Bald Cypress Way, Bin #C27, Tallahassee, FL 32399-1711.~~

~~(2)(3) The person with special needs or his or her home medical equipment provider will be required to ensure all life sustaining or life supporting equipment is available for that person at the special needs shelter in accordance with Section 400.925(13) and Section 400.934(20)(a)1., F.S.~~

Specific Authority 381.0303(6)(d) FS. Law Implemented 381.0303(6)(d) FS. History–New_____.

64-3.050 Special Needs Shelter Registration.

(1) ~~Those required by 252.355(1) to The entity registering~~ a person with special needs for access to the special needs shelter ~~shall will~~ gather the following information on the person with special needs. ~~The information items gathered will be used for pre-event planning and will include but not be limited to the following:~~

- (a) Full name.
- (b) Phone number and street address including the city and zip code.
- ~~(c)(e)~~ Height and weight.
- ~~(d)(f)~~ Primary language.
- ~~(e)(g)~~ Emergency contact information for a local and non-local emergency point of contact including the name, relationship, and phone number.
- ~~(f)(h)~~ Residence type and living situation, whether alone or with a relative or caregiver.

~~(g)(i)~~ Any type of medical dependence on electricity, such as oxygen concentrator, nebulizer, feeding pump, continuous positive airway pressure equipment, suction equipment, or medication requiring refrigeration.

~~(h)(j)~~ Any type of medical dependence on oxygen, including the type, rate, and mode of administration.

~~(i)(k)~~ Any assistance required with medications.

~~(j)(l)~~ Any cognitive impairment, mental health problems, psychiatric, or personality disorder such as Alzheimer's disease, dementia, obsessive compulsive disorder, autism, conduct disorder, anxiety, or depression.

~~(k)(m)~~ Any sensory loss or impairment and any related assistive device.

~~(l)(n)~~ Any mobility impairment and any related assistive device.

~~(m)(o)~~ Any use of a trained service animal.

~~(n)(p)~~ Any type of incontinence.

~~(o)(q)~~ Any dependence on dialysis.

~~(p)(r)~~ Name and contact information for any other medical support providers, such as home health agency, hospice, nurse registry, home medical equipment provider, and dialysis center.

~~(q)(s)~~ A list of all medical conditions.

~~(r)(t)~~ A list of all medications.

~~(s)(u)~~ Any transportation needs.

(2) The registry application information collected under (1) shall be provided at least annually by the local emergency management agency to ~~of all persons with special needs will be provided to the county health department or the agency with the responsibility for the management of care in the special needs shelter at pre-determined intervals established jointly by the county emergency management agency and the county health department or the agency with the responsibility for the management of care in the special needs shelter.~~

(3) The county health department or the agency with the responsibility for the management of care in the special needs shelter ~~shall will~~ review the registry application information to determine if the applicant is appropriate to place in the special needs shelter during an evacuation or emergency. The county emergency management agency will be notified of the determination.

(4) The application information of all persons with special needs who are on the county emergency management agency's special needs shelter list ~~shall will~~ be provided to the county health department or the agency with the responsibility for the management of care in the special needs shelter immediately prior to a sheltering event.

(5) Persons with special needs who are unregistered, but who arrive at the special needs shelter during a sheltering event, will be assessed at the activated special needs shelter point of intake, and assessed for appropriate shelter placement, consistent with subsection 64-3.020(1), F.A.C., criteria.

Specific Authority 381.0303(6)(e) FS. Law Implemented 381.0303(6)(e) FS. History–New_____.

64-3.060 Addressing the Needs of Families.

(1) The caregiver of a person with special needs who is eligible for admission to a special needs shelter, and all persons for whom he or she is the caregiver, shall ~~will~~ be allowed to shelter together in the special needs shelter.

(2) A person with special needs, who is also responsible for the care of individuals without special needs, shall ~~will~~ be allowed to shelter in the special needs shelter with the persons for whom he or she is the caregiver.

Specific Authority 381.0303(6)(f) FS. Law Implemented 381.0303(6)(f) FS. History–New_____.

64-3.070 Pre-event Planning Activities.

The local emergency management agency shall ~~will~~ be the lead agency in the coordination of integrated and comprehensive special needs shelter planning in cooperation with the county health department, ~~or locally designated ESF 8 Health and Medical lead agency, consistent with Appendix 8 (Health and Medical Services) of the State Comprehensive Emergency Management Plan. The county health department~~ This planning process will seek to include, ~~but not be limited to,~~ the participation of Children’s Medical Services, hospitals, nursing homes, assisted living facilities, home health agencies, hospice providers, nurse registries, home medical equipment providers, oxygen providers, dialysis centers, and other health and medical emergency preparedness stakeholders in the pre-event planning activities to enhance the safety and well-being of persons with special needs before, during, and after a disaster.

Specific Authority 381.0303(6)(g) FS. Law Implemented 381.0303(6)(g) FS. History–New_____.

64-3.080 Service Reimbursement.

(1) Health care practitioners shall make reimbursement requests for services rendered under Section 381.0303(3)(a)1- consistent with Section 381.0303(3)(b), F.S. using the DOH form #DH 1989, 12/06, “Vendor Invoice for Special Needs Health Care Practitioner”, which is incorporated by reference. This document is available from the Department of Health, Bureau of Finance and Accounting, 4052 Bald Cypress Way, Bin # B01, Tallahassee, FL 32399-1729.

(2) Vendors shall make reimbursement requests for services rendered under Section 381.0303(3)(a)2. consistent with Section 381.0303(3)(b), F.S. using DOH form #DH 1990, 12/06, “Vendor Invoice for Services Rendered to Special Needs Clients Placed by the Multiagency Special Needs Shelter Discharge Planning Team”, which is incorporated by reference. This document is available from the Department of Health, Bureau of Finance and Accounting, 4052 Bald Cypress Way, Bin #B01, Tallahassee, FL 32399-1729. Vendor reimbursement for nursing home and hospitals shall be at the Medicaid rate in effect as referenced in Rule 59G-6.010, F.A.C. and Rule 59G-6.020, F.A.C. Vendors not subject to Medicaid rate reimbursement shall receive the rate for services

not exceeding the billed amount the facility received 30 or more days prior to the date of request for placement. Reimbursement shall be at the Medicaid rate in effect the date the service, for which reimbursement is requested by the vendor, is rendered.

Specific Authority 381.0303(3)(a)2., 381.0303(6)(b) FS. Law Implemented 381.0303(3)(a)2., 381.0303(3)(b), 381.0303(6)(b) FS. History–New_____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-5.0011
 RULE TITLE: Definitions

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 37, September 14, 2007 issue of the Florida Administrative Weekly. The Board held a public hearing on this rule on March 2, 2007, in Jacksonville, Florida, and determined a change to this rule should be made.

The changes are as follows:

(2) “ABB” means The American Board of Bioanalysis Bioanalysts.

(5) “Academic Science” means college level courses in the areas of chemistry, biology, physiology, anatomy, microbiology, immunology, medical sciences, genetics, and molecular biology, pursuant to subsection ~~64B3-2.003(6), F.A.C.~~

(12) “Medical Technology Training Program” means an ~~ABHES, CAAHEP, CAHEA, NAACLS military or board approved training program for clinical laboratory scientists (CLS) or medical technologists (MT), pursuant to subsections 64B3-2.003(9) and (16), F.A.C.~~

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

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: 64B32-6.004
 RULE TITLE: Procedures for Approval of Attendance at Continuing Education Courses

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 33, No. 32, August 10, 2007 issue of the Florida Administrative Weekly.

The correction is to correct a typographical error. The correction is as follows:

(3)(a) is corrected to read as “Beginning with the Biennium ending May 31, 2009. . . “.

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-6.0024
 RULE TITLE: Commercialization of Wildlife; Public Contact; Bonding or Financial Responsibility Guarantee
 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. 32, August 10, 2007 issue of the Florida Administrative Weekly.

68A-6.0024 Commercialization of Wildlife; Public Contact; Bonding or Financial Responsibility Guarantee.

(1) It is unlawful to exhibit venomous reptiles to the public without having posted a performance bond as listed below.

(a) A valid performance bond payable to the Florida Fish and Wildlife Conservation Commission shall be submitted at the time of initial license application and upon renewal. The licensee shall notify the Florida Fish and Wildlife Conservation Commission in writing within 5 calendar days if the performance bond expires, is cancelled or revoked, or for any other reason becomes invalid. The notification in writing may be delivered by fax at (850)414-8212, or by mail or hand delivery to Florida Fish and Wildlife Conservation Commission, Office of Licensing and Permitting, 2590 Executive Center Circle, Suite 200-Berkley Building, Tallahassee, Florida 32301. The terms of the performance bond shall include the following:

1. The exhibitor shall indemnify and save harmless the injured party if an injury occurs or other damages results from exhibited reptiles.

2. The exhibitor shall fully comply with all laws of the state and rules of the commission governing the capturing, keeping, possessing or exhibiting of venomous reptiles.

3. The performance bond shall be for the duration of not less than the duration of the licensing period.

(b) In lieu of a surety bond, a person may submit a cash bond to the Florida Fish and Wildlife Conservation Commission to satisfy the performance bond requirement. Such payment shall be in the sum of \$10,000 and may be in the form of cash, cashier's check, or certified check. In the instance of a check, such instrument shall be made payable to the Florida Fish and Wildlife Conservation Commission. Such cash bond shall be refunded to the exhibitor in instances of non-issuance or denial of the initial license application; or the

exhibitor has submitted a request for refund to include a notarized statement that they no longer exhibit venomous reptiles.

(c) The performance bond will be forfeited to the Florida Fish and Wildlife Conservation Commission if:

1. An injury occurs or other damage results from exhibited reptiles and the exhibitor fails to indemnify and save harmless the injured party; or

2. The exhibitor fails to fully comply with all laws of the state and rules of the commission governing the capturing, keeping, possessing or exhibiting of venomous reptiles.

(d) The exhibition of venomous reptiles in the absence of a current and valid performance bond, payable to the Florida Fish and Wildlife Conservation Commission, in the sum of \$10,000 is prohibited.

(2) It is unlawful to exhibit Class I wildlife without having guaranteed financial responsibility. The following methods of payment will satisfy the financial responsibility requirement:

(a) A valid performance bond payable to the Florida Fish and Wildlife Conservation Commission in the sum of \$10,000, in compliance with and as noted in paragraph 68A-6.0024(1)(a), F.A.C., above. The terms of the performance bond shall include the following:

1. The exhibitor shall indemnify and save harmless the injured party if an injury to the public occurs, including accidental death, or other property damage occurs from the exhibited Class I wildlife.

2. The exhibitor shall indemnify and save harmless the Florida Fish and Wildlife Conservation Commission for payment of all expenses relative to the capture, transport, boarding, veterinary care, or other costs associated with or incurred due to seizure or custody of Class I wildlife.

3. The performance bond shall be for the duration of not less than the duration of the licensing period.

(b) Cash, cashier's check, or certified check in the sum of \$10,000. In the instance of a check such instrument shall be made payable to the Florida Fish and Wildlife Conservation Commission. Such cash bond shall be refunded to the exhibitor in instances of non-issuance or denial of the initial license application; or the exhibitor has submitted a request for refund to include a notarized statement that they no longer exhibit Class I wildlife.

(c) Irrevocable letter of credit issued by a bank, savings and loan, credit union or other similar state or federally chartered financial institution, payable to the Florida Fish and Wildlife Conservation Commission in the sum of \$10,000.

(d) In lieu of the \$10,000 financial responsibility guarantee any person exhibiting Class I wildlife may maintain comprehensive general liability insurance with minimum limits of \$2 million per occurrence and \$2 million annual aggregate as shall protect the exhibitor from claims for damage for personal injury, including accidental death, as well as claims for property damage which may arise. The insurance

policy shall be for a duration of not less than the duration of the licensing period. A current Certificate of Insurance evidencing proof of insurance maintained by the exhibitor in such amounts as required by this section, including terms, coverage and expiration date, shall be submitted at the time of initial application and upon renewal. The licensee shall notify the Florida Fish and Wildlife Conservation Commission in writing within 5 calendar days if the insurance policy expires, is cancelled or revoked, or for any other reason becomes invalid. The notification in writing may be delivered by fax at (850)414-8212, or by mail or hand delivery to Florida Fish and Wildlife Conservation Commission, Office of Licensing and Permitting, 2590 Executive Center Circle, Suite 200-Berkley Building, Tallahassee, Florida 32301.

(e) The performance bond or financial responsibility guarantee in the sum of \$10,000, or any portion thereof, will be forfeited to the Florida Fish and Wildlife Conservation Commission if:

1. An injury to the public, including accidental death, or other property damage results from exhibited Class I wildlife and the exhibitor fails to indemnify and save harmless the injured party; or

2. Class I wildlife is taken into custody or seized by commission personnel. In instances where Class I wildlife is seized or taken into custody by the Commission the permittee shall be responsible for payment of all expenses relative to the capture, transport, boarding, veterinary care, or other costs associated with or incurred due to seizure or custody of the wildlife.

(f) The exhibition of Class I wildlife in the absence of a current and valid performance bond, payable to the Florida Fish and Wildlife Conservation Commission, in the sum of \$10,000, or a financial responsibility guarantee in the sum of \$10,000, or a current and valid comprehensive general liability insurance with minimum limits of \$2 million per occurrence and \$2 million annual aggregate is prohibited.

PROPOSED EFFECTIVE DATE: February 1, 2008.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.88, 372.92, 372.921 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.86, 372.87, 372.88, 372.92, 372.921 FS. History—New 2-1-08.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-27.003
 RULE TITLE: Designation of Endangered Species; Prohibitions; Permits

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 32, August 10, 2007 issue of the Florida Administrative Weekly has been withdrawn.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-27.004
 RULE TITLE: Designation of Threatened Species; Prohibitions; 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. 32, August 10, 2007 issue of the Florida Administrative Weekly.

68A-27.004 Designation of Threatened Species; Prohibitions; Permits.

(1) The following species, listed prior to June 23, 1999, are hereby declared to be threatened, and shall be afforded the protective provisions specified.

(a) No person shall take, possess, transport, molest, harass or sell any of the threatened species included in this subsection or parts thereof or their nests or eggs except as authorized by specific permit from the Executive Director, permits being issued only for scientific or conservation purposes and only upon a showing by the applicant that the permitted activity will not have a negative impact on the survival potential of the species.

1. Crystal darter (*Crystallaria asprella*)
2. Key silverside (*Menidia conchorum*)
3. Loggerhead seaturtle (*Caretta caretta*)
4. Bluetail mole skink (*Eumeces egregius lividus*)
5. Sand skink (*Neoseps reynoldsi*)
6. Key ringneck snake (*Diadophis punctatus acricus*)
7. Rim rock crowned snake (*Tantilla oolitica*)
8. Short-tailed snake (*Stilosoma extenuatum*)
9. Florida brown snake (*Storeria dekayi victa*) (lower keys population only)
10. Florida ribbon snake (*Thamnophis sauritus sackeni*) (lower keys population only)
11. Eastern Indigo snake (*Drymarchon corais couperi*)
12. Atlantic salt marsh water snake (*Nerodia clarkii taeniata*)
13. Bald eagle (*Haliaeetus leucocephalus*)
14. Southeastern American kestrel (*Falco sparverius paulus*)
15. Crested caracara (*Caracara cheriway*)
16. Florida sandhill crane (*Grus canadensis pratensis*)
17. Roseate tern (*Sterna dougalli*)
18. Least tern (*Sterna antillarum*)
19. White-crowned pigeon (*Columba leucocephala*)
20. Florida scrub jay (*Aphelocoma coerulescens*)
21. Snowy plover (*Charadrius alexandrinus*)
22. Piping plover (*Charadrius melodus*)
23. Big Cypress fox squirrel (*Sciurus niger avicennia*)

24. Florida black bear (*Ursus americanus floridanus*) (other than those found in Baker and Columbia counties or in Apalachicola National Forest or which are held in captivity under permit)

25. Everglades mink (*Mustela vison evergladensis*)

26. Southeastern beach mouse (*Peromyscus polionotus niveiventris*)

(2) The Gopher tortoise (*Gopherus polyphemus*) is hereby declared to be threatened, and shall be afforded the protective provisions specified in this paragraph. No person shall take, attempt to take, pursue, hunt, harass, capture, possess, sell or transport any gopher tortoise or parts thereof or their eggs, or molest, damage, or destroy gopher tortoise burrows, except as authorized by Commission permit or when complying with Commission approved guidelines for specific actions which may impact gopher tortoises and their burrows. A gopher tortoise burrow is a tunnel with a cross-section that closely approximates the shape of a gopher tortoise. Permits will be issued based upon whether issuance would further management plan goals and objectives.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-22-80, 7-1-83, 7-1-85, Formerly 39-27.04, Amended 6-1-86, 5-10-87, 4-27-89, 6-23-99, Formerly 39-27.004, Amended 9-29-03,_____.

Section IV Emergency Rules

DEPARTMENT OF REVENUE

Property Tax Administration Program

RULE NO.:	RULE TITLE:
12DER07-09	Disclosure and Certification of Compliance; Option to Prefile Documents

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 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 and their associations. The actions that the Department has taken include: requesting the assistance of other state agencies and professional associations in ascertaining if the information in the relevant sections of Chapter 2007-321, Laws of Florida, had been understood; and, 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, DR-420I, DR-420M, DR-487, DR-487P, and DR-487V.

SUMMARY: Emergency Rule 12DER07-09 (Disclosure and Certification of Compliance; Option to Prefile Documents). This rule adopts and incorporates by reference three maximum millage levy calculation disclosure forms: one for use by counties (Form DR-420C), one for use by municipalities (Form DR-420M), and one for use by independent special districts (Form DR420I). Also, this rule adopts and incorporates by reference two documents used to certify compliance with the provisions of Chapter 200, Florida Statutes: Form DR-487P can be used by a county, a municipality, or an independent special district to prefile the appropriate DR-420C, DR-420M, or DR-420I with the Department of Revenue; if the governing body does not choose the option of prefilng, it must file the appropriate DR-420C, DR-420M, or DR-420I form, along with Form DR-487, with the Department. In addition, the rule adopts and incorporates by reference a form to record the vote of a governing body on its final adoption of its 2007-2008 millage levy.

This rule requires that each taxing authority, other than a school district, must certify to the Department its adoption of an ordinance or resolution levying a millage, as provided in Florida law. The rule explains that a county or municipality, dependent special district of a county or municipality, or any municipal service taxing unit of a county is subject to notification that it is in violation of state law if the total county or municipal property taxes exceed the maximum total county or municipal taxes.

This rule explains the alternative available under the legislation, instead of forfeiture of half-cent sales tax revenues by a county or municipality where total county or municipal property taxes exceed the maximum total county or municipal property taxes. The alternative is for one or more taxing authorities which have their taxes included in the maximum total taxes levied to reduce their millage by an amount that reduces total taxes levied to an amount that no longer exceeds the maximum total taxes levied.

This rule explains that, if a county or municipality, dependent special district of such county or municipality, or municipal service taxing unit of such county does not remedy the

noncompliance with state law or does not recertify compliance with state law, the county or municipality will forfeit distribution of local government half-cent sales tax revenues for the period of twelve months following the determination of such noncompliance with state law.

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:

12DER07-09 Disclosure and Certification of Compliance: Option to Prefile Documents.

(1) Each taxing authority other than a school district is requested and encouraged to prefile with the Department of Revenue within three days of adoption of a resolution or ordinance levying a millage, as provided in Section 200.065(4), Florida Statutes, or as soon thereafter as practicable.

(2) Prefiling shall be made by filing Form DR-487P, Pre-Filing Certification of Compliance, (N. 09/07, hereby incorporated by reference), together with the following forms:

(a) Form DR-420C, County Maximum Millage Levy Calculation Final Disclosure (N. 09/07, hereby incorporated by reference), DR-420I, Independent Special District Maximum Millage Levy Calculation Final Disclosure (N. 09/07, hereby incorporated by reference), or DR-420M, Municipality Maximum Millage Levy Calculation Final Disclosure (N. 09/07, hereby incorporated by reference), as applicable.

(b) The record of vote of governing body, Form DR-487V, Vote Record for Final Adoption of 2007-2008 Millage Levy (N. 09/07, hereby incorporated by reference), as proof of the vote at the hearing at which the millage was levied.

(3) If these documents are prefiled as described in subsection (2) they will be considered part of the final certification of compliance to be made as required by subsection (4).

(4)(a) Each taxing authority other than a school district must certify to the Department within 30 days of adoption of an ordinance or resolution levying a millage, as described in Section 200.068, Florida Statutes, that the taxing authority has complied with Chapter 200, Florida Statutes. The certification must include maximum millage rates calculated pursuant to Sections 200.065(5) and 200.185, Florida Statutes, together with values and calculations upon which the maximum millage rates are based.

(b) Such certification of compliance shall be made by filing with the Department together with Form DR-487, Certification of Compliance (R. 09/07, hereby incorporated by reference), as required in rule chapter 12D-17.004, Florida Administrative Code, the items listed in subsection (2) above, if not previously pre-filed with the Department.

(5) If any county or municipality, dependent special district of such county or municipality, or municipal service taxing unit of such county is in violation of Subsection 200.065(5) or Section 200.185, Florida Statutes, because total county or municipal ad valorem taxes exceeded the maximum total county or municipal ad valorem taxes, respectively, that county or municipality, and any MSTU and/or dependent district, shall be subject to notification.

(6)(a) As provided in Sections 200.065(5) and 200.185, Florida Statutes, as an alternative to the county or municipality forfeiting the half-cent sales tax revenues, if any county or municipality, dependent special district of such county or municipality, or municipal service taxing unit of such county is in violation of Subsection 200.065(5) or Section 200.185, Florida Statutes, because total county or municipal ad valorem taxes exceeded the maximum total county or municipal ad valorem taxes, one or more taxing authorities whose taxes are included in the maximum total taxes levied must reduce their millage sufficiently so that the maximum total taxes levied is not exceeded.

(b) If a taxing authority does not so reduce its millage so that the maximum total taxes levied is not exceeded, or if any such county or municipality, dependent special district of such county or municipality, or municipal service taxing unit of such county has not remedied the noncompliance or recertified compliance with chapter 200, Florida Statutes, as provided in Section 200.065(13)(e), Florida Statutes, the county or municipality shall forfeit the distribution of local government half-cent sales tax revenues during the 12 months following a determination of noncompliance, as described in Sections 218.63(2) and (3), Section 200.065(13), and Section 200.185(6), Florida Statutes.

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 9-14-07.

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: September 14, 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 THE LOTTERY

RULE NO.: 53ER07-56
 RULE TITLE: Instant Game Number 717, EASY WILD 8s

SUMMARY: This emergency rule describes Instant Game Number 717, "EASY WILD 8s," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER07-56 Instant Game Number 717, EASY WILD 8s.

(1) Name of Game. Instant Game Number 717, "EASY WILD 8s."

(2) Price. EASY WILD 8s lottery tickets sell for \$2.00 per ticket.

(3) EASY WILD 8s lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning EASY WILD 8s lottery ticket, the ticket must meet the applicable requirements of Rule 53ER06-4, F.A.C.

(4) The play symbols and play symbol captions are as follows:



(5) The prize symbols and prize symbol captions are as follows:



(6) The legends are as follows:

GAME 1	GAME 2	GAME 3	GAME 4	GAME 5
GAME 6	GAME 7	GAME 8	GAME 9	GAME 10

(7) Determination of Prizewinners.

(a) There are ten games on a ticket. A ticket having a "8" play symbol and corresponding play symbol caption in a game shall entitle the claimant to the corresponding prize

shown for that game. A ticket having a "88" symbol in a game shall entitle the claimant to all 10 prizes.

(b) The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$25.00, \$50.00, \$100, \$500, \$1,000 and \$18,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$2.00 instant ticket or combination of instant tickets with a total value of \$2.00, except as follows. A person who submits by mail an EASY WILD 8s lottery ticket which entitles the claimant to a prize of a \$2.00 instant ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(8) The estimated odds of winning, value and number of prizes in Instant Game Number 717 are as follows:

GAME PLAY	WIN	ODDS OF	NUMBER OF WINNERS IN 42 POOLS OF 180,000 TICKETS PER POOL
TICKET	\$2	1 IN 8.33	907,200
\$2	\$2	37.50	201,600
\$2 x 2	\$4	75.00	100,800
\$1 + (\$2 x 2)	\$5	37.50	201,600
\$5	\$5	37.50	201,600
\$1 + (\$2 x 2) + \$5	\$10	150.00	50,400
\$5 (TWO 8's)	\$10	50.00	151,200
\$10	\$10	150.00	50,400
\$5 x 5	\$25	150.00	50,400
\$5 x 10	\$50	1,200.00	6,300
\$25 (TWO 8's)	\$50	600.00	12,600
\$50	\$50	1,200.00	6,300
\$10 x 10	\$100	9,000.00	840
\$50 (TWO 8's)	\$100	3,600.00	2,100
\$100	\$100	9,000.00	840
\$100 (TWO 8's)	\$200	15,000.00	504
\$500 (TWO 8's)	\$1,000	90,000.00	84
\$1,000	\$1,000	90,000.00	84
\$18,000	\$18,000	945,000.00	8

(9) The estimated overall odds of winning some prize in Instant Game Number 717 are 1 in 3.89. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(10) For reorders of Instant Game Number 717, the estimated odds of winning, value and number of prizes shall be proportionate to the number of tickets reordered.

(11) By purchasing an EASY WILD 8s lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(12) Payment of prizes for EASY WILD 8s lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 9-14-07.

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: September 14, 2007

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER07-57
 RULE TITLE: Instant Game Number 718, THE BIG CHEESE

SUMMARY: This emergency rule describes Instant Game Number 718, “THE BIG CHEESE,” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER07-57 Instant Game Number 718, THE BIG CHEESE.

(1) Name of Game. Instant Game Number 718, “THE BIG CHEESE.”

(2) Price. THE BIG CHEESE lottery tickets sell for \$1.00 per ticket.

(3) THE BIG CHEESE lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex

area on the ticket. To be a valid winning THE BIG CHEESE lottery ticket, the ticket must meet the applicable requirements of Rule 53ER06-4, F.A.C.

(4) The “YOUR NUMBERS” play symbols and play symbol captions are as follows:

1 <small>ONE</small>	2 <small>TWO</small>	3 <small>THREE</small>	4 <small>FOUR</small>	5 <small>FIVE</small>	6 <small>SIX</small>	7 <small>SEVEN</small>	8 <small>EIGHT</small>	9 <small>NINE</small>	10 <small>TEN</small>
11 <small>ELEVN</small>	12 <small>TWELV</small>	13 <small>THRTN</small>	14 <small>FORTN</small>	15 <small>FIFTN</small>	16 <small>SIXTN</small>	17 <small>SVNTN</small>	18 <small>EGHTN</small>	19 <small>NINTN</small>	 <small>HIN ALL</small>

(5) The “CHEESE NUMBERS” play symbols and play symbol captions are as follows:

1 <small>ONE</small>	2 <small>TWO</small>	3 <small>THREE</small>	4 <small>FOUR</small>	5 <small>FIVE</small>	6 <small>SIX</small>	7 <small>SEVEN</small>	8 <small>EIGHT</small>	9 <small>NINE</small>	10 <small>TEN</small>
11 <small>ELEVN</small>	12 <small>TWELV</small>	13 <small>THRTN</small>	14 <small>FORTN</small>	15 <small>FIFTN</small>	16 <small>SIXTN</small>	17 <small>SVNTN</small>	18 <small>EGHTN</small>	19 <small>NINTN</small>	

(6) The prize symbols and prize symbol captions are as follows:


TICKET	\$1.00	\$2.00	\$5.00
<small>TICKET</small>	<small>ONE</small>	<small>TWO</small>	<small>FIVE</small>
\$10.00	\$20.00	\$50.00	\$100 \$1,200
<small>TEN</small>	<small>THENTY</small>	<small>FIFTY</small>	<small>ONE HUN</small> <small>TLV HUN</small>

(7) The legends are as follows:

CHEESE NUMBERS YOUR NUMBERS

(8) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the “YOUR NUMBERS” play area that matches a play symbol and corresponding play symbol caption in the “CHEESE NUMBERS” play area shall entitle the claimant to the prize shown for that play symbol.

(b) A ticket having a “ ” symbol in the “YOUR NUMBERS” play area shall entitle the claimant to all five prizes.

(c) The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$50.00, \$100 and \$1,200. A claimant who is entitled to a prize of a “TICKET” shall be entitled to a prize of a \$1.00 instant ticket, except as follows. A person who submits by mail a THE BIG CHEESE lottery ticket which entitles the claimant to a prize of a \$1.00 instant ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 718 are as follows:

GAME PLAY	WIN	NUMBER OF WINNERS IN 56 POOLS OF 180,000 TICKETS	
		ODDS OF 1 IN	PER POOL
TICKET	\$1 TICKET	10.00	1,008,000
\$1	\$1	10.00	1,008,000
\$1 x 2	\$2	30.00	336,000
\$1 x 5 (CHEESE)	\$5	75.00	134,400
\$5	\$5	150.00	67,200
\$2 x 5 (CHEESE)	\$10	150.00	67,200
\$10	\$10	150.00	67,200
\$5 x 5 (CHEESE)	\$25	300.00	33,600
\$10 x 5 (CHEESE)	\$50	3,000.00	3,360
\$50	\$50	3,000.00	3,360
\$20 x 5 (CHEESE)	\$100	90,000.00	112
\$100	\$100	90,000.00	112
\$1,200	\$1,200	336,000.00	30

(10) The estimated overall odds of winning some prize in Instant Game Number 718 are 1 in 3.69. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 718, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a THE BIG CHEESE lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(13) Payment of prizes for THE BIG CHEESE lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS, Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS, History--New 9-14-07.

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: September 14, 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."

**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 on June 19, 2007, the St. Johns River Water Management District's Governing Board has issued an order concerning Rule 40C-41.063, F.A.C., Conditions for Issuance of Permits.

Granted a variance under Section 120.542, F.S. (SJRWMD FOR #2007-34), to Family Investment Group, Inc. (Petitioner). The Petition for Variance was received by SJRWMD on April 10, 2007. Notice of receipt of the petition requesting the variance was published in the F.A.W., Vol. 33, No. 19 on May 11, 2007. No public comment was received. This order provides a temporary variance from subparagraph 40C-41.063(1)(c)1. of the Florida Administrative Code and Section 11.1.3 of the Applicant's Handbook: Management and Storage of Surface Waters (February 1, 2005). These rules provide in pertinent part that a surface water management system may not result in an increase in the amount of water being diverted from the Upper St. Johns River Hydrologic Basin to intercoastal receiving waters. Generally, the Order sets forth the basis of the Governing Board's decision to grant the variance as follows: 1) requiring Petitioner to comply with these rules onsite would create a technological hardship, and 2) Petitioner's financial contribution to the C-1 Rediversion Project or an Alternative Rediversion Project will accomplish the purpose of Chapter 373 of the Florida Statutes to prevent harm to the water resources, by facilitating the project's implementation. The C-1 Rediversion Project is a restoration project designed to allow water that would be diverted from the St. Johns River to coastal receiving waters by the Melbourne-Tillman Water Control District canal system to drain once again to the St. Johns River.

A copy of the Order may be obtained by contacting: Timothy A. Smith, Senior Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, or by telephone at (386)312-2347.

NOTICE IS HEREBY GIVEN THAT on August 8, 2007, the St. Johns River Water Management District's Governing Board, St. Johns River Water Management District's Governing Board has issued an order concerning Rule 40C-41.063, F.A.C., Conditions for Issuance of Permits.

Granted a variance under Section 120.542, F.S. (SJRWMD FOR #2007-35), to DSG, LLC (Petitioner). The Petition for Variance was received by SJRWMD on April 11, 2007. Notice of receipt of the petition requesting the variance was published in the F.A.W., Vol. 33, No. 19 on May 11, 2007. No public comment was received. This order provides a temporary variance from subparagraph 40C-41.063(1)(c)1. of the Florida Administrative Code and Section 11.1.3 of the Applicant's Handbook: Management and Storage of Surface Waters (February 1, 2005). These rules provide in pertinent part that a surface water management system may not result in an increase in the amount of water being diverted from the Upper St. Johns River Hydrologic Basin to intercoastal receiving waters. Generally, the Order sets forth the basis of the Governing Board's decision to grant the variance as follows: 1) requiring Petitioner to comply with these rules onsite would create a technological hardship, and 2) Petitioner's financial contribution to the C-1 Rediversion Project or an Alternative Rediversion Project will accomplish the purpose of Chapter 373 of the Florida Statutes to prevent harm to the water resources, by facilitating the project's implementation. The C-1 Rediversion Project is a restoration project designed to allow water that would be diverted from the St. Johns River to coastal receiving waters by the Melbourne-Tillman Water Control District canal system to drain once again to the St. Johns River. A copy of the Order may be obtained by contacting: Timothy A. Smith, Senior Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, or by telephone at (386)312-2347.

NOTICE IS HEREBY GIVEN THAT on September 4, 2007, the St. Johns River Water Management District, received a petition for variance from Buena Vida Estates, Inc., 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 40-009-34460-2. The permit applicant is proposing to construct a wet detention surface water management system known as Buena Vida South that will discharge into the

Melbourne-Tillman Water Control District canal system 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 2007-62.

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.

NOTICE IS HEREBY GIVEN THAT on September 14, 2007, the South Florida Water Management District (District), received a petition for waiver from Mariela Sanchez, Application Number 07-0818-1, for utilization of Works of Lands of the District known as FAKA Union Canal, Collier County, for the proposed installation of a cross fence within 40 feet top of canal bank. The petition seeks relief from subsections 40E-6.011(4) and (6), Florida Administrative Code, which governs placement of above-ground permanent and semi-permanent encroachments (cross fence within forty feet top of canal bank) within the Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting Juli Triola at (561)682-6268 or email at jtriola@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of the publication notice. To be considered, comments must be received by end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1411, West Palm Beach, FL 33406, Attn: Juli Triola, Office of Counsel.

NOTICE IS HEREBY GIVEN THAT on August 28, 2007, the South Florida Water Management District (District), received a petition for waiver from Florida Department of Transportation, Permit 9885 (MOD) Application No. 07-0828-4M for utilization of Works or Lands of the District known as the C-103 Canal for the widening of US-1/SR5 over the C-103 canal, Section 33, Township 56 South, Range 39 East, Miami-Dade County. The petition seeks relief from subsections 40E.6.011(4) and (6), and paragraph 40E-6.221(2)(j), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent

above-ground structures within 40 feet of the top of the canal bank within Works and Lands of the District and which governs the minimum low member elevation of pile-supported facilities within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting Juli Triola at (561)682-6268 or e-mail at jtriola@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Juli Triola, Office of General Counsel.

NOTICE IS HEREBY GIVEN THAT on August 28, 2007, the South Florida Water Management District (District), received a petition for waiver from Florida Department of Transportation, Permit 9884 (MOD) Application No. 07-0828-5M for utilization of Works or Lands of the District known as the C-103N Canal for the widening of US-1/SR5 over the C-103N canal, Section 05, Township 57 South, Range 39 East, Miami-Dade County. The petition seeks relief from subsections 40E.6011(4) and (6), and paragraph 40E-6.221(2)(j), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground structures within 40 feet of the top of the canal bank within Works and Lands of the District and which governs the minimum low member elevation of pile-supported facilities within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting Juli Triola at (561)682-6268 or e-mail at jtriola@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Juli Triola, Office of General Counsel.

NOTICE IS HEREBY GIVEN THAT on September 13, 2007, the South Florida Water Management District (District) has issued an order concerning Rule 40E-6.221, F.A.C., Conditions for Issuance of Standard Permits.

The District issued an Order Granting Waiver under Section 120.542, F.S. (SFWMD 2007-581-DAO-ROW), on September 13, 2007, to Charles Alan Barley. The petition for waiver was received by the SFWMD on July 24, 2007. Notice of receipt of the petition requesting the waiver was published in the F.A.W., Vol. 33, No. 32, on August 10, 2007. No public comment was received. This Order provides a waiver for the proposed temporary vehicular use of L-28 right of way from U.S. 41 to the northerly terminus of L-28 to gain access to the petitioner's camp/cabin which is located approximately 3 miles from L-28

in Collier County under Right of Way Occupancy Permit Number 13117; Multiple Sections, Township 52, 53, 54 South, Range 35 East, Miami-Dade and Broward County. Specifically, the Order grants a waiver of subsection 40E-6.221(9), Florida Administrative Code, which governs the requirement that, except for both private and public utilities, an applicant must own or lease the land lying adjacent to the District Work within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the granting of this waiver will not significantly interfere with the District's current ability to perform necessary construction, alteration, operation and routine maintenance activities property interests and ability to construct, operate and maintain Works and Lands of the District activities; and 2) the Order granting a waiver from the subject rule would prevent the Petitioner from suffering a substantial hardship.

A copy of the Order may be obtained by contacting: Juli Triola, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, telephone number (561)682-6268; or by e-mail jtriola@sfwmd.gov.

NOTICE IS HEREBY GIVEN THAT on September 13, 2007, the South Florida Water Management District (District) has issued an order concerning Rule 40E-6.011, F.A.C., Policy and Purpose.

The District's Governing Board issued an Order Granting Waiver under Section 120.542, F.S. (SFWMD 2007-582-DAO-ROW), on September 13, 2007, to Michael and Valerie Ferguson. The petition for waiver was received by the SFWMD on July 25, 2007. Notice of receipt of the petition requesting the waiver was published in the F.A.W., Vol. 33, No. 32, on August 10, 2007. No public comment was received. This Order provides a waiver to allow two existing palm trees located 36 feet from the top of canal bank to remain within the south right of way of C-1N at the rear of 12721 S. W. 150 Terrace, Section 23, Township 55, Range 39 East, Miami-Dade County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6), Florida Administrative 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), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the two existing palm trees 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 Petitioner from suffering a financial hardship.

A copy of the Order may be obtained by contacting: Juli Triola, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, telephone number (561)682-6268, or by e-mail jtriola@sfwmd.gov.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on September 13, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from Ivan Valdiviezo MFDV located in Orlando. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

A copy of the Petition may be obtained by contacting David.Fountain@dbpr.state.fl.us. 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.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

NOTICE IS HEREBY GIVEN THAT on September 12, 2007, the Department of Environmental Protection has issued an order concerning Rules 62-521.200, Definitions for Wellhead Protection and 62-521.400, F.A.C., Ground Water Protection Measures in Wellhead Protection Areas.

The order is for the Charlotte County Burnt Store variance petition (OGC File No. 07-0706), received on April 16, 2007. The petition requested a variance from the prohibition of construction of a Class I UIC well within a 500 foot radial distance of a public water supply well under subsection 62-521.200(7), and paragraph 62-521.400(1)(f), F.A.C. Specifically, the variance requested that Class I injection well IW-2 be allowed to be constructed within 500 feet of Charlotte County public water supply well RO-7. Notice of receipt of this petition was published in the F.A.W., on June 1, 2007. No public comment was received. The final order granted a variance to allow Class I injection well IW-2 to be constructed within 460 feet of well RO-7 because the petitioner demonstrated a substantial hardship, and that the purposes of the underlying statutes would be met with the conditions imposed by the Department.

A copy of the Order may be obtained by contacting: Cathy McCarty, Department of Environmental Protection, Underground Injection Control Program, MS 3530, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8654.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on August 29, 2007, the Board of Psychology has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on June 7, 2007, by Judith I. Pool, Ph.D. The Notice of Petition for Waiver or Variance was published in Vol. 33, No. 25, of the June 22, 2007, F.A.W. The Petitioner sought a waiver or variance of subsection 64B19-11.005(2), F.A.C., entitled "Supervised Experience Requirements" with regard to the requirement that all applicants for licensure complete at least 2,000 hours of post doctoral experience under a supervisor who supervision comports with this rule. The Board considered the instant Petition at a duly-noticed public meeting, held July 27, 2007, in Orlando, Florida. The Board's Order granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 490.005(1)(c), Florida Statutes, would be met by granting a variance or waiver from subsection 64B19-11.005(2), F.A.C. The Board further found that Petitioner established that applying the requirements of the aforementioned Rules to her circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Susan Love, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

FINANCIAL SERVICES COMMISSION

NOTICE IS HEREBY GIVEN THAT on September 19, 2007, the Office of Insurance Regulation, received a petition for a Temporary Emergency Variance from subsection 69O-170.0155(1), F.A.C. The name of the Petitioner is the Florida Department of Financial Services, My Safe Florida Home Program. The nature of the rule is the adoption of form OIR-B1-1802, "Uniform Mitigation Verification Inspection Form".

A copy of the Petition for Variance or Waiver may be obtained by contacting Bob Prentiss at bob.prentiss@flor.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: October 16, 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 AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services**, Florida Agricultural Center and Horse Park Authority announces a public meeting to which all persons are invited.

MEETING GROUP: Florida Horse Park and Agricultural Center Authority Executive Committee

DATE AND TIME: Tuesday, October 9, 2007, 5:30 p.m.

PLACE: Wachovia Bank Board Room, 2100 Southwest 17th Street, Ocala, Florida 34474

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the design, construction and development of the Florida Horse Park and events to be presented as the Horse Park location.

For a copy of the agenda or to notify that you are a person desiring to attend with a disability that requires certain accommodations, please contact: Richard Gunnels, Florida Department of Agriculture and Consumer Services, Plaza Level 10, The Capitol, Tallahassee, Florida 32399-0800, gunnelr@doacs.state.fl.us.

The **Consumer Fertilizer Task Force** announces a public meeting to which all persons are invited.

DATE AND TIME: October 11, 2007, 8:00 a.m. – 5:00 p.m.

PLACE: The Florida Farm Bureau Federation Auditorium, 5700 Southwest 34th Street, Gainesville, Florida 32608, (352)378-8100.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting will be to review, discuss and seek consensus on a package of recommendations to the legislature for proposed refinements to Florida's regulation and use of consumer fertilizers to ensure they are based on the best available science and uniform subject to variations necessary to meet mandated state and federal water quality standards.

A copy of the agenda may be obtained by contacting: Mr. Anderson H. "Andy" Rackley, Director, Division of Agricultural Environmental Services, 3125 Conner Boulevard, Suite F, Tallahassee, Florida 32399, (850)488-3731.

The **Pesticide Registration Evaluation Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: November 1, 2007, 9:00 a.m.

PLACE: Bureau of Pesticides Conference Room, 3125 Conner Boulevard, Building 6, Room 606, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee discusses and makes recommendations on pesticide registration issues impacting human health and safety and the environment.

A copy of the agenda may be obtained by contacting Pesticide Registration Section at (850)487-2130 or from the PREC Web Site at: <http://www.flaes.org/pesticide/pesticideregistration.html>.

For more information, you may contact: Mr. Charlie L. Clark, Administrator, Pesticide Registration Section, 3125 Conner Boulevard, Building 6, Room 601, Tallahassee, Florida 32399-1650, (850)487-2130.

The **Florida Propane Gas Safety, Education and Research Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 24, 2007, 12:00 Noon – 1:30 p.m.

PLACE: Westgate River Ranch Resort, 2600 River Ranch Blvd., River Ranch, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Florida Propane Education, Safety and Research Council and representatives of the Florida Dept. of Agriculture and Consumer Services to discuss and review Council programs and budget issues.

A copy of the agenda may be obtained by contacting: Vicki O'Neil, 3125 Conner Blvd., Suite N, Tallahassee, Florida 32399-1650.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by

contacting: Vicki O'Neil, 3125 Conner Blvd., Suite N, Tallahassee, Florida 32399-1650. If you are 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: Vicki O'Neil, 3125 Conner Blvd., Suite N, Tallahassee, Florida 32399-1650.

The **Florida Liquefied Petroleum Gas Advisory Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 24, 2007, 1:30 p.m. – 2:30 p.m.

PLACE: Westgate River Ranch Resort, 3600 River Ranch Blvd., River Ranch, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will meet to discuss the impact of agency policies, procedures and regulatory issues on the LP gas industry, and to make recommendations to the department relating to these issues.

A copy of the agenda may be obtained by contacting: Vicki O'Neil, 3125 Conner Blvd., Suite N, Tallahassee, FL, 32399-1650.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Vicki O'Neil, 3125 Conner Blvd., Suite N, Tallahassee, FL, 32399-1650. If you are 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: Vicki O'Neil, 3125 Conner Blvd., Suite N, Tallahassee, FL 32399-1650.

The **Department of Agriculture and Consumer Services** announces a workshop on Rules 5G-6.001, F.A.C., Definitions; 5G-6.003, F.A.C., Inspection; 5G-6.005, F.A.C., Registration; 5G-6.007, F.A.C., Best Management Practices, to which all persons are invited.

DATE AND TIME: October 18, 2007, 2:00 p.m.

PLACE: Eyster Auditorium, The Conner Building, 3125 Conner Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this workshop is to develop rules to enhance the safety of fresh tomatoes produced, packed, repacked, distributed and sold in Florida or from Florida and to implement Chapter 2007-67, Laws of Florida, adopted during the 2007 Legislative Session. The rules may include an educational component for tomato producers, packers, re-packers and workers. Procedures and processes will be developed to include tomato food safety inspections of tomato farms, tomato greenhouses, in tomato packing and re-packing houses. Discussion will include guidelines entitled Tomato Good Agricultural Practices (T-GAP) which relate to field and greenhouse production and Tomato Best Management

Practices (T-BMP) which relate to packinghouse operations and post-harvest handling. Preliminary guidelines have been drafted through a cooperative effort between the Department of Agriculture and Consumer Services and the Florida Tomato Industry to implement needed practices and procedures for safe production and handling of tomatoes. These rules will have an effect on those establishments permitted by the FDACS in the State of Florida who produce or handle tomatoes from field production through packing.

A copy of the agenda may be obtained by contacting: Lee M. Cornman, Assistant Director, Division of Food Safety, 3125 Conner Building, Mail Stop C-18, Tallahassee, Florida 32399-1650, (850)488-0295.

Pursuant to the provisions of 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 Dr. John Fruin at (850)245-5520. If you are 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: Lee M. Cornman, Assistant Director, Division of Food Safety, 3125 Conner Building, Mail Stop C-18, Tallahassee, Florida 32399-1650, (850)488-0295.

The **Department of Agriculture and Consumer Services** announces a meeting of the Florida Emergency Food Assistance Program Advisory Board to which all interested persons are invited.

DATE AND TIME: October 18, 2007, 1:30 p.m. – 4:30 p.m.

PLACE: The Bob Crawford Building, 650 East Main Street, Bartow, Florida 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Florida's Emergency Food Assistance Program.

A copy of the agenda can be obtained by contacting: Shenique Bridges, 407 S. Calhoun Street, 2nd Floor, Tallahassee, Florida 32399-0800.

If special accommodations are needed to attend this meeting because of a disability, please contact Shenique Bridges at (850)487-6694, by October 15, 2007.

The **Department of Agriculture and Consumer Services** announces a workshop on Rules 5K-4.002, F.A.C., Adoption of Federal Regulations and Other Standards, 5K-4.004, F.A.C., General Requirements for the Manufacturing, Processing, Packing, Holding and Retailing of Foods; 5K-4.020, F.A.C., Food Permits; Requirements and Fees, to which all persons are invited.

DATE AND TIME: October 18, 2007, 2:00 p.m.

PLACE: Eyster Auditorium, The Conner Building, 3125 Conner Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this workshop is to develop rules to enhance the safety of fresh tomatoes produced, packed, repacked, distributed and sold in Florida or from Florida and to implement Chapter 2007-67, Laws of Florida, adopted during the 2007 Legislative Session. The rules may include an educational component for tomato producers, packers, re-packers and workers. Procedures and processes will be developed to include tomato food safety inspections of tomato farms, tomato greenhouses, in tomato packing and re-packing houses. Discussion will include guidelines entitled Tomato Good Agricultural Practices (T-GAP) which relate to field and greenhouse production and Tomato Best Management Practices (T-BMP) which relate to packinghouse operations and post-harvest handling. Preliminary guidelines have been drafted through a cooperative effort between the Department of Agriculture and Consumer Services and the Florida Tomato Industry to implement needed practices and procedures for safe production and handling of tomatoes. These rules will have an effect on those establishments permitted by the FDACS in the State of Florida who produce or handle tomatoes from field production through packing.

A copy of the agenda may be obtained by contacting: Lee M. Cornman, Assistant Director, Division of Food Safety, 3125 Conner Building, Mail Stop C-18, Tallahassee, Florida 32399-1650, (850)488-0295.

Pursuant to the provisions of 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 Dr. John Fruin at (850)245-5520. If you are 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: Lee M. Cornman, Assistant Director, Division of Food Safety, 3125 Conner Building, Mail Stop C-18, Tallahassee, Florida 32399-1650, Telephone (850)488-0295.

The **Aquaculture Review Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 25, 2007, 10:00 a.m.

PLACE: Evans Farms, 1195 E. Washington Avenue, Pierson, FL 32180-3013

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss issues affecting the growth of aquaculture in Florida.

A copy of the agenda may be obtained by contacting: Kim Norgren, 1203 Governor's Square Boulevard, Fifth Floor, Tallahassee, FL 32301, (850)488-4033.

If special accommodations are needed to attend this meeting because of disability, please contact Kim Norgren as soon as possible.

DEPARTMENT OF EDUCATION

The **Department of Education, Division of Blind Services, Business Enterprises Program** announces a Grievance Board meeting to which all interested persons are invited.

DATE AND TIME: October 2, 2007, 2:30 p.m. – until concluded

PLACE: The Division of Blind Services District Office, Conference Room, 415 S Armenia Avenue, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Disagreement regarding Working Capital at Facility #320 (Claude Pepper Building) in Tallahassee, Florida.

The **Florida Education Foundation** announces a public meeting to which all persons are invited.

DATE AND TIME: October 3, 2007, 8:45 a.m. – 2:00 p.m. (Or upon adjournment)

PLACE: Caribe Royale Hotel, 8101 World Center Drive, Orlando, Florida 32821

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Foundation including but not limited to: Approval of minutes from April 20, 2007 meeting; approval of minutes from July 12, 2007 meeting; committee reports; executive director's report; Commissioner's report; program updates; financial report; revision/update of Foundation policies and procedures; and general discussion of Foundation. A copy of the agenda may be obtained by contacting Tatiana Fernández at (850)245-9671.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting the Office of Access and Equity at (850)245-9531 (Voice). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact the Foundation office at (850)245-9671.

The **State Board of Education** announces a public meeting to which all persons are invited.

DATE AND TIME: October 8, 2007, 11:00 a.m. – 3:00 p.m.

PLACE: Tampa Airport Marriott, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The State Board of Education will conduct interviews with the following finalists for the position of Commissioner of Education: Joseph Marinelli, Eric J. Smith, and Cheri Pierson Yecke.

A copy of the agenda may be obtained from the Department of Education's website at <http://www.fldoe.org>.

The **Florida School for the Deaf and the Blind**, President Search Committee commissioned by the Board of Trustees of the Florida School for the Deaf and the Blind announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 8, 2007, 1:30 p.m.

PLACE: Center for Leadership and Development, Moore Hall, FSDB Campus, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the search for President of the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by contacting: Elmer 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.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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

For more information, you may contact Elmer Dillingham, Jr. at the aforementioned address.

The **Commission for Independent Education** announces a telephone conference call on Rule 6E-2.002, Institutional Licensure, F.A.C., to which all persons are invited.

DATE AND TIME: October 10, 2007, 10:00 a.m.

PLACE: Via teleconference, to connect dial 1(888)808-6959, Conference Code: 2453206

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider outcomes from the September 21, 2007 Rules Committee meeting, where changes to Rules 6E-2.002, Institutional Licensure and 6E-4.001, F.A.C., Fees and Expenses were considered, and for discussion and vote on proceeding with changes to the rules noted above.

A copy of the agenda may be obtained by contacting: Commission Office at Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

Pursuant to the provisions of 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).

DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs**, Century Commission for a Sustainable Florida announces a public meeting to which all persons are invited.

DATES AND TIMES: Sunday, October 7, 2007, 5:00 p.m. – 7:00 p.m.; Monday, October 8, 2007, 8:30 a.m. – 4:00 p.m.

PLACE: Sitig Hall, Citizens Center (Florida League of Cities 1st Floor), Kleman Plaza, 300 South Bronough Street, Tallahassee, FL 32301, (850)222-9684 or 1(800)342-8112

GENERAL SUBJECT MATTER TO BE CONSIDERED: This will be the eleventh meeting of the Century Commission. The members will continue to discuss the Commission's statutory role, including how to address the impacts of population growth during the next 25-50 years.

All information regarding this meeting and the Century Commission may be obtained at the Internet address www.centurycommission.org.

A copy of the agenda may be obtained by contacting Steve Seibert at (850)219-0082, ext. 5 or via email at steve.seibert@centurycommission.org or by visiting the web site www.centurycommission.org.

DEPARTMENT OF LAW ENFORCEMENT

The Florida **Department of Law Enforcement** announces a public meeting to which all persons are invited.

Training Center Director Test Bank Committee Meeting

DATE AND TIME: Tuesday, November 6, 2007, 2:00 p.m.

Training Center Directors' Committee Meetings

DATE AND TIME: Tuesday, November 6, 2007, 4:00 p.m.

Probable Cause Determination Hearings

DATE AND TIME: Wednesday, November 7, 2007, 8:30 a.m.

Training Center Directors' Business Meeting

DATE AND TIME: Wednesday, November 7, 2007, 8:30 a.m.

Commission Workshop

DATE AND TIME: Wednesday, November 7, 2007, 1:00 p.m.

Regional Criminal Justice Selection Center Directors' Association

DATE AND TIME: Wednesday, November 7, 2007, 3:00 p.m.

CJS&T Commission Business Meeting

DATE AND TIME: Thursday, November 8, 2007, 8:00 a.m.

CJS&T Commission Officer Discipline Hearings

DATE AND TIME: Thursday, November 8, 2007, 10:00 a.m.

PLACE: Hilton Orlando/Altamonte Springs, 350 South North Lake Boulevard, Altamonte Springs, FL 32701

GUESTROOM RATE: \$89.00 for single and double occupancy from November 4-9, 2007

HOTEL TELEPHONE NUMBER AND FAX NUMBER:
Phone: (407)830-1985, Fax: (407)331-2911

GENERAL SUBJECT MATTER TO BE CONSIDERED: The above meeting is held to discuss issues relating to standards, training, examinations, certification, de-certification, record management for law enforcement, correctional, and correctional probation officers, Commission rules, officer discipline penalty guidelines, and certification and recertification of criminal justice training schools. All parties are invited to attend.

A copy of the November 2007 Commission Meeting agenda and Workshop agenda may be obtained by contacting Donna Hunt at (850)410-8615 or via e-mail at donnahunt@fdle.state.fl.us. The Commission meeting agenda and Workshop agenda will be posted to the FDLE website on October 26, 2007, and may be accessed at www.fdle.state.fl.us, then click on "Councils," then click on "Criminal Justice Standards and Training Commission," then click on "Commission Information," then click on "Commission," then click on "Meeting Agenda," and then click on "Criminal Justice Standards and Training Business Agenda."

OFFICER DISCIPLINE AGENDA: A copy of the November 2007 Officer Discipline Agenda may be obtained by contacting Brenda Presnell at (850)410-8648 or via e-mail at brenda.presnell@fdle.state.fl.us. If you wish to write the Commission for a copy of the above meeting agendas, please write to Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302, Attention: Donna Hunt or Brenda Presnell.

TRAINING CENTER DIRECTOR ASSOCIATION AGENDA: If you wish to write, call, or e-mail the Chairman for a copy of the Training Center Directors' Association agenda, please write to: Training Center Director Association Chairman, Jim Hague, Seminole Community College, 100 Weldon Boulevard, Sanford, Florida 32773-6199, or call (407)328-2316, or e-mail haguec@scc-fl.edu.

Pursuant to the provisions of 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 Donna Hunt, (850)410-8615, at least 5 days prior to the meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Donna Hunt at (850)410-8615, at least 5 days prior to the meeting.

The **Region XIV Advisory Council** announces a meeting to which all interested persons are invited.

DATE AND TIME: Wednesday, October 17, 2007, 10:00 a.m.
PLACE: Miami Dade College, North Campus, School of Justice, Room 9118, 11380 N. W. 27th Avenue, Miami, FL 33167

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the fiscal year 2007-2008 Officer Training funds, and the allocation of the interest earned during the Region XIV Fiscal Year 2006-2007.

For more information, please contact Vanessa Ferdinand at (305)237-1329, Region XIV Budget Manager.

DEPARTMENT OF TRANSPORTATION

The **Florida Transportation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: October 8, 2007, 3:00 p.m. – 5:00 p.m.

PLACE: Greater Fort Lauderdale-Broward County Convention Center, Room 113, 1950 Eisenhower Boulevard, Ft. Lauderdale, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workshop of the Florida Transportation Commission.

A copy of the agenda may be obtained by contacting Cathy Goodman at (850)414-4105.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 days before the workshop/meeting by contacting Cathy Goodman at (850)414-4105. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Transportation Commission, Room 176, M.S. 9, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4105.

The **Commercial Motor Vehicle Review Board** announces a public meeting to which all persons are invited.

DATE AND TIME: October 11, 2007, 8:30 a.m.

PLACE: Florida Department of Transportation, Burns Building, Auditorium, 605 Suwannee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a monthly meeting of the Commercial Motor Vehicle Review Board for the purpose of reviewing penalties imposed upon any vehicle or person under the provisions of Chapter 316, Florida Statutes, relating to weights imposed on the highway by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.

Any person aggrieved by the imposition of a civil penalty pursuant to Sections 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 the address given below or call Christine Jones at (850)245-7914.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Christine Jones, Executive Assistant, Commercial Motor Vehicle Review Board, 325 John Knox Rd., Bldg. K, Tallahassee, FL 32303. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Christine Jones, Executive Assistant, Commercial Motor Vehicle Review Board, 325 John Knox Rd., Bldg. K, Tallahassee, FL 32303.

The Florida **Department of Transportation** announces a Public Hearing to which all persons are invited.

DATE AND TIMES: October 25, 2007, Open House: 5:30 p.m. – 6:30 p.m.; Formal Presentation: 6:30 p.m.

PLACE: Palm Beach County Convention Center, 650 Okeechobee Boulevard, West Palm Beach, Florida 33401

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons the opportunity to view the maps and material on display and to express their views concerning the location, conceptual design, social, economic and environmental effects of Financial Project Identification Number: 412489-2-22-01, otherwise known as Flagler Memorial Bridge Project Development and Environment Study.

In the event that the Public Hearing cannot be held on October 25, 2007 due to severe weather or other unforeseen conditions, it will be held on November 7, 2007 at the same time and place.

Anyone needing project information, Public Hearing information, a copy of the hearing agenda, or special accommodations under the Americans with Disabilities Act of 1990 should contact Mr. Joshua Salazar, Assistant Project Manager, at Florida Department of Transportation, District Four, by calling toll free 1(866)336-8435, extension 4635, or by writing to: Mr. Salazar at Florida Department of Transportation, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309-3421, or by e-mail at joshua.salazar@dot.state.fl.us. Special accommodation requests under the Americans with Disabilities Act must be received at least seven (7) days prior to the Public Hearing.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

The **Department of Environmental Protection** announces a public meeting on Rule 18-21.011, F.A.C., Payments and Fees, to which all persons are invited.

DATE AND TIME: October 10, 2007, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, Southeast District Office, 400 North Congress Avenue, Suite 200, Public Meeting Room, West Palm Beach, Florida 33401. Toll Free Conference Number 1(888)808-6959, Conference Code is 3361044

DATE AND TIME: October 11, 2007, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, South District Office, 2295 Victoria Avenue, Suite 364, Meeting Room 165 C/D, Fort Myers, Florida 33901. Toll Free Conference Number 1(888)808-6959, Conference Code is 3361044

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss adjusting the formula for calculating the fees required to use sovereignty submerged land in Chapter 18-21, F.A.C. in response to the June 12, 2007 Governor and Cabinet meeting.

A copy of the agenda may be obtained by contacting: Vicki Thompson, Division of State Lands, 3800 Commonwealth Blvd., MS 130, Tallahassee, Florida 32399 or by calling (850)245-2688.

Pursuant to the provisions of 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: Vicki Thompson, Division of State Lands, 3800 Commonwealth Blvd., MS 130, Tallahassee, Florida 32399 or by calling (850)245-2688. If you are 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: Vicki Thompson, Division of State Lands, 3800 Commonwealth Blvd., MS 130, Tallahassee, Florida 32399 or by calling (850)245-2688.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 10, 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, (850)488-3417.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five days before the workshop/meeting by contacting: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 9, 2007, 9:30 a.m.

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32399-0862

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Public Service Commission will consider at its October 9, 2007 Agenda Conference, Docket No. 070589-EI, Application of Tampa Electric Company for authority to issue and sell securities pursuant to Section 366.04, Florida Statutes, and Chapter 25-8, Florida Administrative Code. The Company seeks PSC approval pursuant to Section 366.04, Florida Statutes, to issue, sell and/or exchange equity securities and issue, sell, exchange and/or assume long-term debt securities and/or assume liabilities or obligations as guarantor, endorser, or surety in an aggregate amount not to exceed \$900 million, during the twelve month period, ending December 31, 2008. The Company also seeks authority to enter into interest rates swaps or other derivative instruments related to debt securities. A copy of the agenda may be obtained by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 or at (850)413-6770.

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

For more information, you may contact: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 or Katherine Fleming at (850)413-6218.

The Florida **Public Service Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 9, 2007, 9:30 a.m.

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32399-0862

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Public Service Commission will consider at its October 9, 2007, Agenda Conference, Docket No. 070596-EI, Application by Florida Public Utilities Company (FPUC or Company) for authority to issue and sell securities pursuant to Section 366.04, Florida Statutes, and Chapter 25-8, Florida Administrative Code. The Company seeks PSC approval pursuant to Section 366.04, Florida Statutes, to issue, sell, and/or exchange any combination of the long-term debt, short-term notes, and equity securities and/or to assume liabilities or obligations as guarantor, endorser, or surety in an incremental amount not to exceed \$45,000,000 excluding retained earnings during the calendar year 2008.

A copy of the agenda may be obtained by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 or a (850)413-6770.

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

For more information, you may contact: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 or Katherine Fleming at (850)413-6218.

The Florida **Public Service Commission** announces a workshop on Rules 25-6.065, F.A.C., Interconnection of Small Photovoltaic Systems; 25-6.066, F.A.C., Net-Metering of Customer-Owned Renewable Resources; 25-6.067, F.A.C., Interconnection of Customer-Owned Renewable Resources, to which all persons are invited.

DATE AND TIME: October 15, 2007, 9:30 a.m. – 5:00 p.m.

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Public Service Commission is seeking public input and discussion addressing issues associated with expedited interconnection with host utilities by customer-owned renewable generating resources and net-metering of those systems. Undocketed.

A copy of the agenda may be obtained by contacting: Mark Futrell, Division of Economic Regulation, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6692, e-mail address: mfutrell@psc.state.fl.us.

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

EXECUTIVE OFFICE OF THE GOVERNOR

Volunteer Florida, The **Governor's Commission on Volunteerism and Community Service** is pleased to announce meetings (via conference call) to which all persons are invited.

DATE AND TIMES: Monday, October 1, 2007

8:30 a.m. Communications Committee
 9:45 a.m. Disability Outreach Committee
 10:45 a.m. Emergency Management
 12:00 Noon Finance & Audit Committee
 1:15 p.m. Volunteer Services Committee
 2:15 p.m. Grants/AmeriCorps Committee
 3:15 p.m. Legislative Committee
 4:00 p.m. Executive Committee

PLACE: Please contact Kristin Mullikin at (850)414-0092 for conference call in information

If you require a reasonable accommodation to participate, please advise 72 hours in advance with your request.

The **Office of Film and Entertainment** and the **Florida Film and Entertainment Advisory Council**, "Family-Friendly" Task Force will convene in meeting via conference call. This is a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 10, 2007, 9:00 a.m.

PLACE: Governor's Office of Film and Entertainment, The Capitol, Suite 2001, Tallahassee, FL 32399-0001

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss "Family Friendly" Task Force issues of the Advisory Council that have arisen since the 2007 3rd quarter FFEAC meeting.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he/she may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Section 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact the Commission at least 48 hours prior to the meeting in order to request any special assistance.

WATER MANAGEMENT DISTRICTS

The **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

DATE AND TIME: October 9, 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. Workshop to follow Board meeting.

Public hearing in accordance with Section 373.59, F.S., concerning the proposed acquisition of the Albert Levings, Jr. Parcel, 102 acres +/-, located in Columbia County with Funds from the Florida Forever Trust Fund; also the proposed acquisition of the Alto Straughn/Lake Alto Addition, 120 Acres +/-, Alachua County with Funds from the Florida Forever Trust Fund and amending the 2008 Florida Forever Work Plan; also the proposed acquisition of the LWM Inc./Suwannee Street Addition, 30 Acres +/-, Gilchrist County with funds from the Florida Forever Trust Fund.

A copy of the agenda(s) may be obtained by writing: SRWMD, 9225 CR 49, Live Oak, Florida 32060.

If any person decides to appeal any decision with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance in order to participate in this meeting may contact Lisa Cheshire at (386)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

The **Suwannee River Water Management District** announces a hearing to which all persons are invited.

DATE AND TIME: October 9, 2007, 9:00 a.m.

PLACE: District headquarters, Live Oak, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: the proposed acquisition of a conservation easement on the Derwood Sheppard/Manatee Springs Addition Parcel, 120 acres +/-, located in Levy County with Funds from the Florida Forever Trust Fund.

A copy of the agenda may be obtained by contacting: SRWMD, 9225 CR 49, Live Oak, FL 32060.

Pursuant to the provisions of 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 Lisa M. Cheshire, Administrative Assistant at (386)362-1001 or 1(800)226-1066 (Florida only), Fax (386)362-1056. If you are 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 Lisa M. Cheshire, Administrative Assistant at (386)362-1001 or 1(800)226-1066 (Florida only), Fax (386)362-1056.

The **St. Johns River Water Management District** announces a Central Region Recreational public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 3, 2007, 9:00 a.m. – 12:00 Noon

PLACE: Recreational Public Meeting (RPM), Spring House at Gemini Springs County Park, 37 Dirksen Rd., Debary, FL 32713

Management Review Team Tour

DATE AND TIME: October 3, 2007, Immediately following RPM

PLACE: Lake Jesup Conservation Area, Meet at the North Lake Jesup Tract on Cameron Ave. Please RSVP by October 2, if attending tour (386)329-4855

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Central Region Recreational Public Meeting will review land management and land acquisition activities in the Central Region.

A copy of the agenda may be obtained by contacting Terri Mashour at (386)329-4855.

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 Karen M. Davis at (386)329-4404. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Southwest Florida Water Management District** announces the following public meeting to which all interested persons are invited.

WELL DRILLERS ADVISORY COMMITTEE

DATE AND TIME: Wednesday, October 10, 2007, 1:30 p.m.

PLACE: Tampa Service Office, 7601 Highway 301 North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Committee Business.

Some members of the District’s Governing and Basin Boards may attend the meeting.

A copy of the agenda for the above meeting may be obtained by writing to the

Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should call 1(800)423-1476 (Florida), or (352)796-7211, extension 4604, Fax (352)754-6874, TTD ONLY 1(800)231-6103 (Florida).

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

Governing Board Committee Meetings, Workshop and Business Meeting

Audit and Finance Committee Meeting

DATE AND TIME: October 9, 2007, 1:00 p.m.

PLACE: SFWMD Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, FL 33416

Project and Lands Committee Meeting

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

PLACE: Construction Trailer, Barnard Parsons Joint Venture, 13775 South U.S. 27, South Bay, FL 33493

Workshop

DATE AND TIME: October 10, 2007, 1:00 p.m.

PLACE: SFWMD Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, FL 33416

Human Resources and Outreach Committee Meeting

DATE: October 10, 2007, 4:00 p.m.

PLACE: SFWMD Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, FL 33416

Business Meeting

DATE AND TIME: October 11, 2007, 9:00 a.m.

PLACE: SFWMD Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, FL 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 Business Meeting. If Workshop items are not discussed on 10/10, the items may be discussed on 10/11.

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 2008 budget to revise revenues and expenditures.

A copy of the agenda may be obtained by contacting Jacki McGorty at (561)682-2087 or https://my.sfwmd.gov/portal/page?_pageid=2574,13014318&_dad=portal&_schema=PORTAL.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting 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: October 10, 2007, 9:00 a.m. – completed

PLACE: South Florida Water Management District Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

DATE AND TIME: October 11, 2007, 9:00 a.m. – completed

PLACE: South Florida Water Management District Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

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. Gutierrez, M. Meeker, P. Rooney, H. Thornton; Executive Director C. Wehle; District attorneys S. Wood, S. Echemendia, S. Nall, K. Rizzardi, 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: October 10, 2007, 9:00 a.m. – completed

PLACE: South Florida Water Management District Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

DATE AND TIME: October 11, 2007, 9:00 a.m. – completed

PLACE: South Florida Water Management District Headquarters, Building B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005) to discuss strategy related to litigation expenditures in Natural Resources Defense Council, Inc., et al. v. Van Antwerp, et al., United States District Court, Southern District of Florida, Case No. 07-80444-CIV-Middlebrooks. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, M. Collins, C. Dauray, S. Estenoz, N. Gutierrez, M. Meeker, P. Rooney, H. Thornton, M. Wade; Executive Director C. Wehle; District attorneys S. Wood, S. Echemendia, S. Nall, K. Rizzardi, C. Kowalsky, 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: October 10, 2007, 9:00 a.m. – completed

PLACE: South Florida Water Management District Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

DATE AND TIME: October 11, 2007, 9:00 a.m. – completed

PLACE: South Florida Water Management District Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

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. Gutierrez, M. Meeker, P. Rooney, H. Thornton; Executive Director C. Wehle; District attorneys S. Wood, S. Echemendia, S. Nall, K. Burns, K. Rizzardi, C. Kowalsky, R. Panse.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained by contacting the District Clerk's Office at (561)682-2087 or www.sfwmd.gov.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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

For more information, you may contact the District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

Special meeting of the Everglades Technical Oversight Committee (TOC)

DATE AND TIME: October 23, 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: Special 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 the 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 District Clerk's office at (561)682-2087.

REGIONAL UTILITY AUTHORITIES

The **Peace River/Manasota Regional Water Supply Authority** announces the following Board of Directors meeting to which the public is invited.

DATE AND TIME: Wednesday, October 3, 2007, 10:30 a.m.

PLACE: Charlotte County Administration Center, 18500 Murdock Circle, Port Charlotte, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will convene to conduct regular business of the Authority.

A copy of the agenda may be obtained by writing to: Peace River/Manasota Regional Water Supply Authority, 6311 Atrium Drive, Suite 100, Bradenton, Florida 34202.

Although Authority board meetings are normally recorded, affected persons are advised it may be necessary for them to ensure a verbatim record of the meeting is made, including testimony and evidence upon which an appeal is to be based.

Persons with disabilities who need assistance may call (941)316-1776, at least two business days in advance to make appropriate arrangements.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: October 5, 2007, 9:00 a.m. – 11:00 a.m.

PLACE: The Agency for Health Care Administration, Building 3, Conference Room C, 2727 Mahan Dr., Tallahassee, FL 32308, Conference Phone Number: 1(888)808-6959, Conference Code: 8504101549

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Enhanced Benefits Panel will discuss issues related to the Enhanced Benefits program, under Medicaid Reform.

A copy of the agenda may be obtained by contacting: Aldria White, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #8, Tallahassee, FL 32308.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting Aldria White, at the previously written address, or by calling (850)488-3560. If you are 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 **Agency for Health Care Administrative, Division of Medicaid** announces a hearing on Rule 59G-4.140, F.A.C., Hospice Services, to which all persons are invited.

DATE AND TIME: Monday, October 22, 2007, 2:00 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a second public hearing on a proposed rule amendment to Rule 59G-4.140, F.A.C., Hospice Services. The purpose of the rule amendment is to incorporate by reference update January 2007 to the Florida Medicaid Hospice Services Coverage and Limitations Handbook. The handbook update removes the January 2006 fee schedule for direct care services provided by physicians. The January 2007 fee schedule has been incorporated by reference in Rule 59G-4.002, F.A.C.,

Medicaid Provider Reimbursement Schedule. The handbook update also corrects the room and board policy to read that room and board for hospice residents in a nursing facility does not include the day of discharge. It also clarifies that if a hospice has no cost history, the hospice will be paid 95 percent of the average Medicaid nursing facility per diem rate in the county in which the hospice is located. These policies will be effective on the date that rule is adopted.

A copy of the agenda may be obtained by contacting: Julie Clifton, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)921-8015, cliftonj@ahca.myflorida.com.

For more information, you may contact: Julie Clifton, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)921-8015, cliftonj@ahca.myflorida.com.

DEPARTMENT OF MANAGEMENT SERVICES

The **Department of Management Services** announces a hearing on Rules 60L-35.001, F.A.C., Scope and Purpose; 60L-35.002, F.A.C., Definitions; 60L-35.003, F.A.C., Minimum Requirements; 60L-35.004, F.A.C., Career Service; 60L-35.005, F.A.C., Selected Exempt Service; 60L-35.006, F.A.C., Senior Management Service, to which all persons are invited.

DATE AND TIME: December 3, 2007, 10:00 a.m. – 12:00 Noon

PLACE: Department of Management Services, 4050 Esplanade Way, Room 101, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Accepting comments from the public on the proposed rule, which was noticed in Vol. 33, No. 27, July 6, 2007 issue of the F.A.W.

Pursuant to the provisions of 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 Anna Gray, Workforce Development and Benefits Manager at (850)487-1508. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Board of Employee Leasing Companies** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 17, 2007, 9:00 a.m. or soon thereafter

PLACE: The Doubletree Hotel – Westshore Airport, 4500 W. Cypress Street, Tampa, Florida 33607, (813)879-4800

GENERAL SUBJECT MATTER TO BE CONSIDERED: To reconsider case # 2006-019428 and case # 2006-019425.

A copy of the agenda may be obtained by contacting: Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767 or by calling their office at (850)487-1395.

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 of Employee Leasing Companies at (850)487-1395. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Board of Professional Geologists** announces a telephone conference call to which is closed to the public.

DATE AND TIME: Monday, October 15, 2007, 2:00 p.m.

PLACE: Telephone Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel. This meeting is closed to the public.

A copy of the agenda may be obtained by contacting: Richard Morrison, Executive Director, 1940 North Monroe Street, Tallahassee, FL 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Richard Morrison, Executive Director, 1940 North Monroe Street, Tallahassee, FL 32399. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Building Code Administrators and Inspectors Board** announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 29, 2007, 10:00 a.m.

PLACE: Conference Call 1(888)808-6959, Conference Code 4148135

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel, portions of which may be closed to the public.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of 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 Building Code Administrators and Inspectors Board. If you are 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 Accountancy** announces the following public meetings to which all persons are invited.

PLACE: Sheraton Suites Tampa Airport, 4400 West Cypress Street, Tampa, FL 33607

Probable Cause Panel Meeting

DATE AND TIME: Thursday, October 18, 2007, 9:00 a.m. – until concluded

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Probable Cause Panel will meet to conduct hearings on disciplinary matters. These meetings are closed to the public; however, there may be cases where probable cause was previously found which are to be reconsidered.

Rules Meeting

DATE AND TIME: Thursday, October 18, 2007, 1:00 p.m. – until concluded

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Rules Committee will meet to discuss rule changes. This is a public meeting.

Long Range Planning Meeting

DATE AND TIME: Thursday, October 18, 2007, 2:00 p.m. – until concluded

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will meet to discuss Long Range Planning issues. This is a public meeting.

Board Meeting

DATE AND TIME: Friday, October 19, 2007, 9:00 a.m. – until concluded

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will meet to consider enforcement proceedings including consideration of investigation officers' reports and other general business. This is a public meeting.

A copy of any probable cause materials which are open to the public, any Rules materials, Long Range Planning materials and/or the Board agenda may be obtained by writing to: Veloria A. Kelly, Division Director, Division of Certified Public Accounting, 240 N. W. 76th Drive, Suite A, Gainesville, Florida, 32607.

Note: Portions of the Probable Cause Panel meeting may be closed to the public. If a person decides to appeal any decision made by the Board with respect to any matter considered at these meetings, he/she may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Pursuant to the provisions of the Americans with Disabilities Act any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting Veloria A. Kelly at (850)487-1395. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8711.

The **Florida Real Estate Appraisal Board (FREAB)** announces a general meeting and rule making workshop to which all persons are invited.

DATE AND TIME: Monday, October 23, 2007, 9:00 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 the Appraisal Board – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part II, F.S., rule development workshops, Florida Administrative Code 61J1 rule amendments, 2008 AQB Criteria Changes and general subject matter.

If a person decides to appeal a decision made by the Board, 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: Beverly Ridenauer, Government Analyst II, Florida Real Estate Appraisal Board, 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, (407)481-5632, 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** announces a public meeting to which all persons are invited.

DATE AND TIME: October 5, 2007, 9:00 a.m. – 4:00 p.m. or until completion of business

PLACE: The meeting will be held in Tallahassee at a location to be posted at www.dep.state.fl.us/climatechange. The location will be posted at this website on or before September 28, 2007.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the third meeting of the Governor's Action Team on Energy and Climate Change. The purpose of this meeting is to continue discussion of policy issues regarding the development of a comprehensive Energy and Climate Change Action Plan that will address statewide greenhouse gas reductions specified in Executive Order 07-127.

A COPY OF THE AGENDA MAY BE OBTAINED BY CONTACTING: Florida Department of Environmental Protection, Attn: Adrienne Walker (Adrienne.M.Walker@dep.state.fl.us), Office of Strategic Planning, 3900 Commonwealth Blvd., M.S. 18, Tallahassee, Florida 32399-3000 or by calling (850)245-2002.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Florida Department of Environmental Protection, Attn: Adrienne Walker (Adrienne.M.Walker@dep.state.fl.us), Office of Strategic Planning, 3900 Commonwealth Blvd., M.S. 18, Tallahassee, Florida 32399-3000 or by calling (850)245-2002. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Department of Environmental Protection, Attn: Adrienne Walker (Adrienne.M.Walker@dep.state.fl.us), Office of Strategic Planning, 3900 Commonwealth Blvd., M.S. 18, Tallahassee, Florida 32399-3000 or by calling (850)245-2002.

The Florida **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 10, 2007, 1:00 p.m.

PLACE: Northeast District Office, Conference Room A, 7825 Baymeadows Way, Suite B-200, Jacksonville, Florida 32256

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Lower St. Johns River (LSJR) TMDL Technical Working Group, which is working on development of a draft Basin Management Action Plan (BMAP) for the river. Topics to be discussed include the status of the BMAP project collection process for nonpoint sources and MS4s, review of the BMAP document organization and content to date, and a status report on the development of the BMAP Monitoring Plan.

A copy of the agenda may be obtained by contacting Ms. Pat Waters at (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 5 days 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).

The Florida **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 11, 2007, 9:00 a.m.

PLACE: Northeast District Office, Conference Rooms A & B, 7825 Baymeadows Way, Suite B-200, Jacksonville, Florida 32256

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Lower St. Johns River (LSJR) TMDL Executive Committee and Stakeholders Group, which provides a forum for stakeholders to discuss issues related to the LSJR Total Maximum Daily Load (TMDL) for nutrients. Topics for this meeting include an update on the status of the Basin Management Action Plan (BMAP) project collection process, review of the BMAP document content to date, and a status report on the development of the BMAP Monitoring Plan.

A copy of the agenda may be obtained by contacting Ms. Pat Waters at (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 5 days 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).

The **Department of Environmental Protection** announces a workshop on Rules 62-761.100, F.A.C., Intent; 62-761.200, F.A.C., Definitions; 62-761.210, F.A.C., Reference Standards; 62-761.300, F.A.C., Applicability; 62-761.400, F.A.C., Registration and Financial Responsibility; 62-761.450, F.A.C., Notification and Reporting; 62-761.500, F.A.C., Performance Standards for Category C Storage Tank Systems; 62-761.510, F.A.C., Performance Standards for Category-A and Category-B Storage Tank Systems; 62-761.600, F.A.C., Release Detection Standards; 62-761.610, F.A.C., Release Detection Methods; 62-761.640, F.A.C., Performance Standards for Release Detection Methods; 62-761.700, F.A.C., Repairs, Operation and Maintenance of Storage Tank Systems; 62-761.710, F.A.C., Recordkeeping; 62-761.800, F.A.C., Out-of-Service and Closure Requirements; 62-761.820, F.A.C., Incident and Discharge Response; 62-761.850, F.A.C., Alternative Requirements and Equipment Approvals; 62-761.900, F.A.C., Storage Tank Forms, to which all persons are invited.

DATE AND TIME: Thursday, October 18, 2007, 9:00 a.m. – 11:00 a.m.

PLACE: Ramada Conference Center – Tallahassee, 2900 North Monroe Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: A final workshop is being held on revisions to the underground storage tank systems rule before presenting the proposed rule for adoption before the Environmental Regulation Commission. Discussion will focus on changes that have been made to the proposed rule since comments were received from the January 23, 2006 workshop.

A copy of the revised language is available at the Storage Tank Regulation web site: <http://www.dep.state.fl.us/waste/categories/pcp/pages/announcements.htm>.

A copy of the agenda may be obtained by contacting: John Svec, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 4525, Tallahassee, Florida 32399-2400, (850)245-8845, e-mail: john.svec@dep.state.fl.us.

Pursuant to the provisions of 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 Bureau of Personnel Services at (850)245-2511. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: John Svec, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 4525, Tallahassee, Florida 32399-2400, (850)245-8845, e-mail: john.svec@dep.state.fl.us.

The **Department of Environmental Protection** announces a workshop on Rules 62-762.101, F.A.C., Intent; 62-762.201, F.A.C., Definitions; 62-762.211, F.A.C., Reference Standards; 62-762.301, F.A.C., Applicability; 62-762.401, F.A.C., Registration and Financial Responsibility; 62-762.451, F.A.C., Notification and Reporting; 62-762.501, F.A.C., Performance Standards for Category-C Storage Tank Systems; 62-762.511, F.A.C., Performance Standards for Category-A and Category-B Storage Tank Systems; 62-762.601, F.A.C., Release Detection Standards; 62-762.611, F.A.C., Release Detection Methods; 62-762.641, F.A.C., Performance Standards for Release Detection Methods; 62-762.701, F.A.C., Repairs, Operation and Maintenance of Storage Tank Systems; 62-762.711, F.A.C., Recordkeeping; 62-762.801, F.A.C., Out-of-Service and Closure Requirements; 62-762.821, F.A.C., Incident and Discharge Response; 62-762.851, F.A.C., Alternative Requirements and Equipment Approvals; 62-762.891, F.A.C., Mineral Acid Storage Tank Requirements, to which all persons are invited.

DATE AND TIME: Thursday, October 18, 2007, 2:00 p.m. – 4:00 p.m.

PLACE: Ramada Conference Center – Tallahassee, 2900 North Monroe Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: A final rule workshop on the above ground storage tank system rule is being held to discuss revisions to the rule before the

revisions are presented before the Environmental Regulation Commission for adoption. Discussion at this workshop will focus on changes that have been made to the proposed rule since comments were received from the January 24, 2006 rulemaking workshop.

A copy of the revisions is available from the Storage Tank Regulation web site: <http://www.dep.state.fl.us/waste/categories/pcp/pages/announcements.htm>.

A copy of the agenda may be obtained by contacting: John Svec, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 4525, Tallahassee, Florida 32399-2400, Telephone (850)245-8845, e-mail: john.svec@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: the Bureau of Personnel Services at (850)245-2511. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: John Svec, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 4525, Tallahassee, Florida 32399-2400, Telephone (850)245-8845, e-mail: john.svec@dep.state.fl.us.

The **Department of Environmental Protection**, Siting Coordination Office announces two workshops to which all persons are invited.

DATE AND TIME: Friday, October 19, 2007, 9:30 a.m. – 11:30 a.m.

PLACE: Department of Environmental Protection, Bob Martinez Complex, Conference Room 609, 2600 Blair Stone Road, Tallahassee, Florida

DATE AND TIME: Wednesday, October 24, 2007, 2:30 p.m. – 4:30 p.m.

PLACE: Tampa Port Authority, 1101 Channelside Drive, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Notice of Proposed Rule Development on Rules 62-814.100, Intent, Findings, Basis of Standards, and Research Needs; 62-814.300, General Technical Requirements; 62-814.450, Electric and Magnetic Field Standards; 62-814.900, Form and Instructions. Implementation of Subsections. 403.061(30) and 403.523(10), F.S. Revisions to the rule provisions on electric and magnetic fields.

A copy of the agenda may be obtained by contacting: Ms. Landa Korokous at Florida Department of Environmental Protection, Siting Coordination Office, 2600 Blair Stone Road, MS 48, Tallahassee, Florida 32399-2400 or landa.korokous@dep.state.fl.us, phone (850)245-8002, or at the following web site: www.dep.state.fl.us/siting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ms. Landa Korokous at Florida Department of Environmental Protection, Siting Coordination Office, 2600 Blair Stone Road, MS 48, Tallahassee, Florida 32399-2400 or landa.korokous@dep.state.fl.us, phone (850)245-8002. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 24, 2007, 1:00 p.m.

PLACE: Lake Sylvan Park, 845 Lake Markham Road, Sanford, FL 32771

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Lake Jesup, Crane Strand, and Long Branch Basin Management Action Plan (BMAP) Working Group was formed to provide a forum for stakeholders to discuss issues related to the MSJ TMDLs, including development, allocation, and implementation of the TMDLs. Topics for this meeting include continuing discussion of the Lake Jesup, Crane Strand, and Long Branch Basin Management Action Plan (BMAP).

A copy of the agenda may be obtained by contacting: Ms. Jennifer Gihring, 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)245-8418.

Pursuant to the provisions of 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. Jennifer Gihring, 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)245-8418. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Bureau of Beaches and Coastal Systems** announces a workshop on Rules 62B-56.010, F.A.C., Scope; 62B-56.020, F.A.C., Definitions; 62B-56.030, F.A.C., Permit Criteria for Construction; 62B-56.040, F.A.C., Consultations; 62B-56.050, F.A.C., Permit Application Requirements and Procedures; 62B-56.060, F.A.C., Electronic Submittal; 62B-56.070, F.A.C., Public Comment and Noticing Requirements; 62B-56.080, F.A.C., Survey Requirements; 62B-56.090, F.A.C., Financial Assurances; 62B-56.100, F.A.C., Duration of Permits; 62B-56.110, F.A.C., Permit Modifications; 62B-56.120, F.A.C., Permit Transfers; 62B-56.130, F.A.C., Permit and

Maintenance Fees; 62B-56.140, F.A.C., Conversion and Maintenance; 62B-56.150, F.A.C., General Permit Conditions; 62B-56.160, F.A.C., Revocations, Suspensions and Removal, to which all persons are invited.

DATE AND TIME: October 17, 2007, 1:00 p.m. – 5:00 p.m.

PLACE: Bureau of Beaches and Coastal Systems, 5050 W. Tennessee St., Bldg. B, Room #307, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: New Rule Chapter 62B-56, F.A.C., providing the criteria for constructing and maintaining sand-filled geotextile dune core structures for coastal armoring and establishing rules to reflect recent legislative changes.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE ON THE BUREAU OF BEACHES AND COASTAL SYSTEM'S WEBSITE AT <http://www.dep.state.fl.us/beaches/default.htm#HotTopics> or by contacting Charlotte Hand at the Department of Environmental Protection, Bureau of Beaches and Coastal Systems, Mail Station #300, 3900 Commonwealth Boulevard, Tallahassee, FL 32399-3000, (850)488-7816, or by e-mail at: charlotte.hand@dep.state.fl.us.

A copy of the agenda may be obtained by contacting Charlotte Hand utilizing the contact information provided above.

Pursuant to the provisions of 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 Charlotte Hand. If you are 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 Florida **Board of Massage Therapy** announces a public meeting to which all persons are invited.

DATES AND TIME: Thursday, October 25, 2007; Friday, October 26, 2007, 8:00 a.m. or shortly thereafter

PLACE: Crowne Plaza West Palm Beach, 1601 Belvedere Road, West Palm Beach, FL 33406, (561)689-6400

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board business.

A copy of any item on the agenda may be obtained by writing: Pamela King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, or you may call (850)488-0595. You will be charged seventeen cents per page for the number of copies desired.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Christy Robinson, (850)488-0595, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Christy Robinson using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Massage Therapy** announces a workshop on Rule 64B7-32.003, F.A.C., Minimum Requirements for Board of Massage Therapy Approval, to which all persons are invited.

DATE AND TIME: Friday, October 26, 2007, 9:00 a.m. or as soon thereafter as can be heard

PLACE: Crowne Plaza Hotel, 1601 Belvedere Road, West Palm Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: For the purpose of rule development on paragraph 64B7-32.003(1)(b), F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399.

A copy of the agenda may be obtained by contacting: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399.

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

The **Department of Health, Board of Psychology** announces a public meeting to which all persons are invited.

DATES AND TIMES: October 25, 2007, 3:00 p.m. or soon thereafter; October 26, 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: Probable Cause Panel Meeting and General Business Meeting.

A copy of the agenda may be obtained by contacting: Department of Health, Board of Psychology, 4052 Bald Cypress Way, BIN C05, Tallahassee, FL 32399-3255.

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 **Council of Licensed Midwifery** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, October 12, 2007, 9:00 a.m. or soon thereafter

PLACE: Contact the Council of Licensed Midwifery at (850)245-4161 for the meet me number

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

A copy of the agenda may be obtained by writing to: Council of Licensed Midwifery, 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 Council of Licensed Midwifery, (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, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health** announces a meeting of the Research Review and Advisory Committee of the Bureau of Onsite Sewage Programs to which all persons are invited.

DATE AND TIME: October 18, 2007, 9:30 a.m.

PLACE: Sylvan Lake Park, 845 Lake Markham Road, Sanford, FL 32771

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and guide current, proposed, and potential future onsite sewage research projects. The Department of Health June 30, 2007 report on the Wekiva Study Area will also be discussed.

A copy of the agenda may be obtained by contacting: Susan Polangin, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713, by phone at (850)245-4070, or by e-mail at Susan_Polangin@doh.state.fl.us.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact Susan Polangin at the address above at least one week prior to the meeting.

The **Department of Health** announces a public meeting on Rules 64E-6.001, F.A.C., General; 64E-6.002, F.A.C., Definitions; 64E-6.003, F.A.C., Permits; 64E-6.004, F.A.C., Application for System Construction Permit; 64E-6.005, F.A.C., Location and Installation; 64E-6.006, F.A.C., Site Evaluation Criteria; 64E-6.008, F.A.C., System Size Determinations; 64E-6.009, F.A.C., Alternative Systems; 64E-6.010, F.A.C., Septage and Food Establishment Sludge; 64E-6.0101, F.A.C., Portable Restrooms and Holding Tanks; 64E-6.011, F.A.C., Abandonment of Systems; 64E-6.012, F.A.C., Standards for the Construction, Operation, and Maintenance of Aerobic Treatment Units; 64E-6.013, F.A.C., Construction Materials and Standards for Treatment Receptacles; 64E-6.014, F.A.C., Construction Standards for Drainfield Systems; 64E-6.015, F.A.C., Permitting and Construction of Repairs; 64E-6.0151, F.A.C., Additive Use; 64E-6.016, F.A.C., U.S. Department of Agriculture Soil Textural Classification System; 64E-6.017, F.A.C., Definitions; 64E-6.018, F.A.C., System Location, Design and Maintenance Criteria; 64E-6.0181, F.A.C., Cesspit and Undocumented System Replacement and Interim System Use; 64E-6.0182, F.A.C., Coordinated Permitting; 64E-6.019, F.A.C., Requirements for Registration; 64E-6.020, F.A.C., Master Septic Tank Contractors; 64E-6.021, F.A.C., Issuance of Registration Certificates and Renewal; 64E-6.022, F.A.C., Standards of Practice and Disciplinary Guidelines; 64E-6.023, F.A.C., Certification of Partnerships and Corporations; 64E-6.025, F.A.C., Definitions; 64E-6.026, F.A.C., Applications for Innovative System Permits and System Construction Permits; 64E-6.027, F.A.C., Permits; 64E-6.028, F.A.C., Location and Installation; 64E-6.029, F.A.C., Monitoring; 64E-6.0295, F.A.C., Innovative System Reclassification; 64E-6.030, F.A.C., Fees to which all persons are invited.

DATE AND TIME: November 8, 2007, 9:00 a.m.

PLACE: Marriott Orlando Airport, 7499 Augusta National Drive, Orlando, FL 32822, Local Telephone (407)859-0552

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Technical Review and Advisory Panel will discuss issues relating to onsite sewage treatment and disposal systems and the Wekiva Study Area which may require changes to Chapter 64E-6, Florida Administrative Code.

A copy of the agenda may be obtained by contacting: Shirley Kugler, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713.

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 14 days before the workshop/meeting by contacting: Shirley Kugler, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Gerald Briggs, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, Circuit 19, announces the following public meeting to which all persons are invited.

Executive Committee

DATE AND TIME: October 10, 2007, 9:00 a.m. – 11:00 a.m.

PLACE: Department of Children and Family Services, 337 North U.S. Highway 1, Suite 335, Fort Pierce, Florida 34950

For more information, please contact: Linda Poston, Administrative Assistant II, 337 North U.S. Hwy. 1, Room 327C, Fort Pierce, Florida 34950, (772)467-4177.

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA Coordinator, (772)467-4184, 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).

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, Circuit 19, announces the following public meeting to which all persons are invited.

ALLIANCE MEETING

DATE AND TIME: October 26, 2007, 8:30 a.m. – 10:30 a.m.

PLACE: St. Lucie County School Board Office, 4204 Okeechobee Road, Fort Pierce, Florida 34947-5414

For more information, please contact: Linda Poston, Administrative Assistant II, 337 North U.S. Hwy. 1, Room 327C, Fort Pierce, Florida 34950, (772)467-4177.

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA Coordinator, (772)467-4184, 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).

The **Orange County Community Alliance** announces a public meeting to which all persons are invited.

DATE AND TIME: October 10, 2007, 12:15 p.m.

PLACE: 2010 E. Michigan Street, Facilities Management Training Room, Orlando, FL 32806-4941

GENERAL SUBJECT MATTER TO BE CONSIDERED: A public meeting.

A copy of the agenda may be obtained by contacting Traci_Klinkbeil@dcf.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting. If you are 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 Florida **Fish and Wildlife Conservation Commission** announces a workshop to which all persons are invited.

DATE AND TIME: Tuesday, October 9, 2007, 10:00 a.m. – 3:00 p.m.

PLACE: Conference Rooms 3-A & 3-B

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is to provide notice of a meeting of the Florida Panther Technical Advisory Council to which the public is invited to provide input on the development of population models for the Florida panther. Input is solicited to ensure that the models, to the extent possible, address questions pertinent to the persistence and viability of the panther population in Florida.

A copy of the agenda may be obtained by contacting Dr. David Onorato at (239)643-4220 or dave.onorato@myfwc.com.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of 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 Brooke Talgo at (850)222-4634, ext. 29 or

betalgo@lampl-herbert.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 Dr. David Onorato at (239)643-4220 or dave.onorato@myfwc.com.

The Florida **Fish and Wildlife Conservation Commission** announces a public meeting to which all persons are invited.

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

PLACE: Marathon Government Center, 2798 Overseas Highway, Marathon, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to conduct a workshop to gather public testimony regarding management recommendations made by the FWC's ad hoc Spiny Lobster Advisory Board regarding the agencies' comprehensive evaluation of its spiny lobster management strategy. Issues to be discussed will encompass all aspects of management of the commercial and recreational fisheries and will include, but not be limited to, allocation of landings between fishing sectors, season length, license fee structure, and the Special Two-Day Sport Season.

A copy of the agenda may be obtained by contacting: Mark Robson, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

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: Mark Robson, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

The Florida **Fish and Wildlife Conservation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: October 9, 2007, 6:00 p.m. – 8:00 p.m.

PLACE: Harvey Government Center, 1200 Truman Ave., Key West, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to conduct a workshop to gather public testimony regarding management recommendations made by the FWC's ad hoc Spiny Lobster Advisory Board regarding the agencies' comprehensive evaluation of its spiny lobster management strategy. Issues to be discussed will

encompass all aspects of management of the commercial and recreational fisheries and will include, but not be limited to, allocation of landings between fishing sectors, season length, license fee structure, and the Special Two-Day Sport Season.

A copy of the agenda may be obtained by contacting: Mark Robson, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

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: Mark Robson, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

The Florida **Fish and Wildlife Conservation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: October 10, 2007, 6:00 p.m. – 8:00 p.m.

PLACE: South Miami Middle Community School, 6750 S. W. 60 Street, Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to conduct a workshop to gather public testimony regarding management recommendations made by the FWC's ad hoc Spiny Lobster Advisory Board regarding the agencies' comprehensive evaluation of its spiny lobster management strategy. Issues to be discussed will encompass all aspects of management of the commercial and recreational fisheries and will include, but not be limited to, allocation of landings between fishing sectors, season length, license fee structure, and the Special Two-Day Sport Season.

A copy of the agenda may be obtained by contacting: Mark Robson, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

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: Mark Robson, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

The Florida **Fish and Wildlife Conservation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: October 11, 2007, 6:00 p.m. – 8:00 p.m.

PLACE: St. Lucie County Commission Chambers, 2300 Virginia Ave., Ft. Pierce, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to conduct a workshop to gather public testimony regarding management recommendations made by the FWC's ad hoc Spiny Lobster Advisory Board regarding the agencies' comprehensive evaluation of its spiny lobster management strategy. Issues to be discussed will encompass all aspects of management of the commercial and recreational fisheries and will include, but not be limited to, allocation of landings between fishing sectors, season length, license fee structure, and the Special Two-Day Sport Season.

A copy of the agenda may be obtained by contacting: Mark Robson, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

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: Mark Robson, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

The Florida **Fish and Wildlife Conservation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: October 16, 2007, 6:00 p.m. – 8:00 p.m.

PLACE: Joseph P. D'Alessandro Office Complex, 2295 Victoria Ave., Ft. Myers, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to conduct a workshop to gather public testimony regarding management recommendations made by the FWC's ad hoc Spiny Lobster Advisory Board regarding the agencies' comprehensive evaluation of its spiny

lobster management strategy. Issues to be discussed will encompass all aspects of management of the commercial and recreational fisheries and will include, but not be limited to, allocation of landings between fishing sectors, season length, license fee structure, and the Special Two-Day Sport Season.

A copy of the agenda may be obtained by contacting: Mark Robson, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

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: Mark Robson, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

The Florida **Fish and Wildlife Conservation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: October 17, 2007, 6:00 p.m. – 8:00 p.m.

PLACE: Orlando City Hall, City Council Chambers, 400 S. Orange Ave., Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to conduct a workshop to gather public testimony regarding management recommendations made by the FWC's ad hoc Spiny Lobster Advisory Board regarding the agencies' comprehensive evaluation of its spiny lobster management strategy. Issues to be discussed will encompass all aspects of management of the commercial and recreational fisheries and will include, but not be limited to, allocation of landings between fishing sectors, season length, license fee structure, and the Special Two-Day Sport Season.

A copy of the agenda may be obtained by contacting: Mark Robson, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

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: Mark Robson, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

The Florida **Fish and Wildlife Conservation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: October 18, 2007, 6:00 p.m. – 8:00 p.m.

PLACE: Florida Fish and Wildlife Conservation Commission, FWRI Karen A. Steidinger Auditorium, 100 8th Avenue, S. E., St. Petersburg, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to conduct a workshop to gather public testimony regarding management recommendations made by the FWC's ad hoc Spiny Lobster Advisory Board regarding the agencies' comprehensive evaluation of its spiny lobster management strategy. Issues to be discussed will encompass all aspects of management of the commercial and recreational fisheries and will include, but not be limited to, allocation of landings between fishing sectors, season length, license fee structure, and the Special Two-Day Sport Season.

A copy of the agenda may be obtained by contacting: Mark Robson, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

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: Mark Robson, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE OF CHANGE – The **Department of Financial Services, Florida Board of Funeral, Cemetery and Consumer Services** announces a public meeting to which all persons are invited.

DATE AND TIME: October 10, 2007, 10:00 a.m. – 5:00 p.m.

PLACE: ***PLEASE NOTE THAT THE LOCATION HAS CHANGED*** Betty Easley Conference Center, Department of Management Services, 4075 Esplanade Way, Room 152, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The above date relates to the next meeting of the Board of Funeral, Cemetery and Consumer Services. The public is advised to check with Department of Financial Services staff (Ms LaTonya Bryant at (850)413-3039), before traveling to a scheduled meeting on the date above, to ascertain whether the meeting has been cancelled. Notice of such cancellations will be posted on the home page of the Division of Funeral, Cemetery & Consumer Services, which is on the website of the Department of Financial Services (www.fldfs.com), as soon as known.

A copy of the agenda may be obtained by contacting: Department of Financial Services, Division of Funeral, Cemetery & Consumer Services, Attn: LaTonya Bryant, 200 East Gaines Street, Tallahassee, FL 32399-0361, or by calling Ms Bryant at (850)413-3039. Agendas will be available on the home page of the Division of Funeral, Cemetery & Consumer Services, on the website of the Department of Financial Services (www.fldfs.com).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting LaTonya Bryant at (850)413-3039. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

FINANCIAL SERVICES COMMISSION

NOTICE OF CHANGE – The **Office of Insurance Regulation** announces a public hearing to which all persons are invited. The location of the Public Hearing has been changed.

DATE AND TIME: October 8, 2007, 1:00 p.m. – conclusion

PLACE: Cabinet Meeting Room, LL-03, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider a Workers' Compensation filing made by the National Council on Compensation Insurance, Inc., by which the Council requests an overall average decrease in rate levels of

16.5% for the voluntary market for all new and renewal Workers' Compensation Insurance policies written in the State of Florida, effective January 1, 2008.

A copy of the agenda may be obtained by contacting: James Watford, Actuary, Room 212-F, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0330.

Pursuant to the provisions of 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 Sam Coskey at (850)413-2616 or e-mail him at sam.coskey@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 Sam Coskey at (850)413-2616 or e-mail him at sam.coskey@fldfs.com.

The **Office of Insurance Regulation** announces a hearing to which all persons are invited.

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

PLACE: Cabinet Room, Lower Level, Florida Capitol Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: USAA Group has requested an overall rate increase of 53.9% for its homeowner policies (FLR 07-140996), effective December 31, 2007, for new and renewal business. The requested rate increase is not uniform and some areas are subject to higher rate increases.

Florida law allows the Office of Insurance Regulation to hold a public hearing for any purpose within the scope of the Insurance Code deemed to be necessary. Input from interested parties will be received at this public hearing. If you are unable to attend this public hearing, please forward your comments to ratehearings@fldfs.com. The subject line of your e-mail should read "USAA."

Pursuant to the provisions of 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 Sam Coskey at (850)413-2616 or e-mail him at sam.coskey@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 Sam Coskey at (850)413-2616 or e-mail him at sam.coskey@fldfs.com.

The **Office of Insurance Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: October 9, 2007, 1:00 p.m.

PLACE: Cabinet Room, Lower Level, Florida Capitol, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Companion Property and Casualty Insurance Company, Inc. has requested a 63.4% overall increase for new and renewal home owners HO-6 policies, effective 10/29/07. The rate increases are not uniform and some areas are subject to higher rate increases.

Florida law allows the Office of Insurance Regulation to hold a public hearing for any purpose within the scope of the Insurance Code deemed to be necessary. Input from interested parties will be received at this public hearing. If you are unable to attend this public hearing, please forward your comments to ratehearings@fldfs.com. The subject line of your email should read "Companion".

Pursuant to the provisions of 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 Sam Coskey at (850)413-2616 or email him at sam.coskey@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 Sam Coskey at (850)413-2616 or email him at sam.coskey@fldfs.com.

The **Office of Insurance Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: October 11, 2007, 1:00 p.m.

PLACE: Cabinet Room, Lower Level, Florida Capitol, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: American Southern Home Insurance Company has requested a 24.6% overall increase for new and renewal mobile home owners policies. The rate increases are not uniform and some areas are subject to higher rate increases.

Florida law allows the Office of Insurance Regulation to hold a public hearing for any purpose within the scope of the Insurance Code deemed to be necessary. Input from interested parties will be received at this public hearing. If you are unable to attend this public hearing, please forward your comments to ratehearings@fldfs.com. The subject line of your email should read "American Southern".

Pursuant to the provisions of 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 Sam Coskey at (850)413-2616 or email him at sam.coskey@fldfs.com at least 48 hours before the hearing. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Stephen H. Thomas, Jr., Esquire at (850)413-4142 or Sam Coskey at (850)413-2616.

The **Financial Services Commission, Office of Insurance Regulation** and the **Governor's Continuing Care Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: October 11, 2007, 1:00 p.m.

PLACE: The Office of Insurance Regulation, 200 East Gaines Street, Larson Building, Room 601B, Tallahassee, FL 32399-0331

GENERAL SUBJECT MATTER TO BE CONSIDERED: To appoint a new chairperson and vice chairperson for the Advisory Council and discuss issues currently facing the Continuing Care industry.

A copy of the agenda may be obtained by contacting Christopher Struk at Christopher.Struk@fldfs.com or (850)413-2480.

Pursuant to the provisions of 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 Christopher Struk at Christopher.Struk@fldfs.com or (850)413-2480. If you are 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 Christopher Struk at Christopher.Struk@fldfs.com or (850)413-2480.

SOIL AND WATER CONSERVATION BOARD

The **Clay Soil and Water Conservation Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 1, 2007, 1:00 p.m.

PLACE: Clay County Extension Office, 2463 State Road 16 West, Green Cove Springs, FL 32043

GENERAL SUBJECT MATTER TO BE CONSIDERED: A public meeting.

A copy of the agenda or for more information, you may contact: Savannah Pipkins, P. O. Box 278, Green Cove Springs, FL 32043-0278, (904)284-6355.

The **Okeechobee Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 3, 2007, 8:00 a.m.

PLACE: USDA Service Center, 452 U.S. Hwy. 98, North, Okeechobee, FL 34972

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting Okeechobee Soil and Water Conservation District, Gail Lewis at (863)763-3619, ext. 502.

Pursuant to the provisions of 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 OSWCD, Gail Lewis at (863)763-3619. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Orange Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: October 10, 2007, 4:00 p.m.

PLACE: Orange County Cooperative Extension Service, 6021 S. Conway Road, Orlando, FL 32812

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business of the District, Regular Monthly Meeting.

A copy of the agenda may be obtained by contacting Tim Adams at (407)816-3636 or giftsearch10@aol.com.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

NOTICE OF RESCHEDULING – The **Clay Soil and Water Conservation Board** announces a public meeting to which all persons are invited.

DATE AND TIME: October 1, 2007 has been CANCELLED. Next meeting will be Monday, November 5, 2007, 1:00 p.m.

PLACE: Clay County Extension Office, 2463 State Road 16 West, Green Cove Springs, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: A public meeting.

A copy of the agenda or for more information contact: Savannah Pipkins, P. O. Box 278, Green Cove Springs, FL 32043, (904)284-6355.

TAMPA BAY ESTUARY PROGRAM

The **Tampa Bay Estuary Program (TBEP)** announces scheduling of a Management Board Meeting via conference call to which all persons are invited.

DATE AND TIME: Wednesday, October 3, 2007, 2:00 p.m.

PLACE: Via Conference Call. Please contact Ron Hosler at (727)893-2765 or ron@tbep.org if you would like to join the conference call.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Action will be taken on approval of a contractor for the FY 07-08 Technical Support Contract.

Please note that if a person decides to appeal any decision made by the Tampa Bay Estuary Program Management Board regarding any matter considered at the above-cited meeting, he

will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

CENTER FOR INDEPENDENT LIVING IN CENTRAL FLORIDA, INC.

The **Center for Independent Living in Central Florida, Inc.** will hold its next Board Meeting to which all interested parties are invited.

DATE AND TIME: October 3, 2007, 6:00 p.m.

PLACE: Center for Independent Living in Central Florida, Inc., 720 North Denning Drive, Winter Park, FL 32789

For an agenda or other information contact Luana Kutz at (407)623-1070 or via e-mail at lkutz@cilorlando.org.

BLUEPRINT COMMISSION

The **Blueprint Commission** announces a public meeting to which all persons are invited.

PLACE: Florida Hotel and Conference Center, 1500 Sand Lake Drive, Orlando, FL

DATE AND TIMES: Thursday, October 4, 2007, 1:00 p.m. – 6:30 p.m. This meeting will be open to public comment from 4:30 p.m. – 6:30 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission welcomes the public to attend this meeting, which will include presentations from juvenile justice stakeholders and a determined time for citizens to provide input and suggestions for improving Florida's juvenile justice system. Public comment will be received from 4:30 p.m. until 6:30 p.m. on any issue related to juvenile justice.

DATE AND TIME: Friday, October 5, 2007, 8:30 a.m. – 12:30 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Is for presentations only; public comment will not be received. Speakers will be required to fill out a public testimony card available at the registration table outside the meeting room and are limited to five minutes.

H. LEE MOFFITT CANCER CENTER AND RESEARCH AUTHORITY

The **Florida Cancer Control and Research Advisory Council** announces a workshop to which all persons are invited.

DATE AND TIME: October 8, 2007, 11:00 a.m. – 3:00 p.m.

PLACE: Tampa Airport Marriott, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: A workshop.

A copy of the agenda may be obtained by contacting Sue Middleton at (813)745-1339.

TREASURE COAST EDUCATION, RESEARCH AND DEVELOPMENT AUTHORITY

The **Treasure Coast Education, Research and Development Authority** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Tuesday, October 10, 2007, 1:00 p.m.

PLACE: University of Florida Indian River Research and Education Center, 2199 South Rock Road, Fort Pierce, Florida
GENERAL SUBJECT MATTER TO BE CONSIDERED: Minutes of September 11, 2007 meeting, Treasurer's report, Master Plan and Visioning Session update, Work Plan, Park Covenants, committee reports, and such other business as the Authority may deem appropriate.

Those who desire a copy of the agenda or anyone with a disability requiring accommodation to attend this meeting should contact the Authority at (772)467-3107 prior to the meeting.

FLORIDA PATIENT SAFETY CORPORATION

The **Florida Patient Safety Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 11, 2007, 10:00 a.m.

PLACE: Florida Hospital Association, Regional Office – Orlando, 307 Park Lake Circle, Orlando, FL 32803

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Patient Safety Corporation, Board of Directors Meeting.

A copy of the agenda may be obtained by writing to: Florida Patient Safety Corporation, 2722 Waterford Glen Court, Tallahassee, Florida 32312. Agendas can also be requested via e-mail at susan.a.moore@comcast.net. To be included in e-mail notices of the Florida Patient Safety Corporation Board, please mail/e-mail your address to the address above or fax your e-mail address to (850)893-4259.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)893-8936.

AREA AGENCY ON AGING OF PASCO-PINELLAS

The **Area Agency on Aging of Pasco-Pinellas** announces a public meeting to which all persons are invited.

DATE AND TIME: October 15, 2007, 9:30 a.m.

PLACE: Area Agency on Aging of Pasco-Pinellas, 9887 4th Street, North, Suite 100, St. Petersburg, FL 33702

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items related to Area Agency on Aging of Pasco-Pinellas Business and Board of Directors oversight.

A copy of the agenda may be obtained by contacting: Elizabeth Laubach, 9887 4th Street, N., Suite 100, St. Petersburg, FL 33702, (727)570-9696.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Elizabeth Laubach, 9887 4th Street, N., Suite 100, St. Petersburg, FL 33702, (727)570-9696. If you are 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: Elizabeth Laubach, 9887 4th Street, N., Suite 100, St. Petersburg, FL 33702, (727)570-9696.

The **Area Agency on Aging of Pasco-Pinellas** announces a public meeting to which all persons are invited.

DATE AND TIME: November 19, 2007, 9:30 a.m.

PLACE: Area Agency on Aging of Pasco-Pinellas, 9887 4th Street, N., Suite 100, St. Petersburg, FL 33702

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items related to Area Agency on Aging of Pasco-Pinellas Business and Board of Directors oversight.

A copy of the agenda may be obtained by contacting: Elizabeth Laubach, 9887 4th Street, N., Suite 100, St. Petersburg, FL 33702, (727)570-9696.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Elizabeth Laubach, 9887 4th Street, N., Suite 100, St. Petersburg, FL 33702, (727)570-9696.

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Fred Fogg In Re: Holiday Shores Park, Inc.; Docket No. 2007046362. The petition seeks the agency's opinion as to the applicability of Section 719.1055, Florida Statutes, as it applies to the petitioner.

Whether a 1990 amendment to Holiday Shores Park Cooperative bylaws to change the assessment shares from equal shares to percentage shares based on lot location is legal under Section 719.1055, Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Rita Z. Veitmeier, In Re: Emerald Tower Association, Inc.; Docket Number: 20070447745. The petition seeks the agency's opinion as to the applicability of Sections 718.112(2)(f)2. and 718.113, Florida Statutes, as it applies to the petitioner.

Whether the board of Emerald Tower Association, Inc. may impose a special assessment against the unit owners for repairs to the parking deck where paving reserve funds are inadequate to cover the expense under Sections 718.112(2)(f)2. and 718.113, Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: the Division Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF EDUCATION

Notice of Bid/Request for Proposal
NOTICE TO CONSTRUCTION MANAGERS
The University of South Florida announces Construction Management Services will be required for the project listed below:

PROJECT NO: 534

PROJECT AND LOCATION: Interdisciplinary Science Teaching and Research Facility (ISA), University of South Florida, Tampa Campus, Tampa, Florida.

PROJECT DESCRIPTION: The Interdisciplinary Science Teaching and Research Facility (ISA) is planned to consist of the design and construction of a new, approximately 140,700 NASF (234,500 GSF) multi-story facility to accommodate upper and lower division interdisciplinary teaching and research needs of the University. The facility is planned to include research labs (52,000 NASF); teaching labs (36,400 NASF); classrooms (11,000 NASF); office space (9,000 NASF); study areas (1,000 NASF) and shell space (31,300 NASF). Components within the facility shall include two 300-seat lecture halls, a Bio-nano Research Laboratory, an Imaging Center, and a Nuclear Magnetic Resonance (NMR) facility, among other specialized laboratories. The construction budget is estimated to be approximately \$68,300,000 including site development and hurricane hardening. Project development is contingent upon availability of funds. If additional funding is realized, the University has the option to incorporate additional scope/funding under this contract including completion of shell space.

The University is seeking to hire a Construction Management team with extensive experience in interdisciplinary science teaching and research facility construction. The contract for Construction Management Services shall consist of a pre-construction services phase and a construction phase. The pre-construction services phase, for which the Construction Manager will be paid a fixed fee, will include value engineering, constructability analyses, development of cost models, estimating, and the development of a Guaranteed Maximum Price (GMP) at the 50% Construction Document phase. If the GMP is accepted, the Construction Phase will be implemented. Early bid packages for fast track and multi-phase development may be required to meet project goals. In the Construction Phase of the contract, the Construction Manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for Phase 1 of the contract, or to arrive at an acceptable GMP within the time provided in the agreement, may result in the termination of the Construction Manager's contract. It is the University's responsibility to negotiate a fair, competitive, and reasonable compensation for pre-construction services and overhead and profit fees for the project. A fair, competitive and reasonable compensation shall be evaluated based upon the following information: (1) Compensation on similar projects, (2) other compensation reference data; and (3) after approval of the ranking, proposals requested from the short listed firms based upon a scope of services document to be provided at the time of negotiations. Selection of finalists for interviews will be made on the basis of Construction Manager qualifications

including applicant's experience (particularly with interdisciplinary science teaching and research facilities), applicant's personnel, applicant's ability to provide service, (record-keeping/administrative ability, recording of as-built conditions, critical path scheduling expertise, conceptual cost estimating and cost control ability, quality control capability, etc.) and the applicant's license, bondability and insurability. As part of the University of South Florida's strategic plan, USF made a commitment to foster a diverse community distinguished by a shared purpose, collaboration, open and timely communication, mutual respect, trust, and inclusiveness. The University of South Florida is an equal opportunity institution, and, as such, strongly encourages the lawful use of certified Minority and Women-owned Business Enterprises ("MBEs") in the provision of design and construction-related services by providing a fair and equal opportunity to compete for, or for participation in, design and/or construction-related services. Finalists will be provided with a copy of the building program and the latest documentation prepared by the project Architect/Engineer, a description of the final interview requirements, and a copy of the standard University of South Florida Construction Management Agreement. The Construction Manager shall have no ownership, entrepreneurial, or financial affiliation with the selected Architect/Engineer involved with this project. INSTRUCTIONS: Firms desiring to apply to provide Construction Management services for the project shall submit a letter of interest and a completed "USF Construction Manager Qualifications Supplement, dated September 2007" with attachments and additional information required. Proposals must not exceed sixty (60) pages, including the Construction Manager Qualifications Supplement, letter of interest, attachments and additional information. Pages must be numbered consecutively. Submittals that do not comply with these requirements or do not include the requested information may not be considered. Submittals are part of the public record and no submittal material will be returned. All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a Construction Management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected Construction Management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000 in connection with this project for a period of 36 months from the date of placement on the convicted vendor list. The University of South Florida Construction Manager Qualifications Supplement Form, dated September 2007 and the Project Fact Sheet may be obtained by contacting: Ms. Kathy Bennett, Contracts Coordinator, Facilities Planning and Construction,

University of South Florida, 4202 East Fowler Avenue, FPC110, Tampa, Florida 33620-7550, via e-mail at kbennett@admin.usf.edu or phone (813)974-3098, (813)974-2625 or Fax (813)974-3542. Interested firms are invited to attend a Pre-Submittal Meeting at the University of South Florida, Tampa Campus, to be held at 2:00 p.m. (Eastern Time), Tuesday, October 16, 2007, in the Phyllis P. Marshall Center, Room 132, 4202 East Fowler Avenue, Tampa, Florida 33620, to review the scope and requirements of this project. All interested firms are encouraged to attend. Requests for meetings by individual firms will not be granted. It shall be noted that no verbal communication shall take place between the applicants, and the employees of the University of South Florida, except as provided at the Pre-Submittal Meeting, the Pre-Interview Meeting and the request for project information (the CMQS and Fact Sheet) and clarifications. Requests for any project information or clarification must be in writing to: Ms. Kathy Bennett, Contracts Coordinator, Facilities Planning and Construction, University of South Florida, 4202 East Fowler Avenue, FPC110, Tampa, Florida 33620-7550, via e-mail at kbennett@admin.usf.edu or phone (813)974-3098, (813)974-2625 or Fax (813)974-3542. One (1) original and six (6) copies of the above requested data, bound in the order listed shall be addressed to: Michael L. Walden, Project Manager, Facilities Planning and Construction, FPC110, University of South Florida, 4202 East Fowler Avenue, Tampa, Florida 33620-7550. Submittals must be received at the above campus address by 2:00 p.m. (Eastern Time), on Friday, October 26, 2007. Facsimile (Fax) or electronic submittals are not acceptable and will not be considered. The University reserves the right to suspend or discontinue the selection process at any time and to return or reject any or all submissions of Construction Manager proposals without obligation to the respondent.

CALL FOR BIDS

The University of West Florida Board of Trustees is soliciting sealed bids for the following:

Stormwater Outfall #13

Rehabilitation Emergency Watershed Program

A Mandatory Pre-Solicitation Conference will be held on Tuesday, October 9, 2007, 2:00 p.m. (CST), Building 8, Room 117, The University of West Florida, 11000 University Parkway, Pensacola, FL 32514.

All bidders are required to attend the pre-solicitation conference. Potential subcontractors are invited to attend to become familiar with the project specifications and to become acquainted with contractors who may bid the project.

Sealed bids will be received until Tuesday, October 23, 2007 at 2:00 p.m. (CST), Procurement and Contracts, Bldg. 8, Room 102, The University of West Florida, 11000 University Parkway, Pensacola, FL 32514.

Bid number 07/ITB-06/JJ must be marked on outside of bid package. Bids must be submitted in full and in accordance with the requirements of all terms and conditions of the Invitation to Bid.

View this solicitation and related information on the Procurement and Contracts' website at <http://uwf.edu/> procurement. All plans and specifications may be downloaded from this site. All questions should be directed to Judy Jasmyn at jjasmyn@uwf.edu or (850)474-2633.

NOTICE OF CHANGE CALL FOR BIDS

made by the University of Central Florida

PROJECT NAME, NUMBER AND LOCATION: AMPAC Laboratory/Office Building, single story 8,000 gsf to be placed on an existing slab, University of Central Florida, Main Campus Bid No. 06ZN4007

QUALIFICATION: All Bidders must be pre-qualified in accordance with the Instructions to Bidders, Article B-2. This information is posted on our website:

<http://www.fp.ucf.edu/Advertisements/Advertisements.htm>.

Pre-qualification statements are due at the office of KZF Architects, 2101 Park Center Drive, Suite 290, Orlando, FL 32835, (407)298-1988, by 2:00 p.m., October 11, 2007. Address to the attention of Joe Morgan, AIA. Sealed bids will be received on:

DATE AND TIME: November 8, 2007, until 2:00 p.m. (Local Time)

PLACE: Physical Plant Complex, 4000 Central Florida Blvd., Building 16 Libra Drive, at which time and place they will be publicly opened and read aloud.

Contract award will be made subject to the availability of funds. **PROPOSAL:** Bids must be submitted in full and in accordance with the requirements of the drawings and Project Manual, information may be obtained at the office of the Architect/Engineer at KZF Architects, 2101 Park Center Drive, Suite 290, Orlando, FL 32835, (407)298-1988.

PURCHASE: Full sets of bidding documents may be at the local plan rooms. Full sets may be purchased through NGF's Orlando Office at (407)898-3881 or Metro West Office at (407)290-6381, at standard printing and handling cost. If you have already purchased a full set and addendum one and two you do not need to purchase another set but you must download the revised project manual/front end. This information is posted on our website <http://www.fp.ucf.edu>.

PUBLIC ENTITY CRIMES: As required by Section 287.133, Florida Statutes, a contractor may not submit a bid for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The successful contractor must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant

in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

NOTICE FOR CONSTRUCTION MANAGERS SERVICES Request for Qualifications – RFQ 08-06

The University of North Florida – Board of Trustees, a public body corporate, announces that Construction Management Services will be required for an Athletic Track and Field Facility located at the University of North Florida, Hodges Stadium, 1 UNF Drive, Jacksonville, Florida.

The project consists of the complete installation of a new 400 meter, nine (9) lane, 14mm (9/16") prefabricated synthetic sports surfacing system (mondo) including in ground field event equipment, striping, concrete or bituminous substrate and subsurface drainage system connection. Construction Management Firms wishing to be considered must have demonstrable previous experience with the system and technical requirements.

Firms interested in providing construction management services for this project shall submit a letter of application and a complete "University of North Florida Construction Manager Qualifications Supplement". No submittal material will be returned.

Minority Business participation is strongly recommended and supported by the University of North Florida.

As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Vendor shall have established equal opportunity practices which conform to all laws against discrimination and prohibits discrimination based on race, creed, color, sex, age, national origin, marital status or religion; neither Vendor nor any subcontractor or other person, firm or business entity with whom it would be engaged in a combined effort to perform the services has hired any person who is an officer or employee of UNF.

UNF Construction Manager Qualifications Supplement forms and additional information may be obtained by contacting:

Evelyn Jenkins Burton
Purchasing Department Bldg. 6
University of North Florida
1 UNF Drive, Jacksonville, Florida 32224
Phone: (904)620-1732
Email: e.jenkins@unf.edu

Submit eight (8) copies of application to: University of North Florida, Purchasing Department, Attn: Evelyn Jenkins Burton, Building 6, 1 UNF Drive, Jacksonville, Florida 32224. Application packages must be received no later than 2:00 p.m. (Local Time), October 30, 2007. Facsimile (FAX) submittals are not acceptable and will not be considered.

PUBLIC ANNOUNCEMENT FOR PROFESSIONAL SERVICES FOR ARCHITECTURE-ENGINEERING

The Florida School for the Deaf and the Blind (FSDB) announces that professional services are required for the project listed below.

PROJECT NUMBER: FSDB-20080007

PROJECT NAME: Bryant Hall Renovations

PROJECT LOCATION: The Florida School for the Deaf and the Blind, 207 N. San Marco Ave., St. Augustine, FL 32084-2799.

SERVICES TO BE PROVIDED: Architectural and engineering services including, but not limited to: structural, mechanical and electrical design work for the complete preparation of construction documents necessary for renovations to Bryant Hall-Building #33. Basic construction administrative services will be required.

PROJECT BUDGET: \$5,520,000

FSDB PROJECT MANAGER: Brad Meade

PHONE NUMBER: (904)827-2363

RESPONSE DUE DATE: Tuesday, October 30, 2007, no later than 3:00 p.m.

INSTRUCTIONS

Firms interested in being considered for this project must submit four (4) copies of their application with table of contents and tabbed sections containing the following information:

1. Letter of interest which indicates the firm's qualifications, related experience, the firm's abilities to do the work and other pertinent data.
2. Current Professional Qualifications Supplement (PQS) Form DBC5112.
3. A copy of firm's current Florida Professional Registration License Renewal.
4. For Corporations only: If the firm offering services is a corporation, it must be properly chartered with the Department of State to operate in Florida and must provide a copy of the firm's current Florida Corporate Charter.
5. Completed SF-254.
6. Completed SF-255.

Firms must be properly registered at the time of application to practice their profession in the State of Florida. Representative samples of related work may be submitted in a separate binder. Applications that do not comply with these instructions or those that do not include the requested data may not be

considered. All information received will be maintained with the project file and will not be returned. Applicants are advised that plans and specifications for A/E projects may be reused.

Applications are to be sent or delivered to: Florida School for the Deaf and the Blind, Attn: Mr. John Connor, Purchasing Director, 207 N. San Marco Ave., Building #28 Stores/Receiving, St. Augustine, FL 32084-2799.

Applicants will be short-listed on Tuesday, November 6, 2007. Following the short-list selection, a pre-interview workshop will be held on Tuesday, November 13, 2007 for all short-listed firms. Interviews will be conducted on Tuesday, November 27, 2007. A final selection will be made after the interviews have taken place. Selections will be made in accordance with Section 287.055, Florida Statutes. The selected firm will be given official notice of selection results by FAX and/or mail.

The results of the short-list and final selection will be posted at: FSDB, 207 N. San Marco Ave., Building #28 Stores/Receiving, 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 the selection. Any protests of the selection must be made within 72 hours of the posting. 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."

STATE BOARD OF ADMINISTRATION

Invitation to Negotiate

The State Board of Administration (SBA) announces an Invitation to Negotiate (ITN) to receive responses from any firm interested in being considered for financial education and advice for participants in the FRS Pension Plan (defined benefit) and the FRS Investment Plan (defined contribution). The current financial education and advice programs are complex and include significant participation from its almost 700,000 active retirement system members. Services will include, but not be limited to, on-line investment advice; telephone retirement and financial counseling; one-on-one, in-person retirement and financial counseling; creation of participant statements; financial education workshops and seminars; and preparing on-line applications. It is not necessary for your firm to supply all of these services; the ITN will allow you to indicate the services for which you would like to be considered.

The ITN will be released on October 26, 2007, and can be found online at www.sbafla.com under the "Jobs & Vendors" tab and then clicking on the "Vendors" tab. Responses to the ITN will be due on November 16, 2007.

The two meetings announced below are both public meetings. The SBA's Evaluation Team will meet on Wednesday, December 12, 2007, to score and rank the responses. This meeting will be held in the Hermitage Room, The Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida, from 9:00 a.m. until 12:00 Noon.

The SBA's Evaluation Team will meet on Thursday, January 3, 2008, to make final recommendations. This meeting will also be held in the Hermitage Room, The Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida from 9:00 a.m. until conclusion of the discussion.

The contracts are expected to become effective on July 1, 2008.

EXPRESSWAY AUTHORITIES

INVITATION TO BID

MDX PROCUREMENT/CONTRACT NO.: ITB-08-02

MDX WORK PROGRAM NO.: N/A

SYSTEM-WIDE MISCELLANEOUS CONCRETE INSTALLATIONS AND IMPROVEMENTS

The Miami-Dade Expressway Authority (MDX) is requesting individual sealed bids for System-Wide Miscellaneous Concrete Installations and Improvements. The Work consists of, but is not limited to, providing all labor, maintenance of traffic schemes, materials, equipment and incidentals necessary for system-wide installations of concrete drainage structures, sidewalk and ADA ramps, curbing and traffic separators, stucco fascia and block wall repairs, grout pads under sign and light structures, and other concrete and structural installations and improvements as needed, at various locations of the MDX System. All bidders shall be certified with Miami-Dade County in any category or level of the Community Small Business Enterprise (CSBE) Program. MDX notifies all Bidders and individuals that it requires and encourages small, minority and women-owned businesses to have full opportunity to submit a response to any solicitation document issued by MDX. For copies of the ITB with complete information on the scope of services as well as submittal requirements, please log onto our web site: www.mdx-way.com or call MDX Procurement Office at (305)637-3277. Please note: In order to download any MDX solicitations, you must register as a vendor. The vendor registration can only be done through MDX's website. Deadline for submitting a Bid Package is November 6, 2007, by 2:00 p.m. (Eastern Time). A Pre-bid conference is

scheduled for October 17, 2007, 10:00 a.m. Attendance to the Pre-bid conference is NOT mandatory however, everyone is encouraged to attend.

DEPARTMENT OF MANAGEMENT SERVICES

Notice of Bid/Request for Proposal FOR GENERAL CONTRACTORS

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS BY THE DEPARTMENT OF MANAGEMENT SERVICES HEREINAFTER REFERRED TO AS OWNER FOR THE CONSTRUCTION OF:

PROJECT NUMBER: MSFM-27022010

PROJECT NAME: Florida Department of Children and Family Services, Winewood Office Complex, Interior Remodeling, and Renovations

PROJECT LOCATION: Tallahassee, Florida

ESTIMATED CONSTRUCTION BUDGET: \$954,780.00

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 Advertisement – Division of Real Estate Development and Management." http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu.

Notice of Bid/Request for Proposal

FOR ARCHITECTURE AND ENGINEERING SERVICES

The Department of Management Services (DMS), Division of Real Estate Development and Management, announces that professional services are required for the project(s) listed below.

PROJECT NUMBER: LEG-27025000

PROJECT NAME: Computer Room Renovations – G-50, OLITS, Pepper Building

PROJECT LOCATION: Tallahassee, Florida

ESTIMATED CONSTRUCTION BUDGET: \$5,000,000.00

For details please visit the Department's website listed below and click on "Search Advertisement – Division of Real Estate Development and Management." http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu.

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: LEG-27025000

PROJECT NAME: Computer Room Renovations – G-50, OLITS, Pepper Building

LOCATION: Tallahassee, Florida

ESTIMATED CONSTRUCTION BUDGET: \$5,000,000.00

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 Advertisement – 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."

NOTICE OF INVITATION TO BID

BID NO. BDC15-07/08

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Construction is soliciting formal competitive bids for the project listed below:

PROJECT NAME: Fort Clinch State Park-Fishing Pier Repairs

SCOPE OF WORK: The contractor shall provide the necessary labor, supervision, equipment and materials required to remove existing boardwalk decking, railing and replace incorporating ADA slopes and landings all surfaces to be weather sealed. Additionally, the contractor shall furnish all labor, materials, equipment and supervision necessary to strip marine growth, inspect, and document damages to all pilings, implement repair procedures, as specified, for affected pilings. Install piling jackets (life jacket) with cathodic protection on an estimated 24 piles. There are an estimated 6 piles to be sealed injected, 6 piles to be patched and 60 piles to be patched at the lifting loop. Piling cap repair and hollow core slab repair/replacement is also included in the scope of this Project.

PARK LOCATION: Fort Clinch State Park, 2601 Atlantic Ave., Fernandina Beach (Nassau County), FL 32034

PROJECT MANAGER: Randall Strange, Telephone Number: (850)488-5372, Fax Number: (850)488-3537.

MINORITY BUSINESS REQUIREMENT: The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

PREQUALIFICATION: When the total bid price including alternates exceeds \$200,000.00, each bidder whose field is governed by Chapter 399, 489, and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility prior to the bid closing date.

INSTRUCTIONS: Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number below. Plans and specifications will be available on Friday, September 28, 2007 at: Fort Clinch State Park, 2601 Atlantic Ave., Fernandina Beach, Florida 32034, Attention: Peter Scalco, Park Manager, Telephone Number: (904)277-7274.

MANDATORY PRE-BID CONFERENCE: A mandatory pre-bid conference will be held for all interested bidders at 10:00 a.m. at the Fort Clinch State Park Administrative Office on Tuesday, October 16, 2007. All prospective contractors submitting a response as a result of this Invitation to Bid MUST be represented in order for their response to be considered. A joint venture must be represented by at least one firm participating in the joint venture. Failure by a prospective contractor to be represented at the mandatory meeting will result in the elimination of the prospective contractor's bid from further consideration.

ADA REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact Michael Renard with the Bureau of Design and Construction at (850)488-5372, at least five (5) workdays prior to opening. If you are hearing or speech impaired, please contact the Florida Relay Services by calling 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

BID SUBMITTAL DUE DATE: No later than 3:30 (EDST) p.m., Tuesday, October 30, 2007 to the below address: Florida Department of Environmental Protection, Bureau of Design and Construction, 3540 Thomasville Road, Tallahassee, Florida 32309. For questions concerning the ad or bidding procedures, contact Michael Renard, Construction Projects Administrator 2, Bureau of Design and Construction. The Department reserves the right to reject any or all bids.

NOTICE OF INVITATION TO BID

BID NO. BDC16-07/08

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Construction is soliciting formal competitive bids for the project listed below:

PROJECT NAME: Letchworth – Love Mounds Archaeological State Park – Park Development

SCOPE OF WORK: The contractor shall provide the necessary labor, supervision, equipment and materials required to satisfactorily complete the proposed day-use area. The project will include construction of a 30 car parking lot, roadway

improvements, construction of a four fixture restroom with septic tank and drainfield and installation of a well with a water treatment system. The contractor will also be responsible for acquiring all applicable permits and coordination connection of all needed utilities.

PARK LOCATION: Letchworth-Love Mounds, 15 miles east of Tallahassee off Highway 90 – Leon County

PROJECT MANAGER: Patty Vickers, Telephone Number: (850)488-5372, Fax Number: (850)488-1141.

MINORITY BUSINESS REQUIREMENT: The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

PREQUALIFICATION: When the total bid price including alternates exceeds \$200,000.00, each bidder whose bid is governed by Chapter 399, 489, and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility prior to the bid closing date.

INSTRUCTIONS: Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number below. Plans and specifications will be available on Friday, September 28, 2007 at: Letchworth-Love Mounds c/o St. Marks administration, 1022 Desoto Park Drive, Tallahassee, Florida 32301, Attention: Barry Birch, Park Manager, Telephone Number: (850)922-6007.

ADA REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact Michael Renard with the Bureau of Design and Construction at (850)488-5372 at least five (5) workdays prior to opening. If you are hearing or speech impaired, please contact the Florida Relay Services by calling 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

BID SUBMITTAL DUE DATE: No later than 3:30 (EDST) p.m., Tuesday, October 23, 2007, to the below address: Florida Department of Environmental Protection, Bureau of Design and Construction, 3540 Thomasville Road, Tallahassee, Florida 32309. For questions concerning the ad or bidding procedures, contact Michael Renard, Construction Projects Administrator 2, Bureau of Design and Construction. The Department reserves the right to reject any or all bids.

FISH AND WILDLIFE CONSERVATION COMMISSION

Notice of Bid/Request for Proposal

BIDS ARE REQUESTED FROM QUALIFIED CERTIFIED/REGISTERED CONTRACTORS BY THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FOR THE CONSTRUCTION OF:

BID No.: FWC 07/08-10

BID NAME: Construction of Field Office at the J.W. Corbett Wildlife Management Area, Palm Beach County, Florida

FOR: Construction of a field office, J. W. Corbett Wildlife Management Area (WMA), Palm Beach County, Florida, per the bid specifications and construction documents.

PRE-BID CONFERENCE: A mandatory site visit/pre-bid conference will be held at 1:30 p.m. (Eastern Time), October 10, 2007.

REQUIRED BONDS: After award of Contract, a 100% Performance Bond will be required.

Sealed bids will be received, publicly opened and read aloud on:

DATE AND TIME: November 1, 2007, 2:30 p.m. (Eastern Time)

PLACE: Purchasing Office, Room 364, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-3427

BID DOCUMENTS: Bid Documents can be obtained by downloading at no cost from http://vbs.dms.state.fl.us/vbs/main_menu and search for Bid Number FWC 07/08-10.

CONTACT PERSON:

James Schuette

Florida Fish and Wildlife Conservation Commission

8535 Northlake Blvd.

West Palm Beach, Florida 33412

(561)624-6989

james.schuette@myfwc.com

Notice of Bid/Request for Proposal

MCNEIL'S POND HABITAT ENHANCEMENT

BIDS ARE REQUESTED FROM QUALIFIED CERTIFIED/REGISTERED CONTRACTORS BY THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FOR THE CONSTRUCTION OF:

PROJECT No.: FWC 07/08-31

PROJECT NAME: MCNEIL'S POND HABITAT ENHANCEMENT

PROJECT LOCATION: PONTE VEDRA BEACH, ST. JOHNS COUNTY

FOR: Work on this proposed project comprises dewatering McNeil's Pond, remove, haul and deposit unconsolidated pond-bottom organic sediments onto designated upland disposal sites within 1 mile radius as shown on the Drawings and specified in the specifications.

PRE-BID CONFERENCE: A non-mandatory pre-bid conference has been scheduled for 11:00 a.m. (EDT), Thursday, October 11, 2007 at McNeil's Pond Dam. McNeil's Pond is located in the Northeast corner of St. Johns County, Florida, wholly within Guana River Wildlife Management Area.

REQUIRED BONDS: Bids shall be accompanied by a bid guarantee of not less than five (5) percent of the amount of the bid.

After award of Contract, a 100% Performance Bond and a 100% Labor and Material Payment Bond Will be required.

Sealed bids will be received, publicly opened and read aloud on:

DATE AND TIME: October 26, 2007, 3:00 p.m. (EDT)

PLACE: Purchasing Office, Room 364, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, Tel. (850)488-3427

BID DOCUMENTS: Bid Documents can be obtained by Bidders upon payment of \$25.00, non-refundable, by contacting the Florida Fish and Wildlife Conservation Commission, Purchasing Office, Room-364, 620 South Meridian Street, Tallahassee, Florida 32399-1600, Tel. (850)488-3428. The payment envelope MUST be plainly marked on the outside with the bid number. The bid package will be sent overnight upon receiving payment by the above-mentioned Purchasing Office. Provide contact information, phone and fax number, as well as complete return address. **DO NOT PROVIDE POST OFFICE BOX FOR RETURN ADDRESS.**

Bid Documents can also be obtained by downloading at no cost from http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu and search for Bid Number FWC 07/08-31.

CONTACT PERSON:

Direct questions to the On-Site Wildlife Biologist:
Justin Ellenberger
Wildlife Biologist
Florida Fish and Wildlife Conservation Commission
440 Guana River Road
Ponte Vedra Beach, FL 32082
904-825-6877
FAX 904 825-6878
justin.ellenberger@MyFWC.com

PETER R. BROWN CONSTRUCTION, INC.

Notice of Bid/Request for Proposal

School Board of Brevard County

Additions and Renovations at Merritt Island High School

Brevard County

Merritt Island, FL

Peter R. Brown Construction, Inc. (CGC-061419), the Construction Manager for the School Board of Brevard County Phase Two of the Additions and Renovations at Merritt Island High School hereby solicits sealed proposals for the referenced project in accordance with the proposal documents to include but not limited to the following:

This phase of the project includes renovations and upgrades to seven existing buildings, expansion of an existing building and expanding/reconfiguring the student parking area, administration parking area and parent drop-off area.

The upgrades/renovations to the existing buildings include ADA related repairs/upgrades, HVAC equipment replacement and upgrades, electrical systems upgrades, educational technology upgrades, fire alarm systems, intercom systems and the addition of a fire sprinkler system to all existing buildings. Please Note: The Jessica Lunsford Act will be in effect for this project.

A pre-proposal meeting will be held at 3:30 p.m. (Local Time); Tuesday, October 23, 2007 at the following location:

Merritt Island High School

Peter R. Brown Construction, Inc. Jobsite Trailer

100 Mustang Way

Merritt Island, FL 32953

Deadline for receipt of All Proposal Packages has been set for 2:00 p.m., November 1, 2007. Only proposals received on or before the time and date listed will be considered. All proposals received after 2:00 p.m., of the day specified above, will be returned unopened.

All interested subcontractors must be pre-qualified or have completed the pre-qualification process within the last year. Please contact Jenny Sanchez, Estimator at (727)535-6407 to obtain information or documents about the pre-qualification requirements for this project:

School Board of Brevard County and Peter R. Brown Construction, Inc. are committed to provide equal opportunity and strongly encourage all interested M/WBE and SBE firms to submit proposals.

One set of plans and specifications will be supplied to all pre-qualified trade contractors at no cost. Drawings will be available on or about October 15, 2007. Trade contractors are responsible for the cost of shipping. Additional sets may be purchased directly from the copy center. Copy center information will be distributed with the Proposal Packages.

School Board of Brevard County and Peter R. Brown Construction, Inc. reserve the right to accept or reject any and all proposals in whole or part and to waive informalities and irregularities.

No verbal instruction or directives will be accepted regarding this project during the proposal period. All instructions or directives must be clarified through written Addenda or Supplements. All questions regarding the work should be directed to the Construction Manager, in writing by October 26, 2007. The Owner and Architect will not accept calls regarding this project.

VOLUNTEER FLORIDA

Volunteer Florida announces a request for proposals to operate an AmeriCorps program to support the areas of education, public safety, human needs, homeland security, and the environment utilizing AmeriCorps Members. Application instructions will be available on Volunteer Florida’s website at www.volunteerflorida.org on October 10, 2007. Proposals are due Friday, November 16, 2007.

Volunteer Florida, The Governor’s Commission on Volunteerism and Community Service was established in 1994 by the Florida Legislature to administer grants under the National and Community Service Trust Act of 1993. The Commission grants funds to Florida AmeriCorps and National Service programs; encourages volunteerism for everyone from youths to seniors to people with disabilities; promotes volunteerism in emergency management and preparedness; and helps to strengthen and expand Volunteer Centers in Florida.

AmeriCorps is a program funded by the U.S. Congress under the Catalog of Federal Domestic Assistance number 94.006. The national public/private partnership supporting AmeriCorps is the Corporation for National and Community Service (CNCS). For more information about the CNCS and national AmeriCorps programs, visit www.americorps.org.

**Section XII
Miscellaneous**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

REQUEST FOR GRANT PROPOSALS

FLORIDA FARM TO FUEL BIOENERGY GRANTS

The Florida Department of Agriculture and Consumer Services is seeking grant applications for demonstration and commercial projects, as well as research and development relating to bio-energy projects in Florida pursuant to Section

570.957, Florida Statutes. Grant applications may be obtained on the internet at <http://www.floridafarmtofuel.com> or by writing to: Farm to Fuel Grants Program, 3125 Conner Blvd., Suite E, Tallahassee, Florida 32399-1650. Grant applications must be received by Friday, October 26, 2007, at 5:00 p.m. (EST) in order to be considered.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

**Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population**

Pursuant to Section 320.642, Florida Statutes, notice is given that ZENN Motor Company, intends to allow the establishment of Fast Ride, Inc., as a dealership for the sale of ZENN electric vehicles (ZENN) at 4461 Southeast Federal Highway, Stuart, (Martin County), Florida 34997, on or after September 18, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Fast Ride, Inc. are dealer operator(s): Robert Maione, 4461 Southeast Federal Highway, Stuart, Florida 34997; principal investor(s): Robert Maione, 4461 Southeast Federal Highway, Stuart, Florida 34997.

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: Mike Richard, ZENN Motor Company, 85 Scarsdale Road, Suite 100, Toronto, Ontario, Canada M3B2R2.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Pacific Cycle, Inc., intends to allow the establishment of Mega Powersports, as a dealership for the sale of motorcycles manufactured by Guangzhou Panyu Huanan Motors Group Co. Ltd. (GUNG) at 390 North Beach Street, Daytona Beach (Volusia County), Florida 32114, on or after September 17, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Mega Powersports are dealer operator(s): David Levinson, 5331 Vista Club Run, Sanford, Florida 32771; principal investor(s): David Levinson, 5331 Vista Club Run, Sanford, Florida 32771.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Mike Wolfgram, Pacific Cycle, Inc., 4902 Hammersely Road, Madison, Wisconsin 53711.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Piaggio Group Americas, Inc., intends to allow the establishment of Palm City Corporation, Inc. d/b/a Dragon Cycles, as a dealership for the sale of Vespa (VESP) and Piaggio (PIAG) motorcycles at 11100 South Cleveland Avenue, Fort Myers (Lee County), Florida 33907, on or after May 30, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Palm City Corporation, Inc. d/b/a Dragon Cycles are dealer operator(s): Jim Wilson, 11100 South Cleveland Avenue, Fort Myers, Florida 33907 and Mike Miller, 11100 South Cleveland Avenue, Fort Myers, Florida 33907; principal investor(s): Jim Wilson, 11100 South Cleveland Avenue, Fort Myers, Florida 33907 and Mike Miller, 11100 South Cleveland Avenue, Fort Myers, Florida 33907.

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 Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Peterbilt Motors Company, a Division of Paccar, Inc., intends to allow the establishment of Palm Peterbilt-GMC Trucks, Inc., as a dealership for the sale of Peterbilt trucks (PTRB) at 5750 Orange Avenue, Fort Pierce, (St. Lucie County), Florida 34947, on or after September 5, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Palm Peterbilt-GMC Trucks, Inc. are dealer operator(s): David Weiger, 2441 South State Road 7, Fort Lauderdale, Florida 33317-6999, Victor Weiger, 2441 South State Road 7, Fort Lauderdale, Florida 33317-6999 and Deborah Demers, 2441 South State Road 7, Fort Lauderdale, Florida 33317-6999; principal investor(s): David Weiger, 2441 South State Road 7, Fort Lauderdale, Florida 33317-6999, Victor Weiger, 2441 South State Road 7, Fort Lauderdale, Florida 33317-6999 and Deborah Demers, 2441 South State Road 7, Fort Lauderdale, Florida 33317-6999.

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: Shannon M. Edwards, Peterbilt Motors Company, a Division of Paccar, Inc., Post Office Box 1518, Law Department, Bellevue, Washington 98009.

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 Kovatch Mobile Equipment Corp., intends to allow the establishment of Wallace International Trucks, Inc., as a dealership for the sale of KME Fire Apparatus vehicles at 2761 East Edison Avenue, Fort Myers (Lee County), Florida 33916, on or after September 17, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Wallace International Trucks, Inc. are dealer operator(s): Merle G. Wallace, 2761 East Edison Avenue, Fort Myers, Florida 33916; principal investor(s): Merle G. Wallace, 2761 East Edison Avenue, Fort Myers, Florida 33916.

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: Steven M. Cormier, General Counsel, KME Fire Apparatus, One Industrial Complex, Nesquehoning, Pennsylvania 18240.

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 QLink, LP, intends to allow the establishment of Wenmark, Inc. d/b/a All The Wheel Toys, as a dealership for the sale of motorcycles manufactured by China Qingqi Group Co. Ltd. (QING) at 1540 Northwest Federal Highway, Stuart, (Martin County), Florida 34994, on or after September 18, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Wenmark, Inc. d/b/a All The Wheel Toys are dealer operator(s): Mark Mourning, 1540 Northwest Federal Highway, Stuart, Florida 34994 and Wendy Mourning, 1540 Northwest Federal Highway, Stuart, Florida 34994; principal investor(s): Mark Mourning, 1540 Northwest Federal Highway, Stuart, Florida 34994 and Wendy Mourning, 1540 Northwest Federal Highway, Stuart, Florida 34994.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, 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: Johnny Tai, Vice President, QLink, LP, 4055 Corporate Drive, Suite 200, Grapevine, Texas 76051.

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 HEALTH CARE ADMINISTRATION

NOTICE OF BATCHED APPLICATION RECEIPT
AND

NOTICE OF TENTATIVE PUBLIC HEARINGS

The Agency for Health Care Administration has received and accepted the following Certificate of Need applications for review in the batched Hospital Beds and Facilities review cycle with an application due date of September 12, 2007.

County: Pinellas District: 5
CON # 9990 Application Receipt Date: 9/12/2007
Facility/Project: Tampa Bay Long Term Acute Care Hospital, LLC

Applicant: Tampa Bay Long Term Acute Care Hospital, LLC
Project Description: Establish a new long-term care hospital of up to 25 beds within Edward White Hospital

County: Hillsborough District: 6
CON # 9991 Application Receipt Date: 9/12/2007
Facility/Project: St. Joseph's Hospital, Inc.

Applicant: St. Joseph's Hospital, Inc.
Project Description: Establish an adult psychiatric hospital of up to 50 beds

County: Hillsborough District: 6
CON # 9992 Application Receipt Date: 9/12/2007
Facility/Project: South Bay Hospital

Applicant: Sun City Hospital, Inc.
Project Description: Establish a 112 acute bed replacement hospital

County: Hillsborough District: 6
CON # 9993 Application Receipt Date: 9/12/2007
Facility/Project: St. Joseph's Hospital, Inc.

Applicant: St. Joseph's Hospital, Inc.
Project Description: Establish an acute care hospital of up to 120 beds

County: Osceola District: 7
CON # 9994 Application Receipt Date: 9/12/2007

Facility/Project: Poinciana Hospital and Medical Center
 Applicant: Osceola Regional Hospital, Inc.
 Project Description: Establish a new acute care hospital of up to 120 beds
 County: Osceola District: 7
 CON # 9995 Application Receipt Date: 9/12/2007
 Facility/Project: Poinciana HMA, LLC
 Applicant: Poinciana HMA, LLC
 Project Description: Establish an acute care hospital of up to 120 beds
 County: Broward District: 10
 CON # 9996 Application Receipt Date: 9/12/2007
 Facility/Project: Memorial Regional Hospital South
 Applicant: South Broward Hospital District
 Project Description: Add 36 comprehensive medical rehabilitation beds through the transfer of 36 comprehensive medical rehabilitation beds at Memorial Regional Hospital

Also, IF REQUESTED, tentative public hearings have been scheduled as follows:

PROPOSALS: District 5
 DATE AND TIME: Monday, October 29, 2007, 9:00 a.m. – until 12:00 Noon
 PLACE: Baker Building Conference Room
 888 Executive Center Drive, North St. Petersburg, FL 33702

PROPOSALS: District 6
 DATE AND TIME: Monday, October 30, 2007, 9:00 a.m. – until 12:00 Noon
 PLACE: Sun City Center Community Association Community Hall
 1910 S. Pebble Beach Boulevard
 Sun City, FL 33573

PROPOSALS: District 7
 DATE AND TIME: Wednesday, October 24, 2007, 1:00 p.m. – until 4:00 p.m.
 PLACE: Community Center of the Association of Poinciana Villages
 395 S. Marigold Avenue
 Poinciana, FL 34759

PROPOSALS: District 10
 DATE AND TIME: Monday, October 29, 2007, 9:00 a.m. – until 12:00 Noon
 PLACE: Broward Regional Health Planning Council
 915 Middle River Drive
 Conference Room 115
 Ft. Lauderdale, FL 33304

Public hearing requests must be in writing and be received at the Agency for Health Care Administration, CON Office, 2727 Mahan Drive, Mail Stop 28, Tallahassee, Florida 32308, attention James B. McLemore, by 5:00 p.m., October 12, 2007. In lieu of requesting and attending a public hearing, written comments submitted to the department relative to the merits of these applications will become part of the official project application file. Pursuant to subsection 59C-1.010(3), F.A.C., written comments must be received by October 17, 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."

NOTICE OF FILING OF APPLICATION FOR POWER PLANT CERTIFICATION

On September 11, 2007, the Department of Environmental Protection received an application for certification of a power plant pursuant to the Florida Electrical Power Plant Siting Act, Section 403.501 et seq., Florida Statutes, concerning Tampa Electric Company, Polk Power Station, Power Plant Siting Application No. 92-32A2, OGC Case No. 07-1647. The Department is reviewing the application to allow a net nominal 630 megawatt Integrated Gasification Combined Cycle (IGCC) unit at its existing Polk Power Station located in Polk County. A copy of the application for certification is available for review in the office of Michael P. Halpin, P.E., Siting Coordination Office, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 48, Tallahassee, Florida 32399-2400, (850)245-8002. Pursuant to Section 403.507, F.S., and Chapter 62-17, Florida Administrative Code, statutory parties to the site certification proceeding should

review the application and submit their reports and recommendations. In the future, a proposed certification hearing date will be announced. Pursuant to Section 403.508(3), F.S., parties to the proceeding shall include the applicant, the Public Service Commission, the Department of Community Affairs, the Fish and Wildlife Conservation Commission, the Water Management District, the Department of Environmental Protection, the Regional Planning Council, the local government, and the Department of Transportation. Any party listed in Section 403.508(3)(a), F.S., other than the Department of Environmental Protection or the applicant may waive its right to participate in these proceedings if such party fails to file a notice of its intent to be a party on or before the 90th day prior to the certification hearing. In addition, notwithstanding the provisions of Chapter 120, F.S., upon the filing with the administrative law judge of a notice of intent to be a party no later than 75 days after the application is filed, the following shall also be parties to the proceeding: any agency not listed in Section 403.508(3)(a), F.S., as to matters within its jurisdiction; any domestic nonprofit corporation or association formed, in whole or in part, to promote conservation or natural beauty, to protect the environment, personal health, or other biological values, to preserve historical sites, to promote consumer interests; to represent labor, commercial, or industrial groups, or to promote comprehensive planning or orderly development of the area in which the proposed electrical power plant is to be located. Other parties may include any person, including those persons listed herein who have failed to timely file a notice of intent to be a party, whose substantial interests are affected and being determined by the proceeding and who timely file a motion to intervene pursuant to Chapter 120, F.S., and applicable rules. Intervention pursuant to this paragraph may be granted at the discretion of the designated administrative law judge and upon such conditions as he or she may prescribe any time prior to 30 days before the commencement of the certification hearing. Motions to intervene must be filed (received) with the Administrative Law Judge assigned to the case by the Division of Administrative Hearings, The Desoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550, prior to 30 days before the date of the certification hearing. Any agency, including those whose properties or works are being affected pursuant to Section 403.509(4), F.S., shall be made a

party upon the request of the department or the applicant. Pursuant to Section 403.508(6), F.S., if all parties to the proceeding stipulate that there are no disputed issues of fact or law to be raised at the certification hearing, the certification hearing may be cancelled.

FLORIDA STATE CLEARINGHOUSE

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(40), F.S. A list of projects, comments deadlines and the address for providing comments are available at http://www.dep.state.fl.us/secretary/oip/state_clearing/. For information, call (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

DEPARTMENT OF HEALTH

On September, 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 the regard to the license of Charlene A. Mayo, R.N., license number RN 2740602. 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 September 13, 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 the regard to the license of Debra Lynn Boyd Hemphill, A.R.N.P., license number RN 2069142. 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 September 13, 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 the regard to the license of Tiffany Nichole Jones, C.N.A., license number CNA 87864. 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 September 17, 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 the regard to the license of Eric Scott Winn, L.P.N., license number PN 1220471. 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.

FINANCIAL SERVICES COMMISSION

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institution, 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, Division of Financial Institutions, 200 East Gaines Street, Tallahassee, Florida 32399-0379. The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 P.M., October 19, 2007):

APPLICATION WITHDRAWN

Application for Authority to Acquire Control Financial Institution to be Acquired: Marco Community Bank, Marco Island, Florida, (Marco Community Bancorp, Inc.), Melbourne, Florida

Proposed Purchaser: LF QFP, LLLP, and BC Qualified Family Partnership LLLP

Withdrawn: September 12, 2007

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN September 10, 2007
 and September 14, 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-8.0011	9/12/07	10/2/07	33/21	33/31
5F-8.0012	9/12/07	10/2/07	33/21	33/31
5F-8.003	9/12/07	10/2/07	33/21	33/31

Division of Aquaculture

5L-1.003	9/12/07	10/2/07	33/27	
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DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

12D-3.001	9/12/07	10/2/07	33/26	
12D-3.003	9/12/07	10/2/07	33/26	
12D-7.003	9/12/07	10/2/07	33/26	
12D-7.013	9/12/07	10/2/07	33/26	
12D-8.0061	9/12/07	10/2/07	33/26	
12D-8.011	9/12/07	10/2/07	33/26	
12D-13.031	9/12/07	10/2/07	33/26	
12D-16.002	9/12/07	10/2/07	33/26	

DEPARTMENT OF CORRECTIONS

33-601.731	9/14/07	10/4/07	33/19	33/22
33-602.210	9/14/07	10/4/07	33/21	

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

40D-2.091	9/10/07	10/1/07	33/30	
40D-2.801	9/10/07	10/1/07	33/30	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**AGENCY FOR HEALTH CARE ADMINISTRATION
 Medicaid Program Office**

59G-4.003	9/12/07	10/2/07	33/24	33/32
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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Code Administrators and Inspector

61G19-6.0035	9/14/07			10/4/07 33/33
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DEPARTMENT OF JUVENILE JUSTICE

Division of Commitment

63E-7.001	9/10/07	9/30/07	33/23	
63E-7.002	9/10/07	9/30/07	33/23	33/33
63E-7.003	9/10/07	9/30/07	33/23	33/33
63E-7.004	9/10/07	9/30/07	33/23	33/33
63E-7.005	9/10/07	9/30/07	33/23	33/33

DEPARTMENT OF JUVENILE JUSTICE

Staff Training

63H-2.003	9/10/07	9/30/07	33/31	
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DEPARTMENT OF HEALTH

Division of Family Health Services

64F-12.011	9/14/07	10/4/07	33/7	33/32
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DEPARTMENT OF FINANCIAL SERVICES

Funeral and Cemetery Services

69K-5.0101	9/11/07	10/1/07	33/24	
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Division of Workers' Compensation

69L-7.501	9/11/07	10/1/07	33/3	33/26
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